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ELECTRONICALLY FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT
9/3/2024 2:12 PM
By: Christina Garcia, DEPUTY

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8 SUPERIOR COURT OF CALIFORNIA
9 COUNTY OF SAN BERNARDINO

10 DAVID HOLMES,

11 Plaintiff,

12 v.

13 V LINE, INC. and DOES 1 to 100,

14 Defendants.

} NO. CIVSB2426990

} COMPLAINT

} 1. Minimum Wage Violations

} 2. Wage Statement Penalties

} 3. Waiting Time Penalties

} 4. Work Expenditure Violations

} 5. Violation of Unfair Competition
Law

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18 PRELIMINARY ALLEGATIONS

19 1. Plaintiff David Holmes is a resident of San Bernardino County.

20 2. Defendant V Line, Inc. is a New York corporation that operates a trucking
21 terminal in San Bernardino County out of which Plaintiff worked; therefore
22 jurisdiction is proper in San Bernardino.

23 3. Plaintiff does not know the true names and capacities of Does 1 to 100 and
24 therefore uses fictitious names. Plaintiff will amend the complaint pursuant to Code
25 of Civil Procedure section 474 to allege the true names and capacities when
26 ascertained.

27 4. The named and Doe defendants are collectively referred to as "Defendants."
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1 5. Plaintiff is informed and believes that each of the Defendants was the agent or
2 employee of the other defendants and acted in the scope of agency or employment.

3 6. Defendants operate transportation and trucking services.

4 7. Plaintiff worked as a driver from August 2022 to June 2024; therefore Wage
5 Order 9 applies.

6 8. Plaintiff was not exempt since he did not customarily and regularly exercise
7 discretion and independent judgment.

8 9. Throughout Plaintiff's employment, he was not paid for off-the-clock work,
9 was not reimbursed for work-related purchases, did not receive accurate, itemized
10 wage statements.

11 10. On September 3, 2024 Plaintiff sent Defendant a PAGA notice and uploaded it
12 to the LWDA website; Plaintiff will amend to include PAGA penalties after the 65-
13 day waiting period.

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15 FIRST CAUSE OF ACTION

16 Minimum Wage Violations

17 Against All Defendants

18 11. Plaintiff incorporates by reference paragraphs 1 to 10 of the complaint.

19 12. Plaintiff was required to work off the clock, and this time should have been
20 paid at least the minimum wage. This claim is not exempt since it is not for overtime.

21 13. Plaintiff is therefore owed reimbursement for unpaid wages, interest, and
22 statutory attorney fees apply.

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24 SECOND CAUSE OF ACTION

25 Wage Statement Penalties

26 Against All Defendants

27 14. Plaintiff incorporates by reference paragraphs 1 to 10 of the complaint.

28 15. Defendants' wage statements violated Labor Code section 226 since they

intentionally did not list the work performed off the clock.

16. The remedy is wage statement penalties up to \$4,000 and attorney fees.

THIRD CAUSE OF ACTION

Waiting Time Penalties

Against All Defendants

17. Plaintiff incorporates by reference paragraphs 1 to 10 of the complaint.

18. Plaintiff was still owed wages when he stopped working for Defendants and was willfully not paid these wages.

19. Therefore, pursuant to Labor Code section 203, Plaintiff is owed the waiting time penalty, which is 30 days of wages.

FOURTH CAUSE OF ACTION

Work Expenditure Violations

Against All Defendants

20. Plaintiff incorporates by reference paragraphs 1 to 10 of the complaint.

21. Labor Code section 2802 provides employers must reimburse employees for work-related expenditures.

22. Plaintiff incurred work-related expenses but was not reimbursed.

23. Plaintiff is entitled to reimbursement of the expenditures and attorney fees.

FIFTH CAUSE OF ACTION

Violation of Unfair Competition Law

Against All Defendants

24. Plaintiff incorporates by reference paragraphs 1 to 10 of the complaint.

25. The Unfair Competition Law prohibits unfair, unlawful, and fraudulent business practices.

26. This claim is being brought under the unlawful prong of the UCL.

1 27. Defendants violated the Labor Code and IWC Wage Order by not paying all
2 wages due, and reimbursement of expenditures.

3 28. Plaintiff and the class members are entitled to restitution for the above.

4 29. Under Code of Civil Procedure 1021.5, Plaintiff is entitled to attorney fees.
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6 PRAYER

7 First Cause of Action

8 1. Payment of all unpaid wages

9 2. Interest

10 3. Attorney fees
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12 Second Cause of Action

13 1. Wage statement penalties

14 2. Attorney fees and costs

15 3. Other relief the court deems proper
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17 Third Cause of Action

18 1. Waiting time penalties
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20 Fourth Cause of Action

21 1. Reimbursement of work-related expenditures

22 2. Attorney fees

23 3. Other relief the court deems proper
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25 Fifth Cause of Action

26 1. Restitution of unpaid wages and premium pay

27 2. Attorney fees

28 3. Other relief the court deems proper

1 Date: September 3, 2024

FRONTIER LAW CENTER

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/s/ Adam Rose

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Attorney for Plaintiff

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David Holmes

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