

MAY 29 2024

BY Kaliska Monticue-Castro
KALISKA MONTICUE-CASTRO, DEPUTY

Arby Aiwarzian (SBN 269827)
Joanna Ghosh (SBN 272479)
Helene Mayer (SBN 332975)
LAWYERS for JUSTICE, PC
410 West Arden Avenue, Suite 203
Glendale, California 91203
Tel: (818) 265-1020 / Fax: (818) 265-1021

Attorneys for Plaintiff



**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO**

ANNIE ALBRITTON, individually, and on
behalf of other members of the general public
similarly situated and on behalf of other
aggrieved employees pursuant to the
California Private Attorneys General Act;

Plaintiff,

vs.

ALLIED PROFESSIONAL NURSING
CARE, INC., a California corporation; and
DOES 1 through 100, inclusive,

Defendants.

Case No.: CIVSB2124648

Honorable Jessica Morgan
Department S-26

**FIRST AMENDED CLASS ACTION
COMPLAINT FOR DAMAGES &
ENFORCEMENT UNDER THE PRIVATE
ATTORNEYS GENERAL ACT,
CALIFORNIA LABOR CODE § 2698, ET
SEQ.**

- (1) Violation of California Labor Code §§ 510 and 1198 (Unpaid Overtime);
- (2) Violation of California Labor Code §§ 226.7 and 512(a) (Unpaid Meal Period Premiums);
- (3) Violation of California Labor Code § 226.7 (Unpaid Rest Period Premiums);
- (4) Violation of California Labor Code §§ 1194, 1197, and 1197.1 (Unpaid Minimum Wages);
- (5) Violation of California Labor Code §§ 201 and 202 (Final Wages Not Timely Paid);
- (6) Violation of California Labor Code § 204 (Wages Not Timely Paid During Employment);
- (7) Violation of California Labor Code § 226(a) (Non-Compliant Wage Statements);
- (8) Violation of California Labor Code § 1174(d) (Failure To Keep Requisite Payroll Records);
- (9) Violation of California Labor Code

FIRST AMENDED SUMMONS (CITACION JUDICIAL)

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**

ALLIED PROFESSIONAL NURSING CARE, INC., a California corporation; and DOES 1 through 100, inclusive,

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

ANNIE ALBRITTON, individually, and on behalf of other members of the general public similarly situated *Additional Parties Attachment form is attached*

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

FILED

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO

MAY 29 2024

BY Kaliska Monticue-Castro
KALISKA MONTICUE-CASTRO, DEPUTY

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es):

Superior Court of California, County of San Bernardino
247 West Third Street, San Bernardino, CA 92415

CASE NUMBER:
(Número del Caso):
CIVSB2124648

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Edwin Aiwazian; 410 West Arden Avenue, Suite 203, Glendale, California 91203; (818) 265-1025

DATE: **MAY 29 2024**
(Fecha)

Clerk, by

(Secretario)

Kaliska Monticue-Castro

, Deputy

(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

[SEAL]

COPY

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):
3. ☐ on behalf of (specify):
under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other (specify):
4. ☐ by personal delivery on (date):

SHORT TITLE: Albritton vs. Allied Professional Nursing Care, Inc.	CASE NUMBER: CIVSB2124648
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INSTRUCTIONS FOR USE

- This form may be used as an attachment to any summons if space does not permit the listing of all parties on the summons.
- If this attachment is used, insert the following statement in the plaintiff or defendant box on the summons: "Additional Parties Attachment form is attached."

List additional parties (*Check only one box. Use a separate page for each type of party.*):

☒ Plaintiff
 ☐ Defendant
 ☐ Cross-Complainant
 ☐ Cross-Defendant
 and on behalf of other aggrieved employees pursuant to the California Private Attorneys General Act;

LAWYERS for JUSTICE, PC
410 West Arden Avenue, Suite 203
Glendale, California 91203

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Arby Aiwazian (SBN 269827)
Joanna Ghosh (SBN 272479)
Helene Mayer (SBN 332975)
LAWYERS for JUSTICE, PC
410 West Arden Avenue, Suite 203
Glendale, California 91203
Tel: (818) 265-1020 / Fax: (818) 265-1021

Attorneys for Plaintiff

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO**

ANNIE ALBRITTON, individually, and on
behalf of other members of the general public
similarly situated;

Plaintiff,

vs.

ALLIED PROFESSIONAL NURSING
CARE, INC., a California corporation; and
DOES 1 through 100, inclusive,

Defendants.

Case No.: CIVSB2124648
Honorable Jessica Morgan
Department S-26

CLASS ACTION

PROOF OF SERVICE

Complaint Filed: August 26, 2021
Jury Trial Date: None Set

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO

MAY 29 2024

BY *Kaliska Monticue-Castro*
KALISKA MONTICUE-CASTRO, DEPUTY

1 FAXED

PROOF OF SERVICE

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 410 West Arden Avenue, Suite 203, Glendale, California 91203.

