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Attorney for Plaintiff
 Miguel Sandoval

FILED
 Superior Court of California
 County of Los Angeles
01/13/2025

David W. Slayton, Executive Officer / Clerk of Court
 By: R. Lozano Deputy

SUPERIOR COURT OF CALIFORNIA
 COUNTY OF LOS ANGELES

MIGUEL SANDOVAL, individually and on behalf of all similarly situated individuals,	) NO. 24STCV32417
	) CLASS ACTION
	)
Plaintiff,	) FIRST AMENDED COMPLAINT
v.	)
	) 1. Minimum Wage Violations
PROPERTY MANAGEMENT PROFESSIONALS,	) 2. Overtime Violations
LLC, and DOES 1 to 100,	) 3. Meal Period Violations
	) 4. Rest Period Violations
Defendants.	) 5. Wage Statement Penalties
	) 6. Waiting Time Penalties
	) 7. Violation of Unfair Competition Law
	) 8. PAGA Penalties

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. Since it has been more than 65 days, Plaintiff may now request PAGA penalties in the amended complaint.

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.

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

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1 FIRST CAUSE OF ACTION

2 Minimum Wage Violations

3 Against All Defendants

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

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

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

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10 SECOND CAUSE OF ACTION

11 Overtime Violations

12 Against All Defendants

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

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

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

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

21
22 THIRD CAUSE OF ACTION

23 Meal Period Violations

24 Against All Defendants

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

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

28 24. Pursuant to Labor Code section 226.7(c) when the employer does not provide an employee

1 with the required meal period, the employer shall pay the employee one hour of pay at the
2 employee's regular rate of compensation for each workday that a rest period is not provided.

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

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

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7 FOURTH CAUSE OF ACTION

8 Rest Period Violations

9 Against All Defendants

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

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

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

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

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19 FIFTH CAUSE OF ACTION

20 Wage Statement Penalties

21 Against All Defendants

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

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

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

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1 SIXTH CAUSE OF ACTION

2 Waiting Time Penalties

3 Against All Defendants

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

5 35. Plaintiff and the class members who no longer work for Defendants were still owed
6 overtime and premium pay at the correct regular rate of pay when they stopped working.

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

9
10 SEVENTH CAUSE OF ACTION

11 Violation of Unfair Competition Law

12 Against All Defendants

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

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

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

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

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

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

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21 EIGHTH CAUSE OF ACTION

22 PAGA Penalties

23 Against All Defendants

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

25 44. The PAGA penalties for the minimum wage violations are contained in Labor Code
26 sections 1197.1 and 2699.

27 45. The PAGA penalties for the overtime violations are contained in Labor Code sections 558
28 and 2699.

1 46. The PAGA penalties for the meal break violations are contained in Labor Code sections 558
2 and 2699.

3 47. The PAGA penalties for the rest break violations are contained in Labor Code section 2699.

4 48. The PAGA penalties for the wage statement violations are contained in Labor Code
5 sections 226.3 and 2699.

6 49. The PAGA penalties for the waiting time violations are contained in Labor Code sections
7 210 and 2699.

8 50. Plaintiff is also entitled to attorney fees under Labor Code section 2699.

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10 PRAYER

11 For All Causes of Action

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

13 2. That Plaintiff serves as representative of the class

14 3. That Counsel for Plaintiff is appointed as class counsel

15
16 First Cause of Action

17 1. Payment of all unpaid wages

18 2. Interest

19 3. Attorney fees

20 4. Other relief the court deems proper

21
22 Second Cause of Action

23 1. