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**SUPERIOR COURT OF CALIFORNIA
CONTRA COSTA COUNTY**

JOAQUIN RECINOS, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

AMPORTS, INC., APS West Coast, Inc., and
DOES 1 through 10, inclusive,

Defendants.

Case No.: C24-02244

**SECOND AMENDED CLASS
ACTION AND PAGA COMPLAINT**

**(1) FAILURE TO REIMBURSE BUSINESS
EXPENSES (LABOR CODE § 2802)**

**(2) UCL VIOLATION (BUS. & PROF.
CODE**

§ 17200-04)

(3) PAGA (LABOR CODE § 2699, et seq.)

JURY TRIAL DEMANDED

Joaquin Recinos (“Plaintiff”), on behalf of himself and all others similarly situated, (hereinafter “Class Members”), complains and alleges as follows:

A. INTRODUCTION

1. This is a class action under Code of Civil Procedure § 382 and a Private Attorney General Act of 2004 (PAGA) action under Labor Code § 2699, *et seq.*, against Defendants Amports, Inc. and APS West Coast, Inc. (collectively, “Amports” or “Defendants”) to challenge its policies and/or practices of (1) failing to reimburse Plaintiff and all employees similarly situated for unreimbursed business expenses, and (2) violating California’s Unfair Competition Law (UCL).

2. Plaintiff seeks reimbursement for business expenses and interest thereon, restitution, declaratory and equitable relief, penalties, and reasonable attorneys’ fees and costs under California Labor Code §§ 2802, 2699, *et seq.*, and California Bus. & Prof. Code § 17200 *et seq.* for himself and on behalf of all other individuals who are or have been employed by Amports in California during the four years prior to the filing of this action. Plaintiff and similarly situated and aggrieved employees during statutory time period covered by action incurred reasonable and necessary business expenses in order to carry out the essential functions of their jobs for Amports for which they were not reimbursed. Plaintiff, on behalf of himself and Class Members, seek damages and restitution of all unjust enrichment Amports has enjoyed from its failure to reimburse business expenses incurred by Plaintiff, Class Members and Aggrieved Employees. Plaintiff also seeks declaratory and equitable relief, and reasonable attorneys’ fees and costs under California Labor Code §§ 2802(c), 2699(g) and California Bus. & Prof. Code § 17200 *et seq.* on behalf of Plaintiff, Class Members and Aggrieved Employees.

3. The “Class Period” is designated as the period from the date four years prior to the filing of the Complaint through the date the Court grants class certification. The violations of California’s employee expense reimbursement law have been ongoing during the statutory time period covered by this action and to the present and will continue unless and until enjoined by the Court.

B. JURISDICTION

4. This Court has personal jurisdiction over Amports because Amports does business in California and within this judicial district. Plaintiff is a resident of California, and Plaintiff’s claim against Defendants arose in this judicial district.

5. This Court has general jurisdiction over Plaintiff's Labor Code claim and claim for unfair business practices under the California Business and Professions Code § 17200, *et se*.

C. VENUE

6. Venue is proper in this County pursuant to Code of Civil Procedure § 395(a). Amports conducts business in this County. A substantial portion of the events giving rise to the causes of action herein occurred in this County.

D. PARTIES

7. Plaintiff Joaquin Recinos resides in Vallejo, California. Plaintiff was employed by Amports from approximately 2018 until June 2024. During the Class Period, Plaintiff has worked as a Supervisor for Amports at its in facility in Contra Costa County. During the Class Period, Plaintiff was subject to Amports' unlawful business expense reimbursement policies and/or practices set forth herein.

8. Defendant Amports is a Delaware corporation with its principal place of business in Jacksonville, Florida. Defendant APS West Coast, Inc is a California corporation with its principal place of business in Jacksonville, Florida.

9. The true names and capacities of persons or entities, whether individual, corporate, associate, or otherwise are currently unknown to Plaintiff. Plaintiff is informed and believes, and based thereon alleges, that additional defendants may be legally responsible in some manner for the unlawful acts referred to herein. Plaintiff will seek leave of court to amend this Complaint to reflect the true names and capacities of such defendants when such identities become known.

10. All of Plaintiff's claims stated herein are asserted against Amports and any of their owners, predecessors, successors, subsidiaries, and/or assigns.

E. FACTUAL BACKGROUND

11. Amports operates, and at all times during the liability period, has done business in this judicial district and throughout California.

