

HAINES LAW GROUP, APC
Paul K. Haines (SBN 248226)
phaines@haineslawgroup.com
Fletcher W. Schmidt (SBN 286462)
fschmidt@haineslawgroup.com
Matthew K. Moen (SBN 305956)
mmoen@haineslawgroup.com
2155 Campus Drive, Suite 180
El Segundo, California 90245
Tel: (424) 292-2350
Fax: (424) 292-2355

Attorneys for Plaintiff

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

BRANDON MOOR, as an individual and on
behalf of all others similarly situated,

Plaintiff,

vs.

HALL AMBULANCE SERVICE, INC., a
California Corporation; and DOES 1 through
100, inclusive,

Defendants.

CASE NO. BCV-24-103188

**FIRST AMENDED CLASS AND
REPRESENTATIVE ACTION
COMPLAINT:**

- (1) **FAILURE TO PAY ALL OVERTIME
WAGES (LABOR CODE §§ 204, 510,
558, 1194, 1198);**
- (2) **MINIMUM WAGE VIOLATIONS
(LABOR CODE §§ 1182.12, 1194,
1194.2, 1197);**
- (3) **FAILURE TO PAY REPORTING
TIME PAY (LABOR CODE §§ 204,
1198);**
- (4) **WAITING TIME PENALTIES
(LABOR CODE §§ 201-203);**
- (5) **WAGE STATEMENT VIOLATIONS
(LABOR CODE §226 *et seq.*);**
- (6) **UNFAIR COMPETITION (BUS &
PROF CODE § 17200 *et seq.*); and**
- (7) **CIVIL PENALTIES UNDER THE
PRIVATE ATTORNEYS GENERAL
ACT (LABOR CODE §§ 2698, *et seq.*).**

**DEMAND FOR JURY TRIAL
UNLIMITED CIVIL CASE**

1 Plaintiff Brandon Moor (“Plaintiff”), on behalf of himself and all others similarly situated,
2 hereby brings this First Amended Class and Representative Action Complaint
3 (“Complaint”) against Hall Ambulance Service, Inc., a California Corporation; and Does 1
4 through 100, inclusive (collectively, “Defendants”), and on information and belief alleges as
5 follows:

6 **JURISDICTION**

7 1. Plaintiff, on behalf of himself and all others similarly situated, hereby brings this
8 action for recovery of unpaid wages and penalties under California Labor Code §§ 201, 202, 203,
9 204, 226 *et seq.*, 510, 558, 1182.12, 1194, 1194.2, 1197, 1198, and 2698 *et seq.*, California
10 Business and Professions Code § 17200 *et seq.* (“Unfair Competition Law”), and Industrial
11 Welfare Commission Wage Order 9 (“Wage Order 9”) in addition to seeking declaratory relief,
12 injunctive relief, and restitution. This Complaint is brought pursuant to California Code of Civil
13 Procedure § 382. This Court has jurisdiction over Defendants’ violations of the California Labor
14 Code because the amount in controversy exceeds this Court’s jurisdictional minimum.

15 **VENUE**

16 2. Venue is proper in this judicial district pursuant to California Code of Civil
17 Procedure §§ 395(a) and 395.5, as Defendants’ principal place of business is located in the
18 County of Kern. Defendants own, maintain offices, transact business, have an agent or agents
19 within the County of Kern, and/or otherwise are found within the County of Kern, and Defendants
20 are within the jurisdiction of this Court for purposes of service of process.

21 **THE PARTIES**

22 3. Plaintiff is an individual over the age of eighteen (18). At all relevant times herein,
23 Plaintiff was, and currently is, a California resident, residing in the County of Kern. During the
24 four years immediately preceding the filing of the Complaint in this action, and within the statute
25 of limitations periods applicable to each cause of action pled herein, Plaintiff was employed by
26 Defendants as a non-exempt employee in Kern County. Plaintiff was, and is, a victim of
27 Defendants’ policies and/or practices complained of herein, lost money and/or property, and has
28 been deprived of the rights guaranteed to him by California Labor Code §§ 201, 202, 203, 204,

226 *et seq.*, 510, 558, 1182.12, 1194, 1194.2, 1197, 1198, and 2698 *et seq.*, Unfair Competition Law, and Wage Order 9, which sets employment standards for the “Transportation Industry.”

