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Attorney for Plaintiff
Corrine Foster

SUPERIOR COURT OF CALIFORNIA
COUNTY OF ALAMEDA

CORRINE FOSTER,

Plaintiff,

v.

EDVENTUREMORE!, and DOES 1 to 100,

Defendants.

) NO. **24CV078751**

) COMPLAINT

-) 1. Minimum Wage Violations
) 2. Overtime Violations
) 3. Meal Period Violations
) 4. Rest Period Violations
) 5. Wage Statement Penalties
) 6. Waiting Time Penalties
) 7. Work Expenditure Violations
) 8. Violation of Unfair Competition Law
) 9. PAGA Penalties
) 10. FEHA Discrimination
) 11. FEHA Retaliation
) 12. FEHA No Interactive Process

PRELIMINARY ALLEGATIONS

1. Plaintiff Corrine Foster ("Plaintiff") is a resident of Alameda County.
2. Defendant Edventuremore! is a California corporation with its principal place of business in Alameda County.
3. Edventuremore! operates and educational-based programs; Plaintiff worked for Edventuremore! from October 2022 to January 2024.
4. Plaintiff does not know the true names and capacities of Does 1 to 100 and therefore uses fictitious names. Plaintiff will amend the complaint pursuant to Code of Civil Procedure section 474 to allege the true names and capacities when ascertained.

5. The named and Doe defendants are collectively referred to as “Defendants.”

6. Plaintiff is informed and believes that each of the Defendants was the agent or employee of the other defendants and acted in the scope of agency or employment.

7. Defendants employed Plaintiff as a nonexempt worker. Therefore, Wage Order 4 applies.

8. Plaintiff was not exempt since she did not customarily and regularly exercise discretion and independent judgment.

9. Throughout Plaintiff’s employment, she did not receive compliant meal and rest periods, did not receive overtime and premium pay at the correct regular rate, did not receive at least the minimum wage for work off the clock, did not receive accurate wage statements, was not reimbursed for work-related expenditures, and did not receive applicable waiting time penalty.

10. On March 8, 2024 Plaintiff sent a letter by certified mail to H Code Media, Inc. and uploaded the letter to the LWDA portal. Since it has been more than 65 days since the letter was sent, Plaintiff may now request PAGA penalties.

11. On June 6, 2024 Plaintiff obtained a right-to-sue letter from the Civil Rights Department.

FIRST CAUSE OF ACTION

Minimum Wage Violations

Against All Defendants

12. Plaintiff incorporates by reference paragraphs 1 to 11 of the complaint.

13. Plaintiff was required to work off the clock based on improper time rounding; this time should have been paid at least the minimum wage.

14. As a result, Plaintiff is owed reimbursement for unpaid wages, interest, and attorney fees.

SECOND CAUSE OF ACTION

Overtime Violations

Against All Defendants

15. Plaintiff incorporates by reference paragraphs 1 to 11 of the complaint.

16. Plaintiff was required to work over eight hours in a day and/or 40 hours in a week without

1 being compensated for all overtime in violation of Labor Code 510.

2 17. Examples of unpaid overtime include work off the clock and not receiving overtime at the
3 correct regular rate of pay.

4 18. The remedy for the overtime violations is payment of the unpaid overtime at the correct
5 regular rate of pay, plus interest and attorney fees, pursuant to Labor Code section 1194.

6
7 THIRD CAUSE OF ACTION

8 Meal Period Violations

9 Against All Defendants

10 19. Plaintiff incorporates by reference paragraphs 1 to 11 of the complaint.

11 20. Pursuant to Wage Order 4 every employer shall authorize and permit employees to take
12 meal periods of thirty minutes for every five hours worked.

13 21. Pursuant to Labor Code section 226.7(c) and IWC Wage Order 4, when the employer does
14 not provide an employee with the required meal period, the employer shall pay the employee one
15 hour of pay at the employee's regular rate of compensation for each workday that a rest period is
16 not provided.

17 22. Plaintiff was denied meal periods as they were routinely not provided.

