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VENTURA SUPERIOR COURT

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**FOR THE COUNTY OF VENTURA**

ERIC KRASNOFF, as an individual and on  
behalf of all others similarly situated,

Plaintiffs,

v.

ARTHUR J. GALLAGHER SERVICE  
COMPANY, LLC, a limited liability  
company; and DOES 1 through 50,  
inclusive,

Defendants.

CASE NO. 2024CUOE024328

**REPRESENTATIVE ACTION COMPLAINT  
UNDER THE PRIVATE ATTORNEYS  
GENERAL ACT OF 2004**

1 Plaintiff Eric Krasnoff ("Plaintiff") hereby submits this Representative PAGA Action  
2 Complaint ("Complaint") against Defendant Arthur J. Gallagher Service Company, LLC, a  
3 limited liability company (collectively, the "Company" or "Defendant") and DOES 1-50  
4 (hereinafter collectively referred to as "Defendants"), on behalf of himself and aggrieved  
5 employees of Defendant for penalties for violations of the California Labor Code as follows:

6 **JURISDICTION AND VENUE**

7 1. The Court has jurisdiction over this representative action pursuant to California  
8 Labor Code sections 226(a), 2802, and 2698, *et seq.*, and the applicable California Industrial  
9 Welfare Commission's ("IWC") Wage Orders.

10 2. This Complaint challenges systemic illegal employment practices resulting in  
11 violations of the California Labor Code against employees of Defendants.

12 3. Plaintiff is informed and believes, and based thereon alleges, that Defendants  
13 jointly and severally have acted intentionally and with deliberate indifference and conscious  
14 disregard to the rights of all employees by failing to: (1) provide accurate itemized wage  
15 statements, in violation Labor Code section 226; and (2) reimburse employees their business  
16 expenses. in violation of Labor Code section 2802

17 4. Venue is proper in Ventura County because Plaintiff performed work for  
18 Defendant in this County.

19 **PARTIES**

20 5. Since approximately August 2022, Plaintiff has been employed by Defendant as an  
21 insurance agent. For the duration of his employment, Plaintiff has been a non-exempt, hourly  
22 employee.

23 6. Defendant is a limited liability company that provides insurance in the State of  
24 California.

25 7. Plaintiff is informed and believes, and based thereon alleges, that at all times  
26 herein mentioned Defendant and DOES 1 through 50 are and were business entities, individuals,  
27 and partnerships, licensed to do business and actually doing business in the State of California.

28 8. As such, and based upon all the facts and circumstances incident to Defendants'

1 business in California, Defendants are subject to California Labor Code sections 226(a), 2802,  
2 and 2698 *et. seq.*, and the IWC Wage Orders.

3 9. Plaintiff does not know the true names or capacities, whether individual, partner or  
4 corporate, of the Defendants sued herein as DOES 1 through 50, inclusive, and for that reason,  
5 said Defendants are sued under such fictitious names, and Plaintiff prays for leave to amend this  
6 complaint when the true names and capacities are known. Plaintiff is informed and believes, and  
7 based thereon alleges, that each of said fictitious Defendants was responsible in some way for the  
8 matters alleged herein and proximately caused Plaintiff and aggrieved employees to be subject to  
9 the illegal employment practices, wrongs and injuries complained of herein.

10 10. At all times herein mentioned, each of said Defendants participated in the doing of  
11 the acts hereinafter alleged to have been done by the named Defendants; and furthermore, the  
12 Defendants, and each of them, were the agents, servants and employees of each of the other  
13 Defendants, as well as the agents of all Defendants, and at all times herein mentioned, were acting  
14 within the course and scope of said agency and employment.

15 11. Plaintiff is informed and believes, and based thereon alleges, that at all times  
16 material hereto, each of the Defendants named herein was the agent, employee, alter ego and/or  
17 joint venturer of, or working in concert with each of the other co-Defendants and was acting  
18 within the course and scope of such agency, employment, joint venture, or concerted activity. To  
19 the extent said acts, conduct, and omissions were perpetrated by certain Defendants, each of the  
20 remaining Defendants confirmed and ratified said acts, conduct, and omissions of the acting  
21 Defendants.

