

Kane Moon (SBN 249834)
Allen Feghali (SBN 301080)
Jacquelyne VanEmmerik (SBN 339338)
MOON LAW GROUP, P.C.
725 South Figueroa Street, 31st Floor
Los Angeles, California 90017
Telephone: (213) 232-3128
Facsimile: (213) 232-3125
Email: kmoon@moonlawgroup.com
Email: afeghali@moonlawgroup.com
Email: jvanemmerik@moonlawgroup.com

Attorneys for Plaintiff, Michael Moore

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

MICHAEL MOORE, individually, and on
behalf of all others similarly situated,

Plaintiff,

vs.

SAIA MOTOR FREIGHT LINE, LLC, a
limited liability company; and DOES 1
through 10, inclusive,

Defendants.

Case No.: **24STCV23357**

**REPRESENTATIVE ACTION
COMPLAINT:**

1. Civil Penalties Under PAGA [Cal. Lab.
Code §§ 2698, *et seq.*]

DEMAND FOR JURY TRIAL

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1 Plaintiff Michael Moore (“Plaintiff”), based upon facts that either have evidentiary support or
2 are likely to have evidentiary support after a reasonable opportunity for further investigation and
3 discovery, alleges as follows:

4 **INTRODUCTION AND PRELIMINARY STATEMENT**

5 1. Plaintiff brings this action against Defendants Saia Motor Freight Line, LLC and
6 DOES 1 through 10 (“Defendants”).

7 2. Plaintiff brings this action against Defendants for civil penalties under the Private
8 Attorneys General Act of 2004 (“PAGA”), California Labor Code sections 2698, et. seq., stemming
9 from their failure to indemnify necessary business expenses. Plaintiff does not seek to recover
10 anything other than civil penalties under PAGA. Therefore, to the extent statutory violations are
11 mentioned herein, Plaintiff does not seek underlying general and/or special damages, restitution, or
12 other damages for those violations.

13 3. Plaintiff brings this action as a representative action on behalf of himself, the State of
14 California, and all past and present employees of Defendants who worked in California during the
15 applicable statute of limitations period (collectively, the “Aggrieved Employees”).

16 4. Defendants own/owned and operate/operated an industry, business, and establishment
17 within the State of California, including the County of Los Angeles. For this reason, and based upon
18 all facts and circumstances incident to Defendants’ business in California, Defendants are subject to
19 the California Labor Code, Industrial Welfare Commission (“IWC”) Wage Orders, and California
20 Business and Professions Code.

21 5. Throughout the statutory period, Defendants maintained a systematic, company-wide
22 policy and practice of failing to reimburse employees for all necessary business expenses, in
23 compliance with the California Labor Code, IWC Wage Orders, and California Business and
24 Professions Code.

25 6. On information and belief, during all relevant times herein, Defendants, and each of
26 them, were on actual and constructive notice of the improprieties alleged herein and intentionally
27 refused to rectify their unlawful policies. Defendants’ violations, as alleged above, were willful and
28 deliberate.

7. On information and belief, during all relevant times herein, Defendants were and are legally responsible for all of the unlawful conduct, policies, practices, acts, and omissions as described in each of the foregoing paragraphs as the employer of Plaintiff and the Aggrieved Employees. Further, Defendants are responsible for each of the unlawful acts or omissions complained of herein under the doctrine of “respondeat superior.”

THE PARTIES

A. Plaintiff

8. Plaintiff is a California resident who worked for Defendants in the County of Los Angeles, State of California. Plaintiff worked for Defendants as a Truck Driver from 2018 to January 2024.

9. Plaintiff reserves the right to seek leave to amend this complaint to add new plaintiffs, if necessary, to establish suitable representative(s) pursuant to *La Sala v. American Savings and Loan Association* (1971) 5 Cal.3d 864, 872, and other applicable law.

B. Defendants

10. Plaintiff is informed and believes, and based upon that information and belief alleges, that Defendants are:

- (a) Business entities with their principal places of business in Los Angeles, California;
- (b) Business entities conducting business in numerous counties throughout the State of California, including in Los Angeles County;
- (c) The former employers of Plaintiff and the Aggrieved Employees, which suffered and permitted Plaintiff and the Aggrieved Employees to work, and controlled their wages, hours, and working conditions; and
- (d) Joint employers of Plaintiff and the Aggrieved Employees.

11. Plaintiff does not currently know the true names or capacities of the persons or entities sued herein as DOES 1-10, inclusive, and therefore sues said Defendants by such fictitious names. Each DOE Defendant:

- 1 (a) Is in some manner legally responsible for the damages suffered by Plaintiff
2 and the Aggrieved Employees, as alleged herein. (Plaintiff will amend this
3 complaint to set forth the true names and capacities of these Defendants when
4 they have been ascertained, together with appropriate charging allegations, as
5 may be necessary); and
- 6 (b) Is a resident of, is doing business in, availed itself of the jurisdiction of, and/or
7 injured a significant number of the Aggrieved Employees in the State of
8 California.

9 12. Plaintiff is informed and believes, and based upon that information and belief alleges,
10 that at all relevant times, each Defendant, directly or indirectly, or through agents or other persons,
11 employed Plaintiff and all other Aggrieved Employees and exercised control over their wages, hours,
12 and working conditions.

