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**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF STANISLAUS**

CHELSEY RICHARDSON, as an  
individual and on behalf of all others  
similarly situated,

Plaintiff,

vs.

TELECARE CORPORATION, a  
California corporation; and DOES 1  
through 50, inclusive,

Defendants.

Case No.: CV-24-009496

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

**DEMAND OVER \$25,000.00**

This case has been assigned to Judge Freeland, John D  
Dept. 23  
Department \_\_\_\_\_ for all purposes including Trial.

1 Plaintiff Chelsey Richardson (“Plaintiff”) hereby submits this Representative Action  
2 Complaint (“Complaint”) against Defendant Telecare Corporation (“Defendant”), and Does 1  
3 through 50 (collectively, “Defendants”), individually, and on behalf of herself and all aggrieved  
4 employees of Defendant, for penalties for violations of the California Labor Code as follows:

### 5 **INTRODUCTION**

6 1. This representative action is within the Court’s jurisdiction under California  
7 Labor Code sections 201, 202, 203, 226(a), 246, 2698, *et seq.*, and the applicable Wage Orders  
8 of the Industrial Welfare Commission (“IWC”).

9 2. This Complaint challenges systemic illegal employment practices resulting in  
10 violations of the California Labor Code against individuals who worked for Defendant.

11 3. Plaintiff is informed and believes, and based thereon allege, that Defendants,  
12 jointly and severally, have acted intentionally and with deliberate indifference and conscious  
13 disregard to the rights of all employees by failing to provide itemized, accurate wage statements,  
14 failing to pay sick pay at the regular rate of pay, and all wages due at termination.

### 15 **JURISDICTION AND VENUE**

16 4. The Court has jurisdiction over the violations of the California Labor Code  
17 sections 201, 202, 203, 226(a), 246, 2698, *et seq.*, and the applicable IWC Wage Orders.

18 5. Venue is proper in Stanislaus County because Plaintiff worked for Defendants in  
19 Stanislaus County, California.

### 20 **PARTIES**

21 6. Plaintiff was employed by Defendants as a Licensed Vocation Nurse from  
22 approximately June 2017 to approximately August 2024. Plaintiff worked as an hourly non-  
23 exempt employee.

24 7. Plaintiff was and is the victims of the policies, practices, and customs of  
25 Defendant complained of in this action in ways that have deprived her of the rights guaranteed  
26 by California Labor Code sections 201, 202, 203, 226(a), 246, 2698, *et seq.*, and the applicable  
27 IWC Wage Orders.

28 8. Plaintiff is informed and believes, and based thereon alleges, that Telecare

Corporation was and is a California corporation in the business of providing behavioral health services throughout the United States, including Stanislaus County, California.

9. Plaintiff is informed and believes, and based thereon allege, that at all times herein mentioned Does 1 through 50, are and were corporations, business entities, individuals, and partnerships, licensed to do business and actually doing business in the State of California. As such, and based upon all the facts and circumstances incident to Defendants' business, Defendants are subject to the California Labor Code and the applicable IWC Wage Orders.

10. 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, and Plaintiff prays for leave to amend this complaint when the true names and capacities are known. 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 general public and aggrieved employees to be subject to the illegal employment practices, wrongs and injuries complained of herein.

11. At all times herein mentioned, each defendant participated in the doing of the acts hereinafter alleged to have been done by the named Defendant; and furthermore, 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.

12. Plaintiff is informed and believes, and based thereon allege, 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 within the course and scope of such agency, employment, joint venture, or concerted activity. To the extent said acts, conduct, and omissions were perpetrated by certain Defendants, each of the remaining Defendants confirmed and ratified said acts, conduct, and omissions of the acting Defendants.

13. At all times herein mentioned, Defendants, and each of them, were members of,

1 and engaged in, a joint venture, partnership and common enterprise, and acting within the course  
2 and scope of, and in pursuance of, said joint venture, partnership and common enterprise.

3 14. At all times herein mentioned, the acts and omissions of various Defendants, and  
4 each of them, concurred and contributed to the various acts and omissions of each and all of the  
5 other Defendants in proximately causing the injuries and damages as herein alleged. At all times  
6 herein mentioned, Defendants, and each of them, ratified each and every act or omission  
7 complained of herein. At all times herein mentioned, Defendants, and each of them, aided and  
8 abetted the acts and omissions of each and all of the other Defendants in proximately causing the  
9 damages as herein alleged.

10 **FIRST CAUSE OF ACTION**

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

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

13 15. Plaintiff re-alleges and incorporates by reference the preceding paragraphs as  
14 though fully set forth herein.

15 16. Plaintiff brings this cause of action as a proxy for the State of California and in  
16 this capacity, seeks penalties on behalf of all Aggrieved Employees from August 2, 2023,  
17 through the present, for Defendants' violations of Labor Code §§ 201, 202, 203, 226(a), 246,  
18 2698, *et seq.*, as identified above, for: (a) failing to provide accurate, itemized wage statements in  
19 violation of Labor Code section 226(a); and (b) failing to pay sick pay at the regular rate of pay  
20 and pay all final wages owed in violation of Labor Code sections 201, 202, 203, and 246.

21 17. Specifically, Plaintiff and Aggrieved Employees earned non-discretionary  
22 remuneration, including without limitation, shift differentials. Plaintiff and Aggrieved  
23 Employees were not paid sick pay at the regular rate of pay. Specifically, when employees  
24 earned non-discretionary remuneration, thus increasing the regular rate of pay, sick pay was paid  
25 at the base rate of pay rather than the regular rate of pay. At the termination of Plaintiff and  
26 Aggrieved Employees' employment, they were not paid all final wages owed, including all of  
27 their sick pay wages. Finally, Plaintiff and Aggrieved Employees received itemized wage  
28

1 statements concurrent with the payment of wages. As a result of Defendants' failure to pay  
2 proper sick pay wages, the wage statements issued to Plaintiff and Aggrieved Employees failed  
3 to identify the correct gross wages earned, net wages earned, and correct hourly rates of pay

4 18. On or about August 2, 2024, Plaintiff sent written notice to the California Labor  
5 & Workforce Development Agency ("LWDA") of Defendants' violation of Labor Code § 201,  
6 202, 203, 226(a), 246, pursuant to Labor Code § 2698, *et seq.*, the Private Attorneys General Act  
7 ("PAGA"). Plaintiff also sent written notice of said Labor Code violations to Defendant via  
8 certified mail pursuant to Labor Code § 2699.3. As of the date of the filing of this Complaint,  
9 the LWDA has not provided written notice regarding whether it intends to investigate the Labor  
10 Code violations set forth in Plaintiff's written notice.

11 19. As such, pursuant to Labor Code section 2699(a), Plaintiff seeks recovery of any  
12 and all applicable civil penalties for Defendants' violation of Labor Code sections 201, 202, 203,  
13 226(a), 246, and 2698 for the time period described above, on behalf of herself and other  
14 Aggrieved Employees.  
15

#### 16 **PRAYER FOR RELIEF**

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

19 1. Upon the First Cause of Action, for civil penalties according to proof pursuant to  
20 the PAGA, Labor Code section 226.3, and for costs and attorneys' fees;

21 2. On all causes of action for attorneys' fees and costs as provided by Labor Code  
22 section 2699 and California Code of Civil Procedure section 1021.5; and

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

24 DATED: November 21, 2024

DIVERSITY LAW GROUP, P.C.

25 By:   
26

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Christine S. Lee

Attorneys for Plaintiff and the Aggrieved  
27 Employees  
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