4. Plaintiff is informed and believes, and based thereon alleges, that during the four years preceding the filing of the Complaint and continuing to the present, Defendants did (and continue to do) business within Kern County by providing emergency medical services, ambulance dispatching, and patient transportation services throughout Kern County and, therefore, were (and are) doing business in Kern County and the State of California.

5. Plaintiff does not know the true names or capacities, whether individual, partner, or corporate, of the defendants sued herein as DOES 1 through 100, and for that reason, said defendants are sued under such fictitious names, and Plaintiff will seek leave from this Court to further amend this Complaint when such true names and capacities are discovered. Plaintiff is informed and believes, and based thereon alleges, that each of said fictitious defendants, whether individual, partner, or corporate, were responsible in some manner for the acts and omissions alleged herein, and proximately caused Plaintiff and the Classes (as defined herein) to be subject to the unlawful employment practices, wrongs, injuries, and damages complained of herein.

6. Plaintiff is informed and believes, and thereon alleges, that all Defendants, however designated whether by real or fictitious name, were and are in some manner responsible for the events, happenings, occurrence and instrumentalities upon and about which these claims are made. At all relevant times mentioned herein, Defendants were and are the employers of Plaintiff and all members of the Classes.

7. 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 and every one 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. Defendants, and each of them, approved of, condoned, and/or otherwise ratified each and every one of the acts or omissions complained of herein.

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1 8. At all times mentioned herein, Defendants, and each of them, were members of
2 and engaged in a joint venture, partnership, and common enterprise, and acting within the course
3 and scope of and in pursuance of said joint venture, partnership, and common enterprise. Further,
4 Plaintiff alleges that all Defendants were joint employers for all purposes of Plaintiff and all
5 members of the Classes.

6 **GENERAL FACTUAL ALLEGATIONS**

7 9. Defendants provide emergency medical services, ambulance dispatching, and
8 patient transportation services throughout Kern County. Plaintiff was employed by Defendants as
9 a non-exempt paramedic from approximately September 2017 until approximately March 29,
10 2024. Plaintiff's primary job duties included providing emergency rescue and paramedical care
11 to the ill and injured, including transporting patients to nearby hospitals via ambulance. Unless
12 otherwise specified, all allegations contained herein occurred during Plaintiff's employment with
13 Defendants.

14 10. Defendants have failed to compensate Plaintiff and other non-exempt employees
15 for all hours actually worked due to Defendants' unlawful rounding and/or time-shaving policies
16 and/or practices. Specifically, Defendants required Plaintiff and other non-exempt employees to
17 clock-in and out through an electronic timekeeping system which recorded Plaintiff's and other
18 non-exempt employees' clock-in and clock-out time punches to the minute. However, whenever
19 Plaintiff and other non-exempt employees clocked-in to begin performing work prior to their
20 scheduled shift start time, Defendants rounded and/or time-shaved the employees' pre-shift hours
21 in an uneven manner and only paid Plaintiff and other non-exempt employees from their
22 scheduled shift start time. Instead, Defendants required Plaintiff and other non-exempt to take the
23 affirmative action of filling out and submitting a timeclock alteration/exception form with
24 management every time they clocked-in outside of their scheduled hours in order to be paid for
25 this pre-shift work; a difficult and burdensome process that failed to accurately compensate
26 Plaintiff and other non-exempt employees for all actual hours worked. Due to Defendants'
27 timekeeping policies and practices that fail to compensate for all hours worked, Plaintiff and other
28 non-exempt employees were deprived of all required minimum wages owed. *See Camp v. Home*

1 *Depot U.S.A., Inc.* (2022) 84 Cal.App.5th 638, 654 ("[I]f an employer, as in this case, can capture
2 and has captured the exact amount of time an employee has worked during a shift, the employer
3 must pay the employee for "all the time" worked."). Further, due to Defendants' timekeeping
4 policies and/or practices that fail to compensate for all hours worked, Plaintiff and other non-
5 exempt employees were not compensated for all required minimum and overtime wages (when
6 working over 8.0 hours per workday and/or 40.0 hours per workweek).

