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E-FILED
3/24/2025 5:47 PM
Superior Court of California
County of Fresno
By: N. Ruggerello, Deputy

Attorney for Plaintiff
Alejandro Diaz, Jr.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF FRESNO

Alejandro Diaz, Jr., on behalf of himself and all aggrieved employees,	)	NO. 25CECG01394
	)	
Plaintiff,	)	COMPLAINT FOR PAGA PENALTIES
	)	
v.	)	
	)	
I Am On My Way, Inc., and Does 1 to 100,	)	
	)	
	)	
Defendants.	)	

PRELIMINARY ALLEGATIONS

1. Plaintiff Alejandro Diaz, Jr. is a resident of Madera County.
2. Defendant I Am On My Way, Inc. is a corporation based in Fresno County.
3. Plaintiff does not know the names and capacities of Does 1 to 100 and therefore uses fictitious names. Plaintiff will amend pursuant to Code of Civil Procedure section 474 when the names and capacities are known.
4. The named and Doe defendants are referred to as "Defendants" and are the alter ego of each other, and are collectively liable for the acts below.
5. Defendants operate Denny's restaurants in Fresno County. Plaintiff worked for Defendants from March 2023 to July 2024.

6. Wage Order 5 applies to restaurants.

7. On November 5, 2024 Plaintiff sent a PAGA letter to Defendants and uploaded the it to the LWDA website. Since it has been more than 65 days since the letter was sent, Plaintiff may request PAGA penalties on behalf of himself and all aggrieved employees. (See Lab. Code, § 2699(a).)

FIRST CAUSE OF ACTION

PAGA Penalties

Against All Defendants

8. Plaintiff incorporates by reference paragraphs 1 to 7 of the complaint, and the attached PAGA letter.

9. The PAGA penalties for the minimum wage violations are in Labor Code 1197.1.

10. The PAGA penalties for the overtime violations are in Labor Code 558.

11. The PAGA penalties for the meal break violations are in Labor Code 558.

12. The PAGA penalties for the rest break violations are in Labor Code 2699.

13. The PAGA penalties for the wage statement violations are in Labor Code 226.3.

14. The PAGA penalties for the waiting time violations are in Labor Code 210.

15. The PAGA penalties for the tips violations are contained in Labor Code 2699.

16. Further, Plaintiff is entitled to attorney fees and costs pursuant to Labor Code 2699.

PRAYER

First Cause of Action

1. All applicable penalties

2. Attorney fees and costs

3. Other relief the court deems proper

Date: March 24, 2025

FRONTIER LAW CENTER

/s/ Adam Rose

Attorney for Plaintiff
Alejandro Diaz, Jr.