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Superior Court of California,
County of Los Angeles
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David W. Slayton,
Executive Officer/Clerk of Court,
By C. Vega, Deputy Clerk

Attorney for Plaintiff
Miguel Sandoval

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

MIGUEL SANDOVAL, individually and on behalf
of all similarly situated individuals,

Plaintiff,

v.

PROPERTY MANAGEMENT PROFESSIONALS,
LLC, and DOES 1 to 100,

Defendants.

) NO. **24STCV32417**
) CLASS ACTION
)
) COMPLAINT
)
) 1. Minimum Wage Violations
) 2. Overtime Violations
) 3. Meal Period Violations
) 4. Rest Period Violations
) 5. Wage Statement Penalties
) 6. Waiting Time Penalties
) 7. Violation of Unfair Competition Law

PRELIMINARY ALLEGATIONS

1. Plaintiff Miguel Sandoval ("Plaintiff") is a resident of Orange County.
2. Defendant Property Management Professionals, LLC ("PMP") is a limited liability company based in Los Angeles County.
3. Plaintiff worked for PMP's location in a nonexempt capacity at its Laguna Woods location from August 2023 to November 2023.
4. Plaintiff does not know the true names and capacities of Does 1 to 100 and therefore uses fictitious names. Plaintiff will amend the complaint pursuant to Code of Civil Procedure section 474 to allege the true names and capacities when ascertained.
5. The named and Doe defendants are collectively referred to as "Defendants."
6. Plaintiff is informed and believes that each of the Defendants was the agent or employee of

the other defendants and acted in the scope of agency or employment.

7. Defendants employed Plaintiff and the class members as nonexempt apartment complex personnel. Therefore, Wage Order 10 applies.

8. Plaintiff worked out of Defendants' location in Laguna Woods, but since PMP is located in Valencia, venue is proper in Los Angeles County.

9. Plaintiff and the class members were not exempt since they did not customarily and regularly exercise discretion and independent judgment.

10. Throughout Plaintiff's and the class members' employment, they did not receive compliant meal and rest periods, did not receive overtime at the correct regular rate, did not receive at least the minimum wage for work off the clock, did not receive accurate wage statements, and did not receive applicable waiting time penalties.

11. On November 5, 2024 Plaintiff sent PMP a PAGA letter by certified mail and uploaded the letter to the LWDA website. Plaintiff intends to amend the complaint after 65 days to include a request for PAGA penalties.

CLASS ACTION ALLEGATIONS

12. The class is defined as the following: "All non-exempt employees who worked for Defendants as from four years prior to filing the case to the date of certification or judgment, whichever is earlier."

13. There is a well-defined community of interest, and the proposed class is ascertainable from Defendants' employment records. Further, the following apply to show the viability of a class action pursuant to Code of Civil Procedure section 382:

- a. Numerosity: The members of the class as defined are so numerous that joinder of all class members is impracticable.
- b. Commonality: This action involves common questions of law and fact to the class because the action focuses on Defendants' systematic course of conduct with respect to violating the Labor Code and IWC Wage Order.
- c. Typicality: The claims are typical of the claims of the class. Plaintiff was

- 1 subjected to the same violations and seeks the same types of damages.
- 2 d. Adequacy of Representation: Plaintiff will fairly and adequately represent and
- 3 protect the interests of the class. Plaintiff understands the obligations as a class
- 4 representative and is willing and able to fulfill them. Plaintiff's counsel is
- 5 competent and experienced in litigating large employment class actions and
- 6 complex litigation matters, including wage and hour cases like this.
- 7 e. Superiority of Class Action: A class action is superior to other available means
- 8 for efficient adjudication. Class action treatment will allow similarly situated
- 9 persons to pursue the claims in a manner that is most efficient and economical.
- 10 14. There are common questions of law and fact including but not limited to:
- 11 a. Whether Defendants did not pay overtime at the correct regular rate of pay in
- 12 violation of Labor code sections 510 and 1194;
- 13 b. Whether Defendants violated Labor Code sections 510 and 1194 for not paying
- 14 at least the minimum wage for work off the clock;
- 15 c. Whether Defendants violated Labor Code section 512 and Wage Order 10 by not
- 16 providing meal breaks;
- 17 d. Whether Defendants violated Wage Order 10 for not providing rest breaks;
- 18 e. Whether Defendants violated Labor Code section 226 for wage statements;
- 19 f. Whether Defendants violated Labor Code section 203 for not providing
- 20 applicable waiting time penalties;
- 21 g. Whether Defendants violated Labor Code section 226.7 by not paying premium
- 22 pay for missed meal and rest breaks;
- 23 h. Whether Defendants engaged in unfair competition.