7 11. Upon information and belief, Defendants also failed to compensate Plaintiff and
8 other non-exempt employees for all required reporting time pay. Plaintiff and other non-exempt
9 employees were required to, and did, report to Defendants' work premises for required meetings
10 lasting for approximately thirty minutes. When this happened, Plaintiff and other non-exempt
11 employees were not provided with at least two hours of work at their regular rate of pay.

12 12. As a result of Defendants' failure to pay all minimum and overtime wages,
13 Defendants maintained inaccurate payroll records, issued inaccurate wage statements, and failed
14 to timely pay all final wages owed to Plaintiff and other non-exempt employees upon their
15 respective separations from employment.

16 **CLASS ACTION ALLEGATIONS**

17 13. **Class Definitions:** Plaintiff brings this action on behalf of himself and the
18 following Classes pursuant to Code of Civil Procedure § 382:

19 a. The Overtime Class consists of consists of all of Defendants' current and former
20 non-exempt employees in California who worked more than 8.0 hours per day
21 and/or 40.0 hours per workweek and were subject to Defendants' timekeeping
22 policies and/or practices for non-exempt employees, during the four years
23 immediately preceding the filing of this action through the present.

24 b. The Minimum Wage Class consist of all Defendants' current and former non-
25 exempt employees in California who were subject to Defendants' timekeeping
26 policies and/or practices, during the four years immediately preceding the filing of
27 this action through the present.
28

1 c. The Reporting Time Class consists of all of Defendants' current and former non-
2 exempt employees in California who reported to work and were provided less than
3 two hours of work and/or less than half their regularly scheduled hours worked,
4 on at least one occasion during the four years immediately preceding the filing of
5 this action through the present.

6 d. The Waiting Time Class consists of all members of the Overtime Class, Minimum
7 Wage Class, and/or Reporting Time Class who separated their employment from
8 Defendants during the three years immediately preceding the filing of the action
9 through the present.

10 e. The Wage Statement Class consists of all members of the Overtime Class,
11 Minimum Wage Class, and/or Reporting Time Class who received a wage
12 statement during the one year immediately preceding the filing of this action
13 through the present.

14 14. **Numerosity/Ascertainability:** The members of the Classes are so numerous that
15 joinder of all members would be unfeasible and not practicable. The membership of the Classes
16 is unknown to Plaintiff at this time; however, it is estimated that the members of the Classes
17 number greater than one hundred (100) individuals. The identity of such membership is readily
18 ascertainable via inspection of Defendants' employment records.

19 15. **Common Questions of Law and Fact Predominate/Well Defined Community**
20 **of Interest:** There are common questions of law and fact as to Plaintiff and all other similarly
21 situated employees, which predominate over questions affecting only individual members
22 including, without limitation to:

23 i. Whether Defendants lawfully paid premium wages for all overtime hours worked
24 to members of the Overtime Class pursuant to Labor Code §§ 204, 510, 558, 1194
25 and 1198;

26 ii. Whether Defendants paid all minimum wages owed for all hours worked to
27 members of the Minimum Wage Class pursuant to Labor Code §§ 1182.12, 1194,
28 1194.2 and 1197;

- 1 iii. Whether Defendants provided all reporting time pay to members of the Reporting
2 Time Class pursuant to Wage Order 9 § 5, Labor Code §§ 204 and 1198;
3 iv. Whether Defendants maintained unlawful policies and/or practices for the timing
4 and payment of final wages to members of the Waiting Time Class and paid all
5 wages/compensation due upon separation to members of the Waiting Time Class
6 pursuant to Labor Code §§ 201 – 203;
7 v. Whether Defendants furnished legally compliant wage statements to members of
8 the Wage Statement Class pursuant to Labor Code § 226.