12. Since at least four years prior to the filing of this action, Amports has maintained business expense policies and/or practices that deny lawful reimbursement and/or compensation to its employees. Amports is an automotive processor offering, *inter alia*, automobile storage for vehicles coming from

1 manufacturers on their way to dealerships, vehicle upkeep and installations, and tracking and inspections.
2 Amports' facilities are very large — holding thousands of vehicles at any given time.

3 13. Amports employs a number of employees including maintenance employees, mechanics,
4 auditors, van drivers and supervisors. Supervisors, like Joaquin Recinos, are charged with supervision
5 and coordination of all department activities, including customer relations, scheduling, employee
6 relations, budgeting, staffing, safety, and meeting production goals. Supervisors are expected to be good
7 communicators. Supervisors work in the office and out on the lot. Supervisors are frequently in
8 communication with other employees including van drivers.

9 14. In order to communicate with other employees, Supervisors and other employees use their
10 personal mobile phones. Supervisors call and text other employees as well as receive communications
11 from other employees including their supervisors, the facility managers, on their personal mobile phones.
12 However, Amports does not provide mobile phones to supervisors or other employees except for the
13 facility managers. Also, as a company policy and practice, Amports does not reimburse its employees for
14 the costs associated with their use of their personal mobile phones notwithstanding that Amports knows
15 its employees must use their personal mobile phones to carry out their duties and responsibilities.

16 15. Amports has maintained these same business expense policies and/or practices or
17 substantially similar ones throughout the Class Period.

18 16. Amports is aware that its employees regularly incur business expenses in the discharge of
19 their duties as employees. Defendants nevertheless fail and refuse to reimburse their employees for such
20 business expenses incurred by them in their work.

21 17. Plaintiff and Class Members have been harmed by Amports' unlawful business expense
22 policies and/or practices in that they have not been paid for certain business expenses incurred while
23 employed by Amports, as alleged above, thereby diminishing their agreed-upon compensation, in
24 amounts to be proven at trial.

25 18. Plaintiff is informed, believes, and thereon alleges that Amports' unlawful conduct has
26 been widespread, repeated, and consistent as to Class Members and throughout Amports' operations in
27 California. Amports knows or should know that its policies and/or practices have been unlawful and
28 unfair.

1 19. Amports' conduct was willful, carried out in bad faith, and caused significant damages to
2 Plaintiff and Class Members in an amount to be determined at trial.

3 **F. CLASS ACTION ALLEGATIONS**

4 20. Plaintiff brings this action, on behalf of himself and all others similarly situated, as a class
5 action pursuant to Code of Civil Procedure § 382. The Class that Plaintiff seeks to represent is composed
6 of and defined as follows:

7 All current and former employees of Amports (except facility managers) in California
8 who have not been reimbursed for reasonable and necessary business expenses in violation of
9 Labor Code § 2802.

10 21. This action has been brought and may properly be maintained as a class action under Code
11 of Civil Procedure § 382 because there is a well-defined community of interest in the litigation, the
12 proposed class is easily ascertainable, and Plaintiff is a proper representative of the Class:

13 a. Numerosity: The potential members of the Class as defined are numerous and
14 therefore joinder of all the members of the Class is impracticable. While the
15 precise number of Class Members has not been determined at this time, Plaintiff
16 is informed and believes that Defendants have employed less than 100 hundred
17 employees covered by this action. Notwithstanding, joinder of all members of the
18 proposed class is not practicable.

19 b. Commonality: There are questions of law and fact common to the Plaintiff and the
20 Class that predominate over any questions affecting only individual members of
21 the Class. These common questions of law and fact include, without limitation.

22 i. Whether Plaintiff and Class Members have incurred unreimbursed
23 business expenses for the reasonable and necessary use of personal mobile
24 phones in the discharge of their duties for Defendants.

25 ii. Whether Defendants intended, suffered and permitted, and/or were aware
26 that Plaintiff and Class Members incurred such business expenses in the
27 discharge of their duties as employees;

28 iii. Whether Defendants failed and/or refused to reimburse, fully or at all,
 business expenses incurred by Plaintiff and Class Members in the

1 discharge of their duties;

2 iv. Whether Defendants' failure to reimburse business expenses incurred by
3 Plaintiff and Class Members, fully or at all, was the result of, and/or pursuant
4 to, a business policy or regular practice of Defendants;

5 v. Whether Defendants violated Labor Code § 2802 and Bus. & Prof. Code §
6 17200 by denying Plaintiff and other Class Members reimbursement for
7 their business expenses;

8 vi. The proper formula(s) for calculating restitution, damages, penalties and
9 interest owed to Plaintiff and the Class Members.