18 23. As a result of Defendants' violations, Plaintiff is entitled to premium pay which is one
19 additional hour of compensation for each missed break at the regular rate of pay.

20
21 FOURTH CAUSE OF ACTION

22 Rest Period Violations

23 Against All Defendants

24 24. Plaintiff incorporates by reference paragraphs 1 to 11 of the complaint.

25 25. Pursuant to Wage Order 4 every employer shall authorize and permit employees to take rest
26 periods of ten minutes for every four hours worked.

27 26. Pursuant to Labor Code section 226.7(c) and IWC Wage Order 4, when the employer does
28 not provide an employee with the required rest period, the employer shall pay the employee one

1 hour of pay at the employee's regular rate of compensation for each workday that a rest period is
2 not provided.

3 27. As a result of Defendants' rest period violations, Plaintiff is entitled to premium pay which
4 is one additional hour of compensation for each missed break at the regular rate of pay.

5
6 FIFTH CAUSE OF ACTION

7 Wage Statement Penalties

8 Against All Defendants

9 28. Plaintiff incorporates by reference paragraphs 1 to 11 of the complaint.

10 29. Defendants' wage statements violated Labor Code section 226 since if they were issued
11 they intentionally did not list the work performed off the clock, the correct regular rates of pay for
12 overtime, and did not list premium pay for missed breaks at the correct regular rate of pay.

13 30. The remedy is wage statement penalties up to \$4,000 and attorney fees.

14
15 SIXTH CAUSE OF ACTION

16 Waiting Time Penalties

17 Against All Defendants

18 31. Plaintiff incorporates by reference paragraphs 1 to 11 of the complaint.

19 32. Plaintiff was still owed wages when she stopped working for Defendants.

20 33. Therefore, Plaintiff is owed the waiting time penalty, which is 30 days of wages.

21
22 SEVENTH CAUSE OF ACTION

23 Work Expenditure Violations

24 Against All Defendants

25 34. Plaintiff incorporates by reference paragraphs 1 to 11 of the complaint.

26 35. Plaintiff was not reimbursed for work-related expenses in violation of Labor Code 2802.

27 36. As a result, Plaintiff is entitled to reimbursement to work-related expenses in addition to
28 statutory attorney fees.

1 EIGHTH CAUSE OF ACTION

2 Violation of Unfair Competition Law

3 Against All Defendants

4 37. Plaintiff incorporates by reference paragraphs 1 to 11 of the complaint.

5 38. The Unfair Competition Law prohibits unfair, unlawful, and fraudulent business practices.

6 39. This claim is being brought under the unlawful prong of the UCL.

7 40. Defendants violated the Labor Code and IWC Wage Order by not paying all wages due,
8 including minimum wage, and overtime and premium pay at the correct regular rate.

9 41. Plaintiff is entitled to restitution.

10 42. Under Code of Civil Procedure section 1021.5, Plaintiffs are entitled to attorney fees.

11
12 NINTH CAUSE OF ACTION

13 PAGA Penalties

14 Against All Defendants

15 43. Plaintiff incorporates by reference paragraphs 1 to 11 of the complaint.

16 44. PAGA authorizes an aggrieved employee to pursue a case for Labor Code violations on
17 behalf of aggrieved employees and the Labor and Workforce Development Agency.

18 45. The PAGA penalties discussed in the PAGA letter relate to the following: 1) minimum
19 wage violations, 2) overtime violations, 3) meal break violations, 4) rest break violations, 5) wage
20 statement violations, 6) work expenditure violations, and 7) waiting time violations.

21 46. The PAGA penalties for the minimum wage violations are in Labor Code 1197.1.

22 47. The PAGA penalties for the overtime violations are contained in Labor Code 558.

23 48. The PAGA penalties for the meal break violations are contained in Labor Code 558.

24 49. The PAGA penalties for the rest break violations are contained in Labor Code 2699.

25 50. The PAGA penalties for the wage statement violations are contained in Labor Code 226.3.

26 51. The PAGA penalties for the work expenditure violation are contained in Labor Code 2699.

27 52. The PAGA penalties for the waiting time violations are contained in Labor Code 210.