9 16. **Predominance of Common Questions:** Common questions of law and fact
10 predominate over questions that affect only individual members of the Classes. The common
11 questions of law set forth above are numerous and substantial and stem from Defendants’ policies
12 and/or practices applicable to each individual class member, such as Defendants’ overtime,
13 minimum wage, and reporting time policies/practices. As such, the common questions
14 predominate over individual questions concerning each individual class member’s showing as to
15 his or her eligibility for recovery or as to the amount of his or her damages.

16 17. **Typicality:** Plaintiff’s claims are typical of the claims of the Classes because
17 Plaintiff, like the members of the Classes, was employed by Defendants in California during the
18 applicable statute of limitations period and was deprived of all minimum wages owed, overtime
19 wages owed, reporting time wages owed, was not paid all final wages owed at the time of
20 separation of employment, and did not receive compliant wage statements.

21 18. **Adequacy of Representation:** Plaintiff is fully prepared to take all necessary
22 steps to represent fairly and adequately the interests of the members of the Classes. Moreover,
23 Plaintiff’s attorneys are ready, willing, and able to represent the members of the Classes and
24 Plaintiff fully and adequately. Plaintiff’s attorneys have prosecuted and defended numerous wage
25 and hour class actions in state and federal courts in the past, and are committed to vigorously
26 prosecuting this action on behalf of the members of the Classes.

27 19. **Superiority:** The California Labor Code is broadly remedial in nature and serves
28 an important public interest in establishing minimum working conditions and standards in

California. These laws and labor standards protect the average working employee from exploitation by employers who have the responsibility to follow the laws, and who may seek to take advantage of superior economic and bargaining power in setting onerous terms and conditions of employment. The nature of this action and the format of laws available to Plaintiff and members of the Classes make the class action format a particularly efficient and appropriate procedure to redress the violations alleged herein. If each employee was required to file an individual lawsuit, Defendants would necessarily gain an unconscionable advantage since they would be able to exploit and overwhelm the limited resources of each individual plaintiff with their vastly superior financial and legal resources. Moreover, requiring each member of the Classes to pursue an individual remedy would also discourage the assertion of lawful claims by employees who would be disinclined to file an action against their former and/or current employer for real and justifiable fear of retaliation and permanent damages to their careers at subsequent employment. Further, the prosecution of separate actions by the individual class members, even if possible, would create a substantial risk of inconsistent or varying verdicts or adjudications with respect to the individual class members against Defendants herein; and which would establish potentially incompatible standards of conduct for Defendants; and/or legal determinations with respect to individual class members which would, as a practical matter, be dispositive of the interest of the other class members not parties to adjudications or which would substantially impair or impede the ability of the class members to protect their interests. Further, the claims of the individual members of the Classes are not sufficiently large to warrant vigorous individual prosecution considering all of the concomitant costs and expenses attending thereto. As such, the Classes identified herein are maintainable under Code of Civil Procedure § 382.

FIRST CAUSE OF ACTION

FAILURE TO PAY ALL OVERTIME WAGES

(AGAINST ALL DEFENDANTS)

20. Plaintiff re-alleges and incorporates by reference all previous paragraphs.

21. This cause of action is brought pursuant to Labor Code §§ 204, 510, 558, 1194, and 1198, which provide that non-exempt employees are entitled to all overtime wages and

1 compensation for hours worked, and provide a private right of action for the failure to pay all
2 overtime compensation for overtime work performed.

3 22. At all times relevant herein, Defendants were required to properly compensate
4 non-exempt employees, including Plaintiff and members of the Overtime Class, for all overtime
5 hours worked pursuant to Labor Code § 1194 and Wage Order 9. Wage Order 9, § 3 requires an
6 employer to pay an employee “one and one-half (1½) times the employee’s regular rate of pay”
7 for work in excess of eight hours per workday and/or in excess of forty hours of work in the
8 workweek. Wage Order 9, § 3 also requires an employer to pay an employee double the
9 employee’s regular rate of pay for work in excess of twelve hours each workday and/or for work
10 in excess of eight hours on the seventh consecutive day of work in the workweek. Defendants
11 caused Plaintiff to work overtime hours, but did not compensate Plaintiff or members of the
12 Overtime Pay Class at one and one-half times their regular rate of pay for such hours.

