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

RAYCHELL COLEMAN and JESSICA
FAMOSO, individually and on behalf of all
others similarly situated,

Plaintiff,

vs.

WEISER SECURITY SERVICES, INC., a
California corporation; and DOES 1 through 50,
inclusive,

Defendants.

ELECTRONICALLY FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT
10/8/2024 11:31 AM
By: Heather Duffer, DEPUTY

Case No. CIVSB2413060

**FIRST AMENDED REPRESENTATIVE
ACTION COMPLAINT FOR:**

**(1) VIOLATION OF LABOR CODE
§2698, *ET SEQ.***

DEMAND OVER \$25,000

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1 Plaintiffs Raychell Coleman (“Coleman”) and Jessica Famoso (“Famoso”) (collectively,
2 “Plaintiffs”) hereby submit this First Amended Representative Action Complaint against Defendants
3 Weiser Security Services, Inc. (“Weiser” or “Defendant”), and Does 1-50 (hereinafter collectively
4 referred to as “Defendants”), on behalf of the State of California and all other similarly aggrieved
5 current and former employees of Defendants for penalties as follows:

6 **JURISDICTION AND VENUE**

7 1. This representative action is within the Court’s jurisdiction under California Labor Code
8 §§ 201-203, 226, 226.7, 510, 512, 1194, 1197, 1197.1, and 2802, the California Industrial Welfare
9 Commission’s (“IWC”) Wage Orders, and the Private Attorneys General Act (the “PAGA”), Labor
10 Code § 2698, *et seq.* As alleged herein, Plaintiffs have exhausted their administrative remedies under
11 the PAGA.

12 2. Venue is proper in San Bernardino County because Plaintiffs performed work for
13 Defendant in this County.

14 **PARTIES**

15 3. In or around 2021, Coleman began working for Defendant as an hourly, non-exempt
16 security guard and she is still employed by Defendant. Famoso began working for Defendant as a non-
17 exempt security guard in or around July 2023, through in or around August 2023.

18 4. Plaintiffs were and are the victim of the policies, practices, and customs of Defendants
19 complained of in this action in ways that have deprived Plaintiffs of the rights guaranteed by California
20 Labor Code §§ 201-203, 226, 226.7, 510, 512, 558, 1194, 1197, 1197.1, and 2802, and the applicable
21 IWC Wage Orders, and the UCL.

22 5. Plaintiffs are informed and believe and based thereon allege that Defendant was and is a
23 California corporation doing business in the State of California providing security services.

24 6. Plaintiffs are informed and believe and based thereon allege that at all times herein
25 mentioned Defendant and DOES 1 through 50 are and were business entities, individuals, and
26 partnerships, licensed to do business and actually doing business in the State of California.

27 7. As such, and based upon all the facts and circumstances incident to Defendants’ business
28 in California, Defendants are subject to California Labor Code §§ 201-203, 226, 226.7, 510, 512, 1194,
1197, 1197.1, and 2802, the IWC Wage Orders and the UCL.

1 8. Plaintiffs do not know the true names or capacities, whether individual, partner or
2 corporate, of the Defendants sued herein as DOES 1 through 50, inclusive, and for that reason, said
3 Defendants are sued under such fictitious names, and Plaintiffs pray for leave to amend this complaint
4 when the true names and capacities are known. Plaintiffs are informed and believe and based thereon
5 allege that each of said fictitious Defendants were responsible in some way for the matters alleged
6 herein and proximately caused Plaintiffs and aggrieved employees to be subject to the illegal
7 employment practices, wrongs and violations complained of herein.

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

13 10. Plaintiffs are informed and believe and based thereon allege that at all times material
14 hereto, each of the Defendants named herein was the agent, employee, alter ego and/or joint venturer of,
15 or working in concert with each of the other co-defendants and was acting within the course and scope
16 of such agency, employment, joint venture, or concerted activity. To the extent said acts, conduct, and
17 omissions were perpetrated by certain Defendants, each of the remaining Defendants confirmed and
18 ratified said acts, conduct, and omissions of the acting Defendants.

19 11. At all times herein mentioned, Defendants, and each of them, were members of, and
20 engaged in, a joint venture, partnership and common enterprise, and acting within the course and scope
21 of, and in pursuance of, said joint venture, partnership and common enterprise.

22 12. At all times herein mentioned, the acts and omissions of various Defendants, and each of
23 them, concurred and contributed to the various acts and omissions of each and all of the other
24 Defendants in proximately causing the violations as herein alleged. At all times herein mentioned,
25 Defendants, and each of them, ratified each and every act or omission complained of herein. At all
26 times herein mentioned, the Defendants, and each of them, aided and abetted the acts and omissions of
27 each and all of the other Defendants in proximately causing the violations as herein alleged.

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1 **FIRST CAUSE OF ACTION**

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

3 **(BY PLAINTIFFS ON BEHALF OF THE STATE OF CALIFORNIA AND ALL AGGRIEVED**
4 **EMPLOYEES AGAINST ALL DEFENDANTS)**

5 13. Plaintiffs re-allege and incorporate by reference the preceding paragraphs as though fully
6 set for herein.