28 53. Also, Plaintiff is entitled to attorney fees and costs under Labor Code section 2699.

1 54. The PAGA period is from March 20, 2023 through final disposition of this action.

2
3 TENTH CAUSE OF ACTION

4 FEHA Discrimination

5 Against All Defendants

6 55. Plaintiff incorporates by reference paragraphs 1 to 11 of the complaint.

7 56. Pursuant to CACI No. 2540, Plaintiff was a member of a protected class since she had a
8 disabling medical condition, which Defendants were made aware of.

9 57. Plaintiff was able to perform job duties with a reasonable accommodation.

10 58. However, Plaintiff was wrongfully discharged when an accommodation was requested.

11 59. This act violated FEHA – specifically, Government Code section 12940 et seq.

12 60. Plaintiff is entitled to back pay, general damages, and attorney fees and costs.

13
14 ELEVENTH CAUSE OF ACTION

15 FEHA Retaliation

16 Against All Defendants

17 61. Plaintiff incorporates by reference paragraphs 1 to 11 of the complaint.

18 62. Pursuant to CACI No. 25050, Plaintiff was a member of a protected class since she had a
19 disabling medical condition, which Defendants were made aware of.

20 63. Plaintiff's request for an accommodation was a substantial motivating reason for the
21 decision to wrongfully terminate Plaintiff.

22 64. This act violated FEHA – specifically, Government Code section 12940 et seq.

23 65. Plaintiff is entitled to back pay, general damages, and attorney fees and costs.

24
25 TWELFTH CAUSE OF ACTION

26 FEHA No Interactive Process

27 Against All Defendants

28 66. Plaintiff incorporates by reference paragraphs 1 to 11 of the complaint.

1 67. Pursuant to CACI No. 2546, Defendants did not engage in an interactive process with
2 Plaintiff to determine whether it would be possible to implement effective reasonable
3 accommodations to allow Plaintiff to continue working.

4 68. Plaintiff had a known medical disability and condition, and Plaintiff requested an
5 accommodation to continue working; Plaintiff was willing to participate in an interactive process.

6 69. However, Defendants would not engage in the interactive process and as a result Plaintiff
7 was harmed since she was wrongfully terminated.

8 70. Plaintiff is entitled to back pay, general damages, and attorney fees and costs.

9
10 PRAYER

11 First Cause of Action

12 1. Payment of all unpaid wages

13 2. Interest

14 3. Attorney fees

15 4. Other relief the court deems proper

16
17 Second Cause of Action

18 1. Payment of overtime at the correct regular rate

19 2. Interest

20 3. Attorney fees

21 4. Other relief the court deems proper

22
23 Third Cause of Action

24 1. Premium pay at the correct regular rate of pay

25 2. Interest

26 3. Other relief the court deems proper

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1 Fourth Cause of Action

2 1. Premium pay at the correct regular rate of pay

3 2. Interest

4 3. Other relief the court deems proper

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6 Fifth Cause of Action

7 1. Wage statement penalties

8 2. Attorney fees and costs

9 3. Other relief the court deems proper

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11 Sixth Cause of Action

12 1. Waiting time penalties

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14 Seventh Cause of Action

15 1. Reimbursement of expenses

16 2. Attorney fees

17

18 Eighth Cause of Action

19 1. Restitution

20 2. Attorney fees

21 3. Other relief the court deems proper

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23 Ninth Cause of Action

24 1. All applicable PAGA penalties

25 2. Attorney fees and costs

26 3. Other relief the court deems proper

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1 Tenth Cause of Action

2 1. Back pay

3 2. General damages

4 3. Attorney fees and costs

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6 Eleventh Cause of Action

7 1. Back pay

8 2. General damages

9 3. Attorney fees and costs

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11 Twelfth Cause of Action

12 1. Back pay

13 2. General damages

14 3. Attorney fees and costs

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16 Date: June 6, 2024

FRONTIER LAW CENTER

17

18 /s/ Adam Rose

19 Attorney for Plaintiff

20 Corrine Foster

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