13 13. Plaintiff is informed and believes, and based upon that information and belief alleges,
14 that at all relevant times, each Defendant was the principal, agent, partner, joint venturer, officer,
15 director, controlling shareholder, subsidiary, affiliate, parent corporation, successor in interest and/or
16 predecessor in interest of some or all of the other Defendants, and was engaged with some or all of
17 the other Defendants in a joint enterprise for profit, and bore such other relationships to some or all of
18 the other Defendants so as to be liable for their conduct with respect to the matters alleged below.

19 14. Plaintiff is informed and believes, and based upon that information and belief alleges,
20 that at all relevant times, each Defendant acted pursuant to and within the scope of the relationships
21 alleged above, that each Defendant knew or should have known about, and authorized, ratified,
22 adopted, approved, controlled, aided, and abetted the conduct of all other Defendants.

23 **ALLEGATIONS COMMON TO ALL CAUSES OF ACTION**

24 15. Plaintiff is a California resident who worked for Defendants in the County of Los
25 Angeles, State of California during the statutory period. During the statutory period, Plaintiff was
26 typically scheduled to work at least five days per workweek and in excess of eight hours per
27 workday. Throughout his employment, Plaintiff suffered from California Labor Code violations at
28 the hands of Defendants. This experience was typical and illustrative of all Aggrieved Employees.

16. Throughout the statutory period, Defendants wrongfully required Plaintiff and the Aggrieved Employees to pay expenses they incurred in direct discharge of their duties for Defendants without reimbursement, such as the purchase of specific work boots and the use of their personal cellphones for work purposes, without reimbursement.

FIRST CAUSE OF ACTION

(Against All Defendants for Civil Penalties Under the

Private Attorneys General Act of 2004, Cal. Lab. Code §§ 2698, et. seq.)

17. Plaintiff incorporates by reference and re-alleges all preceding paragraphs as though fully set forth herein.

18. At all times herein mentioned, Defendants were subject to the California Labor and applicable IWC Orders. California Labor Code section 2699(a) specifically provides for a private right of action to recover penalties for violations of the Labor Code:

“Notwithstanding any other provision of law, any provision of this code that provides for a civil penalty to be assessed and collected by the Labor and Workforce Development Agency or any of its departments, divisions, commissions, boards, agencies, or employees, for a violation of this code, may, as an alternative, be recovered through a civil action brought by an aggrieved employee on behalf of himself or herself and other current or former employees pursuant to the procedures specified in Section 2699.3.”

19. Plaintiff has exhausted his administrative remedies pursuant to California Labor Code section 2699.3. On March 10, 2024, Plaintiff gave written notice by online filing to the Labor and Workforce Development Agency and by certified mail to Defendants of the specific provisions of the Labor Code that Defendants have violated against Plaintiff and certain current and former Aggrieved Employees, including the facts and theories to support the violations. Plaintiff also paid the filing fee. Plaintiff's PAGA case number is LWDA-CM-1015839-24.

20. More than sixty-five days have elapsed since Plaintiff provided notice, but the Labor and Workforce Development Agency has not indicated that it intends to investigate Defendants' Labor Code violations discussed in the notice. Accordingly, Plaintiff may commence a civil action to recover penalties under Labor Code section 2699, pursuant to section 2699.3, for the violations of the Labor Code described in this Complaint. These penalties include, but are not limited to, penalties under California Labor Code section 2802 and 2699(f)(2).

21. Based on the conduct described in this Complaint, Plaintiff is entitled to an award of civil penalties on behalf of himself, the State of California, and all similarly situated Aggrieved Employees of Defendants. The exact amount of the applicable penalties, in all, is in an amount to be shown according to proof at trial. These penalties are in addition to all other remedies permitted by law. In addition, Plaintiff seeks an award of reasonable attorney's fees and costs pursuant to California Labor Code section 2699(g)(1), which states, "Any employee who prevails in any action shall be entitled to an award of reasonable attorney's fees and costs."

PRAYER FOR RELIEF

Plaintiff, on behalf of all Aggrieved Employees, prays for relief and judgment against Defendants, jointly and severally, as follows:

1. That the Court declare, adjudge, and decree that Defendants violated the California Labor Code by failing to reimburse all necessary business expenses incurred;
2. That the Court award civil penalties on behalf of Plaintiff and all Aggrieved Employees, pursuant to PAGA;
3. That the Court award pre-judgment and post-judgment interest at the maximum rate allowed;
4. That the Court award attorneys' fees and costs reasonably incurred;
5. That the Court award injunctive and declaratory relief to the extent allowed by PAGA; and
6. That the Court award such other and further relief that the Court deems proper.

Dated: September 10, 2024

Respectfully submitted,

MOON LAW GROUP, P.C.

By: 

Kane Moon, Esq.

Allen Feghali, Esq.

Jacquelyne VanEmmerik, Esq.

Attorneys for Plaintiff, Michael Moore

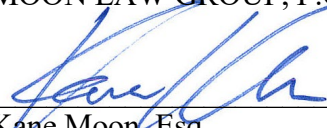
DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury as to all causes of action triable by jury.

Dated: September 10, 2024

MOON LAW GROUP, P.C.

By:


Kane Moon, Esq.

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Jacquelyne VanEmmerik, Esq.

Attorneys for Plaintiff, Michael Moore