10 c. Typicality: Plaintiff's claims are typical of the claims of the Class. Both Plaintiff
11 and Class Members sustained injuries and damages, and were deprived of property
12 rightly belonging to them, arising out of and caused by Defendants' course of
13 conduct in violation of law as alleged herein, in similar ways and for the same
14 types of expenses.

15 d. Adequacy of Representation: Plaintiff is a member of the Class and will fairly and
16 adequately represent and protect the interests of the Class Members. Plaintiffs
17 interests do not conflict with those of Class Members. Counsel who represent
18 Plaintiff are competent and experienced in litigating large wage and hour class
19 actions, including business expense reimbursement cases, and will devote
20 sufficient time and resources to the case and otherwise adequately represent the
21 Class.

22 e. Superiority of Class Action: A class action is superior to other available means for
23 the fair and efficient adjudication of this controversy. Individual joinder of all
24 Class Members is not practicable, and questions of law and fact common to the
25 Class predominate over any questions affecting only individual members of the
26 Class. Each Class Member has been damaged or may be damaged in the future by
27 reason of Defendants' unlawful policies and/or practices of not reimbursing
28 business expenses. Certification of this case as a class action will allow those

1 similarly situated persons to litigate their claims in the manner that is most efficient
2 and economical for the parties and the judicial system. Certifying this case as a
3 class action is superior because the Plaintiff seeks relief that will affect all Class
4 Members in a common way, and will also allow for efficient and full disgorgement
5 of the ill-gotten gains Defendants have enjoyed by maintaining their unlawful
6 business expense reimbursement, and will thereby effectuate California's strong
7 public policy of protecting employees from deprivation or offsetting of
8 compensation earned in their employment. If this action is not certified as a Class
9 Action, it will be impossible as a practical matter for many or most Class Members
10 to bring individual actions to recover monies unlawfully withheld from their lawful
11 compensation due from Defendants, due to the relatively small amounts of such
12 individual recoveries relative to the costs, burdens, and risks of litigation.

13 **FIRST CAUSE OF ACTION**
14 **Failure To Reimburse Business Expenses**
15 **(Labor Code § 2802)**

16 22. Plaintiff re-alleges and incorporates the foregoing paragraphs as though fully set forth
17 herein.

18 23. Labor Code § 2802 provides that "[a]n employer shall indemnify his or her employee for
19 all necessary expenditures or losses incurred by the employee in direct consequence of the discharge of
20 his or her duties."

21 24. In order to discharge their duties for Defendants, Plaintiff and similarly situated employees
22 were required and/or expected by Defendants to use their own personal mobile phones in order to
23 communicate with other employees. However, Defendants did not fully pay for expenses incurred as a
24 result of Plaintiff and Class Members' use of their personal mobile phones in carrying out their duties for
25 Defendants.

26 25. Plaintiff and similarly situated employees are entitled to reimbursement for these
27 reasonable and necessary expenditures, plus interest and attorneys' fees and costs, under Labor Code
28 § 2802.

26. As a result of Defendants' violations of Labor Code § 2802, Defendants are also liable for

attorneys' fees and costs under Labor Code § 2802(c).

SECOND CAUSE OF ACTION
Unfair Competition Law Violations
(Bus. & Prof. Code § 17200)

27. Plaintiff re-alleges and incorporates the foregoing paragraphs as though fully set forth herein.

28. Business & Professions Code § 17200 (the "UCL") prohibits unfair competition in the form of any unlawful, unfair, or fraudulent business act or practice. Business & Professions Code § 17204 allows "any person who has suffered injury in fact and has lost money or property" to prosecute a civil action for violation of the UCL.

29. During the Class Period and continuing to the present, Defendants have committed unlawful, unfair, and/or fraudulent business acts and practices as defined by Business & Professions Code § 17200, by failing to reimburse and indemnify Plaintiff and similarly situated Class Members for employment-related business expenses and losses, in violation of Labor Code § 2802.