On May 28, 2024, I served the foregoing document(s) described as:

- **FIRST AMENDED CLASS ACTION COMPLAINT FOR DAMAGES & ENFORCEMENT UNDER THE PRIVATE ATTORNEYS GENERAL ACT, CALIFORNIA LABOR CODE § 2698, ET SEQ.**
- **FIRST AMENDED SUMMONS**

on interested parties in this action by Electronic Service as follows:

Nancy Rader Whitehead
Sherry Fanger McInnes
SCOTT & WHITEHEAD
4675 MacArthur Court, Suite 1240
Newport Beach, California 92660
Emails: nwhitehead@employerlaw.com; smcinnnes@employerlaw.com;
amorales@employerlaw.com

Attorneys for Defendant

[X] BY E-MAIL

The above-referenced document was transmitted to the person(s) at the e-mail addresses listed herein at their most recent known e-mail address or e-mail of record in this action. I did not receive, within reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

[X] STATE

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on May 28, 2024, at Glendale, California.



Emilio Lenti



LEGAL DOCUMENT
SERVER, INC

WORK ORDER: 9725412-01

ORDER

TYPE: COURT FILING
PLACED BY: Emilio Lenti
PLACED ON: 05/28/2024
SERVICE LEVEL: Urgent
HEARING/DEPO:
DEPT/DIV:

CASE

NUMBER: CIVSB2124648
NAME: Albritton, Annie v.
Allied Professional
Nursing Care, Inc.
COUNTY: San Bernardino
JURISDICTION: Central Civil Division

CUSTOMER

NAME: Lawyers For Justice, PC
BILLING 15292
CODE:
ADDRESS: 410 Arden Ave 203
Glendale, CA 91203
PHONE: (818) 265-1020
EMAIL:

Urgent: File By: Wed, May 29 2024 03:00 PM

TO: Central Civil Division

Address: 247 W. 3rd St.

San Bernardino, CA 92415-0210

DELIVER: SENT VIA - Upload: FIRST AMENDED CLASS ACTION COMPLAINT FOR DAMAGES & ENFORCEMENT UNDER THE PRIVATE ATTORNEYS GENERAL ACT, CALIFORNIA LABOR CODE § 2698, ET SEQ. (31 Pgs); FIRST AMENDED SUMMONS (2 Pgs); PROOF OF SERVICE (2 Pgs)

CUSTOMER INSTRUCTIONS: PLEASE ADVANCE COURT FEES. DO NOT DROP FILE. Please file directly with clerk @ dept. s26. Internal Reference Number 15292

NOTES TO FIELD AGENT:

Status Information

DATE/TIME	STATUS	FIELD AGENT

Filing Information

DATE	TIME	LOCATION	CLERK NAME
Window/Dept:	Documents Filed:		

Statutory Fees (Court Fee Information)

DESCRIPTION	AMOUNT
NO fee	

Arby Aiwarzian (SBN 269827)
Joanna Ghosh (SBN 272479)
Helene Mayer (SBN 332975)
LAWYERS for JUSTICE, PC
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Attorneys for Plaintiff

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO

MAY 29 2024

BY Kaliska Monticue-Castro
KALISKA MONTICUE-CASTRO, DEPUTY

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FOR THE COUNTY OF SAN BERNARDINO**

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behalf of other members of the general public
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Case No.: CIVSB2124648

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(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO

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The name and address of the court is:

(El nombre y dirección de la corte es):

Superior Court of California, County of San Bernardino
247 West Third Street, San Bernardino, CA 92415

CASE NUMBER:
(Número del Caso):

CIVSB2124648

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Edwin Aiwazian; 410 West Arden Avenue, Suite 203, Glendale, California 91203; (818) 265-1025

DATE:

MAY 29 2024

Clerk, by

(Secretario)

Kaliska Monticue-Castro

, Deputy

(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

[SEAL]

COPY

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):
3. ☐ on behalf of (specify):

under: ☐ CCP 416.10 (corporation)	☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation)	☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership)	☐ CCP 416.90 (authorized person)
☐ other (specify):	
4. ☐ by personal delivery on (date):

SHORT TITLE:

Albritton vs. Allied Professional Nursing Care, Inc.

CASE NUMBER:

CIVSB2124648

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☒

Plaintiff

☐

Defendant

☐

Cross-Complainant

☐

Cross-Defendant

and on behalf of other aggrieved employees pursuant to the California Private Attorneys General Act;

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Attorneys for Plaintiff

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
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behalf of other members of the general public
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Plaintiff,

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DOES 1 through 100, inclusive,

Defendants.

Case No.: CIVSB2124648
Honorable Jessica Morgan
Department S-26

CLASS ACTION

PROOF OF SERVICE

Complaint Filed: August 26, 2021
Jury Trial Date: None Set

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO

MAY 29 2024

BY 
KALISKA MONTICUE-CASTRO, DEPUTY



PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 410 West Arden Avenue, Suite 203, Glendale, California 91203.

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- **FIRST AMENDED SUMMONS**

on interested parties in this action by Electronic Service as follows:

Nancy Rader Whitehead
Sherry Fanger McInnes
SCOTT & WHITEHEAD
4675 MacArthur Court, Suite 1240
Newport Beach, California 92660
Emails: nwhitehead@employerlaw.com; smcinnnes@employerlaw.com;
amorales@employerlaw.com

Attorneys for Defendant

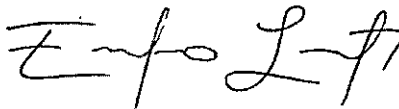
[X] BY E-MAIL

The above-referenced document was transmitted to the person(s) at the e-mail addresses listed herein at their most recent known e-mail address or e-mail of record in this action. I did not receive, within reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

[X] STATE

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on May 28, 2024, at Glendale, California.



Emilio Lenti