13 23. The foregoing policies and practices alleged herein are unlawful and create
14 entitlement to recovery by Plaintiff and the members of the Overtime Class in a civil action for
15 the unpaid amount of overtime wages, including interest thereon, statutory penalties, civil
16 penalties, attorneys’ fees, and costs of suit according to California Labor Code §§ 204, 210, 216,
17 510, 558, 1194, and 1198; and Code of Civil Procedure § 1021.5.

18 **SECOND CAUSE OF ACTION**

19 **MINIMUM WAGE VIOLATIONS**

20 **(AGAINST ALL DEFENDANTS)**

21 24. Plaintiff re-alleges and incorporates by reference all previous paragraphs.

22 25. Wage Order 9, § 4 and California Labor Code §§ 1197 and 1182.12 establish the
23 right of employees to be paid minimum wages for all hours worked, in amounts set by state law.
24 Labor Code §§ 1194(a) and 1194.2(a) provide that an employee who has not been paid the legal
25 minimum wage as required by Labor Code § 1197 may recover the unpaid balance together with
26 attorneys’ fees and costs of suit, as well as liquidated damages in an amount equal to the unpaid
27 wages and interest accrued thereon.

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1 26. At all relevant times herein, Defendants failed to conform their pay practices to
2 the requirements of the law by failing to compensate Plaintiff and members of the Minimum
3 Wage Class for all hours worked including, but not limited to, all hours they were subject to the
4 control of Defendants and/or suffered or permitted to work under the California Labor Code and
5 Wage Order 9.

6 27. California Labor Code § 1198 makes unlawful the employment of an employee
7 under conditions that the IWC prohibits. California Labor Code §§ 1194(a) and 1194.2(a) provide
8 that an employer who has failed to pay its employees the legal minimum wage is liable to pay
9 those employees the unpaid balance of the unpaid wages as well as liquidated damages in an
10 amount equal to the wages due and interest thereon.

11 28. As a direct and proximate result of Defendants' unlawful conduct as alleged
12 herein, Plaintiff and the Minimum Wage Class have sustained economic damages including, but
13 not limited to, unpaid wages and lost interest, in an amount to be established at trial, and are
14 entitled to recover economic and statutory damages and penalties and other appropriate relief as
15 a result of Defendants' violations of the California Labor Code and Wage Order 9.

16 29. The foregoing practices and policies are unlawful and create an entitlement to
17 recovery by Plaintiff and the members of the Minimum Wage Class in a civil action for the unpaid
18 amount of minimum wages owing, including interest thereon, liquidated damages, statutory and
19 civil penalties, attorney's fees, and costs of suit according to California Labor Code §§ 204, 558,
20 1194, 1197, and 1198, Wage Order 9, and Code of Civil Procedure § 1021.5.

21 **THIRD CAUSE OF ACTION**

22 **FAILURE TO PAY REPORTING TIME PAY**

23 **(AGAINST ALL DEFENDANTS)**

24 30. Plaintiff re-alleges and incorporates by reference all previous paragraphs.

25 31. Wage Order 9, § 5 provides that "[e]ach workday an employee is required to report
26 for work and does report, but is not put to work or is furnished less than half said employee's
27 usual or scheduled day's work, the employee shall be paid for half the usual or scheduled day's
28 work, but in no event for less than two (2) hours nor more than four (4) hours, at the employee's

regular rate of pay, which shall not be less than the minimum wages.”

32. As alleged herein, Defendants have failed to pay Plaintiff and the Reporting Time Class required reporting time pay, when Plaintiff and Reporting Time Class members were called into work but were not put to work and/or were sent home after less than half their usual or schedule day’s work, in violation of Wage Order 9, § 5 and Labor Code §§ 204 and 1198.

33. The foregoing violations create an entitlement to recovery by Plaintiff and members of the Reporting Time Class in a civil action for the unpaid amount of reporting time pay, including interest thereon, attorney’s fees and costs of suit according to California Labor Code §§ 204, 218.5, 218.6, and 1198, Civil Code §§ 3287 and 3289, and Code of Civil Procedure § 1021.5.