7 14. Plaintiffs bring this cause of action as a proxy for the State of California and in this
8 capacity, seeks penalties on behalf of all Aggrieved Employees for Defendant's violation of Labor Code
9 §§ 201-203, 226, 226.7, 510, 512, 1194, 1197, 1197.1, and 2802, from April 23, 2023, through the
10 present. Plaintiffs were not provided proper and accurate itemized wage statements identifying all hours
11 worked and payment for all minimum and overtime wages, as well as premium pay for missed meal and
12 rest breaks. Additionally, Famoso was required to spend time off-the-clock maintaining and cleaning
13 her uniform at home, but Famoso was not paid any wages, including all applicable overtime and
14 minimum wages, for this time spent cleaning and maintaining Famoso's uniform while at home.
15 Plaintiffs also worked more than 5 hours in a shift for Defendants, but were not provided with off-duty
16 meal breaks. Rather, Plaintiffs, as with other security guard employees, were required to take on-duty
17 meal periods. As with other security guards, Plaintiffs were also required to keep their cell phones on
18 during these breaks and respond immediately to any calls during these meal breaks. Additionally,
19 Plaintiffs also were required to work through their rest breaks, including by keeping Plaintiffs' cell
20 phones on during rest breaks and responding immediately to any calls received during rest breaks.
21 Moreover, Defendant provided Plaintiffs and other non-exempt security guard/officer employees with
22 uniforms that they were required to wear for work. However, Plaintiffs and security guard/officer
23 employees were also required to maintain, including cleaning/laundrying, such uniforms at their own
24 expenses without any reimbursement for such maintenance costs. Defendant further violated Section
25 2802 by requiring Plaintiffs and other security guard/officer employees to use cellular phones in the
26 discharge of their duties. Defendant did not reimburse Plaintiffs and other security guard/officer
27 employees for these business expenses.

28 15. On or about April 23, 2024, Plaintiffs both sent written notice to the California Labor &

1 Workforce Development Agency (“LWDA”) and to Defendants regarding Defendant’s violations of
2 Labor Code §§ 201-203, 226, 226.7, 510, 512, 1194, 1197, 1197.1, and 2802, pursuant to Labor Code §
3 2698, *et seq.*

4 16. As of the date of the filing of this Complaint, the LWDA has not provided written notice
5 as to whether it intends to investigate the Labor Code violations set forth in Plaintiff’s written notice
6 and, thus, allowing Plaintiff to proceed under PAGA against Defendants for said violations. Therefore,
7 Plaintiff may seek all applicable penalties under the PAGA.

8 17. As such, pursuant to Labor Code § 2699(a), Plaintiffs seek recovery of any and all
9 applicable remedies under the PAGA for Defendant’s violation of Labor Code §§ 201-203, 226, 226.7,
10 510, 512, 1194, 1197, 1197.1, and 2802, for the time periods described above on behalf of all other
11 Aggrieved Employees, including without limitation, civil penalties under Labor Code § 2699, any
12 remedies under Labor Code §§ 226.3, for costs and attorneys’ fees.

13 **PRAYER FOR RELIEF**

14 WHEREFORE, Plaintiffs pray for judgment on behalf the State of California of all aggrieved
15 employees on whose behalf that this suit is brought against Defendants, jointly and severally, as follows:

16 1. Upon the First Cause of Action, for penalties pursuant to statute as set forth in California
17 Labor Code §§ 226.3 and 2699, and for costs and attorneys’ fees;

18 2. On all causes of action, for attorneys’ fees and costs as provided by California Labor
19 Code § 2699, and Code of Civil Procedure § 1021.5; and

20 3. For such other and further relief as the Court may deem just and proper.

21 DATED: October 8, 2024

DIVERSITY LAW GROUP, P.C.

22
23 By: 

Larry W. Lee

24 Attorneys for Plaintiffs
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1 **PROOF OF SERVICE**

2 **(Code of Civil Procedure Sections 1013a, 2015.5)**

3
4 STATE OF CALIFORNIA]
5]ss.
6 COUNTY OF LOS ANGELES]

7 I am employed in the County of Los Angeles, State of California. I am over the age of 18
8 and not a party to the within action; my business address is 515 S. Figueroa Street, Suite 1250,
9 Los Angeles, California 90071.

10 On October 8, 2024, I served the following document(s) described as: **FIRST**
11 **AMENDED REPRESENTATIVE ACTION COMPLAINT** on the interested parties in this
12 action as follows:

13 John E. McOsker
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24 444 South Flower Street, Suite 2400
25 Los Angeles, California 90071-2953
26 *Attorneys for Defendant*
27 *Weiser Security Services, Inc.*

28 X BY ELECTRONIC SERVICE: Based on a court order I caused the above-
entitled document(s) to be served through the Odyssey eFileCA E-Filing System at the website
www.california.tylerhost.net, addressed to all parties appearing on the electronic service list for
the above-entitled case. The service transmission was reported as complete and a copy of the
filing receipt/confirmation will be filed, deposited, or maintained with the original document(s)
in this office.

I declare under penalty of perjury under the laws of the State of California that the above
is true and correct. Executed on October 8, 2024, at Los Angeles, California.


Erika Mejia