

ELECTRONICALLY FILED

Superior Court of California
County of Sacramento

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

SAUNDRA SMITH, as an individual and
on behalf of all others similarly situated,

Plaintiff,

vs.

RALEY'S, a California corporation; and
DOES 1 through 50, inclusive,

Defendants.

Case No.:

24CV022838

**PAGA REPRESENTATIVE ACTION
COMPLAINT FOR:**

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

DEMAND EXCEEDS \$25,000.00

1 Plaintiff Saundra Smith (“Plaintiff”) hereby submits this PAGA Representative Action
2 Complaint (“Complaint”) against Defendant Raley’s (the “Company” or “Defendant”) and Does
3 1-50 (hereinafter collectively referred to as “Defendants”), on behalf of herself and all other
4 aggrieved employees of Defendants for penalties pursuant to the Private Attorneys General Act,
5 Labor Code § 2698, et seq. (“PAGA”), for Defendants’ violations of the California Labor Code,
6 as follows:

7 **INTRODUCTION**

8 1. This Complaint is within the Court’s jurisdiction under California Labor Code §§
9 201-203, 226, 226.7, 512, and 2698, *et seq.*, and the applicable Wage Orders of the California
10 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 by failing to pay meal and rest period premium
16 compensation at the regular rate of pay, failing to timely pay wages upon separation of
17 employment, and failing to provide accurate itemized wage statements to Plaintiff and other
18 employees.

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

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

26 **JURISDICTION AND VENUE**

27 6. The Court has jurisdiction over the violations of the California Labor Code §§
28 201-203, 226, 226.7, 512, and 2698, *et seq.*, and the applicable IWC Wage Orders.

7. Venue is proper in Sacramento County because Defendants maintain business locations in this County and Plaintiff worked for Defendants in Sacramento County.

PARTIES

8. Plaintiff was employed by Defendants during the applicable class period and until on or about August 7, 2024. Plaintiff worked as a clerk. Throughout her employment with Defendants, Plaintiff worked as a non-exempt, hourly 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 her of the rights guaranteed by California Labor Code §§ 201-203, 226, 226.7, 512, and 2698, *et seq.*,

10. Plaintiff is informed and believes and based thereon alleges that Defendant Raley's was and is a California corporation that runs grocery stores throughout the State of California, including in Sacramento County.

11. Plaintiff is informed and believes, and based thereon alleges, that at all times herein mentioned Defendants and Does 1 through 50 are and were business entities, individuals, and partnerships, licensed to do business and actually doing business in the State of California.

12. As such and based upon all the facts and circumstances incident to Defendants' business in California, Defendants are subject to California Labor Code §§ 201-203, 226, 226.7, 512, and 2698, *et seq.*,

13. 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 class to be subject to the illegal employment practices, wrongs, and injuries complained of herein.

14. 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

1 Defendants, and each of them, were the agents, servants, and employees of each of the other
2 Defendants, as well as the agents of all Defendants, and at all times herein mentioned, were
3 acting within the course and scope of said agency and employment.

4 15. Plaintiff is informed and believes, and based thereon alleges, that at all times
5 material hereto, each of the Defendants named herein was the agent, employee, alter ego and/or
6 joint venturer of, or working in concert with each of the other co-Defendants and was acting
7 within the course and scope of such agency, employment, joint venture, or concerted activity. To
8 the extent said acts, conduct, and omissions were perpetrated by certain Defendants, each of the
9 remaining Defendants confirmed and ratified said acts, conduct, and omissions of the acting
10 Defendants.

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

14 17. At all times herein mentioned, the acts and omissions of various Defendants, and
15 each of them, concurred and contributed to the various acts and omissions of each and all of the
16 other Defendants in proximately causing the injuries and damages as herein alleged. At all times
17 herein mentioned, Defendants, and each of them, ratified each and every act or omission
18 complained of herein. At all times herein mentioned, the Defendants, and each of them, aided
19 and abetted the acts and omissions of each and all of the other Defendants in proximately causing
20 the damages as herein alleged.

21 **FIRST CAUSE OF ACTION**

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

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

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

26 19. Plaintiff brings this cause of action as a proxy for the State of California and in
27 this capacity, seeks penalties on behalf of all Aggrieved Employees in the State of California
28 from September 6, 2023 through the present, for Defendants' violations of Labor Code §§ 201-

203, 226, 226.7, and 512, arising from Defendants’ policy and practice of: (a) failing to properly pay meal period premium compensation at the regular rate of pay, in violation of Labor Code §§ 201-203, 226.7, and 512; (b) failing to properly pay rest period premium compensation at the regular rate of pay, in violation of Labor Code §§ 201-203 and 226.7; (c) failing to provide accurate itemized wage statements to employees, in violation of Labor Code § 226; and (d) failing to pay all wages upon separation of employment..

20. On or about September 6, 2024, Plaintiff sent written notice to the California Labor & Workforce Development Agency (“LWDA”) of Defendants’ violations of Labor Code §§ 201-203, 226, 226.7, and 512, pursuant to the PAGA. In addition to the LWDA, Plaintiff also sent her notice to Defendants via certified mail pursuant to Labor Code § 2699.3.

21. 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.

22. As such, pursuant to Labor Code § 2699(a), Plaintiff seeks recovery of any and all applicable civil penalties for Defendants’ violations of Labor Code §§ 201-203, 226, 226.3, 226.7, and 512, for the time period described above, on behalf of herself and other Aggrieved Employees.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment individually 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 the full amount of penalties pursuant to California Labor Code §§ 201-203, 226, 226.3, 226.7, 512, and 2698, *et seq.*, and for costs and attorneys’ fees; and

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

1 DATED: November 8, 2024

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3 By:



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