30. In order to discharge their duties for Defendants, Plaintiff and similarly situated employees were required, expected, and/or permitted by Defendants to use their own personal mobile phone. However, Defendants did not fully pay for expenses incurred as a result of Plaintiff and Class Members' use of their personal mobile phones in carrying out their duties for Defendants.

31. As a direct and proximate result of Defendants' unlawful, unfair, and/or fraudulent acts and practices described herein, Defendants have received and continues to hold ill-gotten gains belonging to Plaintiff and Class Members in the form of unreimbursed employee business expenses. As a direct and proximate result of Defendants' unlawful business practices, Plaintiff and Class Members have suffered economic injuries in the form of unreimbursed business expenses. Defendants have profited from their unlawful, unfair, and/or fraudulent acts and practices in the amount of those business expenses.

32. Plaintiff and similarly situated Class Members are entitled to restitution pursuant to Business & Professions Code §§ 17203 and 17208 for all unpaid business expenses as well as interest thereon accruing, from four years prior to the filing of this action to the date of such restitution, and Defendants should be required to disgorge all the profits and gains it has reaped and restore such profits and gains to Plaintiff and similarly situated Class Members from whom they were unlawfully taken.

33. Plaintiff has assumed the responsibility of enforcement of the laws and public policies specified herein by suing on behalf of himself and other similarly situated members of the public previously and presently employed by Defendants in California. Plaintiff's success in this action will enforce important rights affecting the public interest. Plaintiff will incur a financial burden in pursuing this action in the public interest. Therefore, an award of reasonable attorneys' fees to Plaintiff is appropriate pursuant to Code of Civil Procedure § 1021.5.

THIRD CAUSE OF ACTION
The Labor Code Private Attorneys General Act of 2004
(Labor Code §§ 2699, *et seq.*)

34. Plaintiff re-alleges and incorporates the foregoing paragraphs as though fully set forth
Herein.

35. As alleged above, Defendants failed to comply with the California Labor Code. As such, Plaintiff is an “aggrieved employee” as defined in Labor Code § 2699(a). Pursuant to Labor Code § 2699, the Labor Code Private Attorneys General Act of 2004, Plaintiff brings this action on behalf of himself and other current and former Aggrieved Employees against Defendants, and seek recovery of applicable civil penalties as follows:

- a. where civil penalties are specifically provided in the Labor code for each of the violations alleged herein, Plaintiffs seek recovery of such penalties;
- b. where civil penalties are not established in the Labor Code for each of the violations alleged herein, Plaintiffs seek recovery of the penalties established in § 2699(e) of the Labor Code Private Attorneys General Act of 2004, and in accordance with § 200.5 of the Labor Code.

36. On August 15, 2024, Plaintiff Joaquin Recinos caused to be served written notice, via certified mail, to the Labor and Workforce Development Agency and to Defendant Amports, Inc., of Plaintiff's intent to amend the complaint to add a cause of action pursuant to Labor Code §§ 2699, *et seq.* On September 15, 2025, Plaintiff served an amended PAGA notice to include APS West Coast, Inc. A copy of the amended PAGA notice is attached hereto as Exhibit 1 and incorporated by reference herein.

37. The Labor and Workforce Development Agency declined to issue notice of its intention to pursue civil penalties in response to the notice. Labor Code § 2699.3 authorizes Plaintiff to file a claim

1 arising under PAGA after 60 days of the specified time periods. Accordingly, Plaintiff commenced this
2 PAGA claim for civil remedies as provided for under Labor Code § 2699.3.

3 38. Plaintiff, on behalf of themselves and similarly situated Aggrieved Employees, request
4 relief as described below.

5 **JURY DEMAND**

6 Plaintiff hereby requests a trial by jury.

7 **PRAYER FOR RELIEF**

8 WHEREFORE, Plaintiff requests the following relief:

- 9 A. That the Court determine that this action may be maintained as a class action under
10 Code of Civil Procedure § 382, and define the Class as requested herein;
- 11 B. For compensatory damages and interest thereon according to proof;
- 12 C. For restitution and interest thereon according to proof;
- 13 D. For civil and statutory penalties according to proof;
- 14 E. For an injunction and declaratory relief;
- 15 F. For reasonable attorneys' fees and costs according to proof; and,
- 16 G. For such other and further relief as this Court may deem appropriate

17
18 DATED: December 1, 2025

WYNNE LAW FIRM

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21 By: Edward J. Wynne