24

25 FIRST CAUSE OF ACTION

26 Minimum Wage Violations

27 Against All Defendants

- 28 15. Plaintiff incorporates by reference paragraphs 1 to 14 of the complaint.

16. Plaintiff and the class members were required to work off the clock; this time should have been paid at least the minimum wage.

17. As a result, Plaintiff and the class members are owed reimbursement for unpaid wages, interest, and attorney fees.

SECOND CAUSE OF ACTION

Overtime Violations

Against All Defendants

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

19. Plaintiff and the class members were required to work over eight hours in a day and/or 40 hours in a week without being compensated for all overtime in violation of Labor Code 510.

20. The reason for the violations is that Plaintiff and the class members were not paid overtime at the correct regular rate of pay. At times Plaintiff and the class members were required to work at Defendants' other restaurants but not paid for that time.

21. The remedy for the overtime violations is payment of the unpaid overtime at the correct regular rate of pay, plus interest and attorney fees, pursuant to Labor Code section 1194.

THIRD CAUSE OF ACTION

Meal Period Violations

Against All Defendants

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

23. Pursuant to Wage Order 10 every employer shall authorize and permit employees to take meal periods of thirty minutes for every five hours worked.

24. Pursuant to Labor Code section 226.7(c) when the employer does not provide an employee with the required meal period, the employer shall pay the employee one hour of pay at the employee's regular rate of compensation for each workday that a rest period is not provided.

25. Plaintiff and the class members were denied meal periods as rest periods were not provided.

26. As a result of Defendants' rest period violations, Plaintiff and the class members are

1 entitled to premium pay which is one additional hour of compensation for each missed break.

2
3 FOURTH CAUSE OF ACTION

4 Rest Period Violations

5 Against All Defendants

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

7 28. Pursuant to Wage Order 10 every employer shall authorize and permit employees to take
8 rest periods of ten minutes for every four hours worked.

9 29. Pursuant to Labor Code section 226.7(c) and IWC Wage Order 10, when the employer does
10 not provide an employee with the required rest period, the employee should receive one hour of
11 pay at the regular rate of compensation for each workday that a rest period is not provided.

12 30. As a result of Defendants' rest period violations, Plaintiff and the class members are
13 entitled to premium pay which is one additional hour of compensation for each missed break.

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15 FIFTH CAUSE OF ACTION

16 Wage Statement Penalties

17 Against All Defendants

18 31. Plaintiff incorporates by reference paragraphs 1 to 14 of the complaint.

19 32. Defendants' wage statements violated Labor Code section 226 since they did not list the
20 work performed off the clock, did not list the correct regular rates of pay for overtime, and did not
21 list premium pay for missed breaks at the regular rates of pay.

22 33. Wage statement penalties up to \$4,000 for each class member apply, and attorney fees.

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24 SIXTH CAUSE OF ACTION

25 Waiting Time Penalties

26 Against All Defendants

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

28 35. Plaintiff and the class members who no longer work for Defendants were still owed

overtime and premium pay at the correct regular rate of pay when they stopped working.

36. Therefore, Plaintiff and each of the class members who no longer work for Defendants are owed the waiting time penalty, which is 30 days of wages.

SEVENTH CAUSE OF ACTION

Violation of Unfair Competition Law

Against All Defendants

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

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

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

40. Defendants violated the Labor Code and IWC Wage Order by not paying all wages due, including minimum wage, and overtime and premium pay at the correct regular rate.

41. Plaintiff and the class members are entitled to restitution.

42. Under Code of Civil Procedure section 1021.5, Plaintiff is entitled to attorney fees.

PRAYER

For All Causes of Action

1. That the court determine that this action may be maintained as a class action

2. That Plaintiff serves as representative of the class

3. That Counsel for Plaintiff is appointed as class counsel

First Cause of Action

1. Payment of all unpaid wages

2. Interest

3. Attorney fees

4. Other relief the court deems proper

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1 Second Cause of Action

2 1. Payment of overtime at the correct regular rate

3 2. Interest

4 3. Attorney fees

5 4. Other relief the court deems proper

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7 Third Cause of Action

8 1. Premium pay at the correct regular rate of pay

9 2. Interest

10 3. Other relief the court deems proper

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12 Fourth Cause of Action

13 1. Premium pay at the correct regular rate of pay

14 2. Interest

15 3. Other relief the court deems proper

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17 Fifth Cause of Action

18 1. Wage statement penalties

19 2. Attorney fees and costs

20 3. Other relief the court deems proper

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22 Sixth Cause of Action

23 1. Waiting time penalties

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25 Seventh Cause of Action

26 1. Restitution

27 2. Attorney fees

28 3. Other relief the court deems proper

1 Date: December 6, 2024

FRONTIER LAW CENTER

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/s/ Adam Rose

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Attorney for Plaintiff

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Miguel Sandoval

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