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

CLIFFORD LARSEN, as an individual and
on behalf of all others similarly situated,

Plaintiff,

vs.

MAISON EX NIHILO USA INC., a
Delaware corporation; and DOES 1
through 50, inclusive,

Defendants.

Case No.: **24STCV19247**

**PAGA REPRESENTATIVE ACTION
COMPLAINT FOR:**

**(1) VIOLATION OF LABOR CODE § 2698,
ET SEQ., THE PRIVATE ATTORNEYS
GENERAL ACT**

DEMAND OVER \$25,000.00

1 Plaintiff Clifford Larsen (“Plaintiff”) hereby submits this PAGA Representative Action
2 Complaint (“Complaint”) against Defendant Maison Ex Nihilo USA Inc. (“Defendant”) and
3 Does 1-50 (hereinafter collectively referred to as “Defendants”), on behalf of himself and all
4 other aggrieved employees of Defendants for damages and/or penalties pursuant to the Private
5 Attorneys General Act, Labor Code § 2698, et seq. (“PAGA”), for Defendants’ violations of the
6 California Labor Code and the California Business & Professions Code, as follows

7 **INTRODUCTION**

8 1. This Complaint is within the Court’s jurisdiction under California Labor Code §§
9 201, 202, 203, 226(a), 226.7, 512, 1174, 1198, 1199, 2802, 2698 and the applicable Wage Orders
10 of the California Industrial Welfare Commission (“IWC”).

11 2. This Complaint challenges systemic illegal employment practices resulting in
12 violations of the California Labor Code against individuals who worked for Defendants.

13 3. Plaintiff is informed and believes, and based thereon alleges, that Defendants,
14 jointly and severally, have acted intentionally and with deliberate indifference and conscious
15 disregard to the rights of all employees in Defendants’ failure to provide duty-free meal and rest
16 periods, reimburse business expenses, and provide accurate itemized wage statements.

17 4. Plaintiff is informed and believes, and based thereon alleges, that Defendants
18 have engaged in, among other things a system of willful violations of the California Labor Code
19 by creating and maintaining policies, practices, and customs that knowingly deny employees the
20 above stated rights and benefits.

21 5. The policies, practices, and customs of defendants described above and below
22 have resulted in unjust enrichment of Defendants and an unfair business advantage over
23 businesses that routinely adhere to the strictures of the California Labor Code.

24 **JURISDICTION AND VENUE**

25 6. The Court has jurisdiction over the violations of California Labor Code §§ 201,
26 202, 203, 226(a), 226.7, 512, 1174, 1198, 1199, 2802, and 2698.

27 7. Venue is proper because the Defendants do business in Los Angeles County, and
28 Plaintiff worked for Defendants in Los Angeles County.

PARTIES

8. Plaintiff was employed by Defendants from on or about June 2023 to about November 2023. Throughout his employment, Plaintiff worked as an hourly, non-exempt employee.

9. Plaintiff was and is the victim of the policies, practices, and customs of Defendants complained of in this action in ways that have deprived him of the rights guaranteed to him by California Labor Code §§ 201, 202, 203, 226(a), 226.7, 512, 1174, 1198, 1199, 2802, and 2698.

10. Plaintiff is informed and believes, and based thereon alleges, that at all times herein mentioned Maison Ex Nihilo USA Inc. was and is a corporation under the laws of the State of Delaware, and doing business in the State of California. As such, and based upon all the facts and circumstances incident to Defendant's business, Defendant is subject to California Labor Code §§ 201, 202, 203, 226(a), 226.7, 512, 1174, 1198, 1199, 2802, and 2698.

11. Plaintiff does not know the true names or capacities, whether individual, partner, or corporate, of the defendants sued herein as Does 1 through 50, inclusive, and for that reason, said defendants are sued under such fictitious names. If and when they are ascertained, Plaintiff prays for leave to amend this Complaint. Plaintiff is informed and believes and, based thereon alleges, that each of said fictitious Defendants was responsible in some way for the matters alleged herein and proximately caused Plaintiff and members of the Class to be subject to the illegal employment practices, wrongs, and injuries complained of herein.

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

13. Plaintiff is informed and believes, and based thereon alleges, that at all times material hereto, each of the Defendants named herein was the agent, employee, alter ego, and/or joint venturer of, or working in concert with each of the other co-Defendants and was acting

1 within the course and scope of such agency, employment, joint venture, or concerted activity. To
2 the extent said acts, conduct, and omissions were perpetrated by certain Defendants, each of the
3 remaining Defendants confirmed and ratified said acts, conduct, and omissions of the acting
4 Defendants.

5 14. At all times herein mentioned, Defendants, and each of them, were members of,
6 and engaged in, a joint venture, partnership, and common enterprise, and acting within the course
7 and scope of, and in pursuance of, said joint venture, partnership, and common enterprise.

8 15. At all times herein mentioned, the acts and omissions of various Defendants, and
9 each of them, concurred and contributed to the various acts and omissions of each and all of the
10 other Defendants in proximately causing the injuries and damages as herein alleged. At all times
11 herein mentioned, Defendants, and each of them, ratified each and every act or omission
12 complained of herein. At all times herein mentioned, the Defendants, and each of them, aided
13 and abetted the acts and omissions of each and all of the other Defendants in proximately causing
14 the damages as herein alleged.

15 **FIRST CAUSE OF ACTION**

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

17 **(BY PLAINTIFF AND AGGRIEVED EMPLOYEES AGAINST ALL DEFENDANTS)**

18 16. Plaintiff re-alleges and incorporates by reference the preceding paragraphs as
19 though fully set forth herein.

20 17. Plaintiff brings this cause of action as a proxy for the State of California and in
21 this capacity, seeks penalties on behalf of all Aggrieved Employees in the State of California
22 from May 28, 2023, through the present, for Defendants' violations of Labor Code Labor Code
23 §§ 201, 202, 203, 226(a), 226.7, 512, 1174, 1198, 1199, and 2802, arising from Defendants'
24 policy and practice of: (a) failing to provide off-duty meal and rest breaks, or pay rest period
25 premium compensation in lieu thereof; (b) failing to pay all wages upon separation; (c) failing to
26 provide accurate itemized wage statements; and (c) failing to reimburse business expenses.

27 18. On or about May 28, 2024, Plaintiff sent written notice to the California Labor &
28 Workforce Development Agency ("LWDA") of Defendants' violations of Labor Code §§ 201,

202, 203, 226(a), 226.7, 512, 1174, 1198, 1199, and 2802, pursuant to the PAGA. In addition to the LWDA, Plaintiff also sent his notice to Defendants via certified mail pursuant to Labor Code § 2699.3.

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

20. As such, pursuant to Labor Code § 2699(a), Plaintiff seeks recovery of any and all applicable civil penalties for Defendants' violations of Labor Code §§ 201, 202, 203, 226(a), 226.7, 512, 1174, 1198, 1199, and 2802 for the time period described above, on behalf of herself and other Aggrieved Employees.

PRAYER FOR RELIEF

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

1. Upon the First Cause of Action, for damages and/or penalties pursuant to California Labor Code §§ 201, 202, 203, 226(a), 226.3, 226.7, 512, 1174, 1198, 1199, and 2802, and for costs and attorneys' fees; and

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

DATED: August 1, 2024

DIVERSITY LAW GROUP, P.C.

By: 

Max W. Gavron
Attorneys for Plaintiff and the Class