FOURTH CAUSE OF ACTION

WAITING TIME PENALTIES

(AGAINST ALL DEFENDANTS)

34. Plaintiff re-alleges and incorporates by reference all previous paragraphs.

35. This cause of action is brought pursuant to Labor Code §§ 201-203, which require an employer to pay all wages earned immediately at the time of separation of employment in the event the employer discharges the employees, or if the employee provides at least 72 hours of notice of his/her intent to quit. In the event the employee provides less than 72 hours of notice of his/her intent to quit, said employee’s wages become due and payable not later than 72 hours upon said employee’s last date of employment.

36. Plaintiff is informed and believes, and based thereon alleges, that Defendants failed to timely pay Plaintiff and members of the Waiting Time Class all final wages due to them at the time of their separation including, among other things, unpaid overtime wages, minimum wages, and reporting time wages. Further, Plaintiff is informed and believes, and based thereon alleges that, as a matter of uniform policy and practice, Defendants continue to fail to pay members of the Waiting Time Class all earned wages at the end of employment in a timely manner pursuant to the requirement of Labor Code §§ 201-203. Defendants’ failure to pay all final wages was willful within the meaning of Labor Code § 203.

1 37. Defendants' willful failure to timely pay Plaintiff and members of the Waiting
2 Time Class all earned wages upon separation from employment results in a continued payment
3 of wages up to thirty (30) days from the time the wages were due. Therefore, Plaintiff and
4 members of the Waiting Time Class are entitled to compensation pursuant to Labor Code § 203,
5 plus reasonable attorneys' fees and costs of suit.

6 **FIFTH CAUSE OF ACTION**
7 **WAGE STATEMENT VIOLATIONS**
8 **(AGAINST ALL DEFENDANTS)**

9 38. Plaintiff re-alleges and incorporates by reference all previous paragraphs.

10 39. Plaintiff is informed and believes, and based thereon alleges, that Defendants
11 knowingly and intentionally, as a matter of uniform policy and practice, failed to furnish Plaintiff
12 and the Wage Statement Class with wage statements that complied with the requirements of Labor
13 Code § 226(a).

14 40. Defendants' failure to furnish Plaintiff with complete and accurate itemized wage
15 statements resulted in actual injury, as said failures led to, among other things, the non-payment
16 of all overtime, minimum, and reporting time wages owed, and deprived Plaintiff of the
17 information necessary to identify the discrepancies in Defendants' reported data.

18 41. Defendants' failures create an entitlement to recovery by Plaintiff and members of
19 the Classes in a civil action for all damages and/or penalties pursuant to Labor Code § 226 *et seq.*,
20 including statutory penalties, civil penalties, reasonable attorneys' fees, and costs of suit
21 according to California Labor Code § 226 *et seq.*

22 **SIXTH CAUSE OF ACTION**
23 **UNFAIR COMPETITION**
24 **(AGAINST ALL DEFENDANTS)**

25 42. Plaintiff re-alleges and incorporates by reference all previous paragraphs.

26 43. Defendants have engaged and continue to engage in unfair and/or unlawful
27 business practices in California in violation of California Business and Professions Code § 17200
28 *et seq.*, by failing to pay Plaintiff and the Classes all overtime and minimum wages owed; failing

1 to pay Plaintiff and the Classes all reporting time pay owed; failing to timely pay all final wages
2 owed upon separation from employment; and failing to furnish accurate and complete itemized
3 wage statements in violation of § 226 *et seq.*

4 44. Defendants' utilization of these unfair and/or unlawful business practices deprived
5 Plaintiff and continues to deprive members of the Classes of compensation to which they are
6 legally entitled, constitutes unfair and/or unlawful competition, and provides an unfair advantage
7 over Defendants' competitors who have been and/or are currently employing workers and
8 attempting to do so in honest compliance with applicable wage and hour laws.