22 12. At all times herein mentioned, Defendants, and each of them, were members of,  
23 and engaged in, a joint venture, partnership and common enterprise, and acting within the course  
24 and scope of, and in pursuance of, said joint venture, partnership and common enterprise.

25 13. At all times herein mentioned, the acts and omissions of various Defendants, and  
26 each of them, concurred and contributed to the various acts and omissions of each and all of the  
27 other Defendants in proximately causing the injuries and damages as herein alleged. At all times  
28 herein mentioned, Defendants, and each of them, ratified each and every act or omission

1 complained of herein. At all times herein mentioned, the Defendants, and each of them, aided and  
2 abetted the acts and omissions of each and all of the other Defendants in proximately causing the  
3 damages as herein alleged.

4 **FIRST CAUSE OF ACTION**

5 **VIOLATION OF LABOR CODE § 2698, *ET SEQ.***

6 **(BY PLAINTIFF, ON BEHALF OF AGGRIEVED EMPLOYEES AND THE STATE OF**  
7 **CALIFORNIA, AGAINST DEFENDANTS)**

8 14. Plaintiff re-alleges and incorporates by reference the preceding paragraphs as  
9 though fully set for herein.

10 15. Plaintiff brings this cause of action as a proxy for the State of California, and in  
11 this capacity, seeks penalties on behalf of all Aggrieved Employees from March 5, 2023 through  
12 the present for Defendant's unlawful policy and practice of: (1) failing to provide accurate  
13 itemized wage statements, in violation of Labor Code section 226(a); and (2) failing to reimburse  
14 business related expenses, in violation of Labor Code section 2802.

15 16. Plaintiff and other hourly Aggrieved Employees earned overtime and double  
16 overtime wages. When overtime and/or double overtime wages were paid, the corresponding  
17 wage statement omitted the applicable rate of pay for such wages. Rather, the wage statement only  
18 identified the base hourly rate of pay.

19 17. As a matter of policy and practice, Defendant failed to reimburse and indemnify  
20 Plaintiff and other Aggrieved Employees for business expenses incurred in the discharge of their  
21 duties. More specifically, Defendant required Plaintiff and Aggrieved Employees to use their  
22 personal internet for work-related purposes. Defendant did not reimburse employees for such  
23 costs.

24 18. On or about March 5, 2024, Plaintiff sent written notice to the California Labor &  
25 Workforce Development Agency ("LWDA") of Defendant's violations of Labor Code sections  
26 226(a) and 2802, pursuant to the PAGA. In addition to the LWDA, Plaintiff also sent notice to  
27 Defendant via certified mail pursuant to Labor Code section 2699.3.  
28

1           19.     As of the date of the filing of this Complaint, the LWDA has not responded to  
2 Plaintiff's written notice nor indicated that it intends to investigate the Labor Code violations  
3 provided for in the written notice.

4           20.     As such, pursuant to Labor Code section 2699(a), Plaintiff seeks recovery of any  
5 and all applicable civil penalties for Defendant's violations of Labor Code sections 226(a) and  
6 2802, for the time period described above, on behalf of himself and other Aggrieved Employees. .

7                               **PRAYER FOR RELIEF**

8           WHEREFORE, Plaintiff prays for judgment individually and all others on whose behalf  
9 this suit is brought against Defendants, jointly and severally, as follows:

10           1.     Upon the First Cause of Action, for the full amount of penalties, as provided for  
11 under PAGA and relevant Labor Code sections including, but not limited to 226(a), 226.3, 2802  
12 and 2698, *et seq.*, and for costs and attorneys' fees; and

13           2.     For such other and further relief as the Court may deem just and proper.

14 DATED: May 3, 2024

DIVERSITY LAW GROUP, P.C.

15  
16 By: \_\_\_\_\_  
17                               Larry W. Lee  
18                               Kristen M. Agnew  
19                               Attorneys for PLAINTIFF and Aggrieved  
20                               Employees  
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