9 45. Because Plaintiff is a victim of Defendants' unfair and/or unlawful conduct alleged
10 herein, Plaintiff for himself and on behalf of the members of the Classes, seeks full restitution of
11 monies, as necessary and according to proof, to restore all monies withheld, acquired and/or
12 converted by the Defendants pursuant to Business and Professions Code §§ 17203 and 17208.

13 46. The acts complained of herein occurred within the last four years immediately
14 preceding the filing of the Complaint in this action.

15 47. Plaintiff was compelled to retain the services of counsel to file this court action to
16 protect Plaintiff's interests and those of the Class, to obtain restitution, to secure injunctive relief
17 on behalf of Defendants' current non-exempt employees, and to enforce important rights affecting
18 the public interest. Plaintiff thereby incurred the financial burden of attorneys' fees and costs,
19 which Plaintiff is entitled to recover under Code of Civil Procedure § 1021.5.

20 **SEVENTH CAUSE OF ACTION**

21 **PRIVATE ATTORNEYS GENERAL ACT**

22 **(AGAINST ALL DEFENDANTS)**

23 48. Plaintiff re-alleges and incorporates by reference all previous paragraphs.

24 49. Defendants have committed several Labor Code violations against Plaintiff,
25 members of the Classes, and other aggrieved employees. Plaintiff, an "aggrieved employee"
26 within the meaning of Labor Code § 2698 *et seq.*, acting on behalf of himself and other aggrieved
27 employees, brings this representative action against Defendants to recover the civil penalties due
28 to Plaintiff, the members of the Classes, other aggrieved employees, and the State of California

1 according to proof pursuant to Labor Code §§ 558 and 2699 (a) and (f) including, but not limited
2 to: (1) \$100.00 for each initial violation for each failure to pay each employee and \$200 for each
3 subsequent violation or willful or intentional violation pursuant to Labor Code § 210 for each
4 failure to pay each employee, plus 25% of the amount unlawfully withheld; (2) \$50.00 for each
5 initial violation and \$100 for each subsequent violation pursuant to Labor Code § 558 per
6 employee pay period; (3) \$100.00 for each initial violation and \$250.00 for each subsequent
7 violation pursuant to Labor Code § 1197.1 per employee per pay period; (4) \$250.00 for each
8 initial violation and \$1,000.00 for each subsequent violation pursuant to Labor Code § 226.3 per
9 employee per pay period; and/or (5) \$100.00 for each initial violation and \$200 for each
10 subsequent violation per employee per pay period for those violations of the Labor Code for which
11 no civil penalty is specifically provided, based on the following Labor Code violations:

- 12 a. Failing to pay Plaintiff and other aggrieved employees all overtime compensation
13 earned in violation of Labor Code §§ 204, 510, 558, 1194 and 1198;
- 14 b. Failing to pay Plaintiff and other aggrieved employees the statutory minimum wage
15 for all hours worked in violation of Labor Code §§ 1182.12, 1194, 1194.2, and 1197;
- 16 c. Failing to pay all reporting time pay owed to Plaintiff and other aggrieved employees
17 in violation of Labor Code §§ 204 and 1198;
- 18 d. Failing to furnish Plaintiff and other aggrieved employees with accurate and compliant
19 itemized wage statements in violation of Labor Code § 226;
- 20 e. Failing to timely pay all final wages due to Plaintiff and other aggrieved employees in
21 violation of Labor Code §§ 201-203;
- 22 f. Failing to maintain accurate records on behalf of Plaintiff and other aggrieved
23 employees in violation of Labor Code §§ 558 and 1174; and
- 24 g. Failing to pay Plaintiff and other aggrieved employees all wages earned at least twice
25 during each calendar month in violation of Labor Code § 204.
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50. On September 17, 2024, Plaintiff notified Defendants via certified mail, and notified the California Labor and Workforce Development Agency (“LWDA”) via its website, of Defendants’ violations of the California Labor Code and Plaintiff’s intent to bring a claim for civil penalties under California Labor Code § 2698 *et seq.* with respect to the violations of the California Labor Code identified in Paragraph 49 (a)-(g). Now that sixty-five days have passed from Plaintiff notifying Defendants and the LWDA of these violations, and the LWDA has not provided notice that it intends to investigate the violations, Plaintiff has exhausted his administrative requirements for bringing a claim under the Private Attorneys General Act with respect to these violations.

51. Based on the foregoing, Plaintiff seeks to represent himself and all Aggrieved Employees, as defined by Labor Code § 2699(c), which includes all of Defendants' current and former employees who worked for Defendants in California at any time between September 17, 2023, and the present.

52. Plaintiff was compelled to retain the services of counsel to file this court action to protect his interests and the interests of other aggrieved employees, and to assess and collect the civil penalties owed by Defendants. Plaintiff has thereby incurred attorneys' fees and costs, which he is entitled to receive under California Labor Code § 2699(g).

PRAYER

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

1. For an order certifying the proposed Classes;
2. For an order appointing Plaintiff as representative of the Classes;
3. For an order appointing counsel for Plaintiff as counsel for the Classes;
4. Upon the First Cause of Action, for compensatory, consequential, general and special damages according to proof pursuant to Labor Code §§ 204, 510, 558, 1194, and 1198;
5. Upon the Second Cause of Action, for payment of minimum wages, liquidated damages, and penalties owed according to proof pursuant to Labor Code §§ 1182.12, 1194,

1 1194.2 and 1197;

2 6. Upon the Third Cause of Action for payment of reporting time pay according to
3 proof, pursuant to Labor Code §§ 204 and 1198 and Wage Order 9, § 5;

4 7. Upon the Fourth Cause of Action for statutory waiting time penalties pursuant to
5 Labor Code §§ 201-203;

6 8. Upon the Fifth Cause of Action for statutory wage statement penalties pursuant to
7 Labor Code § 226 *et seq.*;

8 9. Upon the Sixth Cause of Action for restitution to Plaintiff and members of the
9 Classes of all money and/or property unlawfully acquired by Defendants by means of any acts or
10 practices declared by this Court to be in violation of California Business and Professions Code
11 § 17200 *et seq.*;

12 10. Upon the Seventh Cause of Action, for civil penalties due to Plaintiff, other
13 aggrieved employees, and the State of California according to proof pursuant to Labor Code §§
14 558 and 2699(a) and (f) including, but not limited to: (1) \$100.00 for each initial violation for
15 each failure to pay each employee and \$200 for each subsequent violation or willful or intentional
16 violation pursuant to Labor Code § 210 for each failure to pay each employee, plus 25% of the
17 amount unlawfully withheld; (2) \$50.00 for each initial violation and \$100 for each subsequent
18 violation pursuant to Labor Code § 558 per employee per pay period; (3) \$100.00 for each initial
19 violation and \$250.00 for each subsequent violation pursuant to Labor Code § 1197.1 per
20 employee per pay period; (4) \$250.00 for each initial violation and \$1,000.00 for each subsequent
21 violation pursuant to Labor Code § 226.3 per employee per pay period; and/or (5) \$100.00 for
22 each initial violation and \$200 for each subsequent violation per employee per pay period for
23 those violations of the Labor Code for which no civil penalty is specifically provided, based on
24 the Labor Code violations identified in Paragraph 49 (a)-(g);

25 11. Prejudgment interest on all due and unpaid wages pursuant to California Labor Code
26 § 218.6, and Civil Code §§ 3287 and 3289;

27 12. On all causes of action, for attorneys' fees and costs as provided by Labor Code
28 §§ 218.5, 226, 1194 *et seq.*, and 2698 *et seq.*, and Code of Civil Procedure § 1021.5; and

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

2
3 Dated: January 9, 2025

Respectfully submitted,
HAINES LAW GROUP, APC

4 By:


Fletcher W. Schmidt
Attorney for Plaintiff

6
7 **DEMAND FOR JURY TRIAL**

8 Plaintiff hereby demands a jury trial with respect to all issues triable by jury.

9
10 Dated: January 9, 2025

Respectfully submitted,
HAINES LAW GROUP, APC

11 By:


Fletcher W. Schmidt
Attorney for Plaintiff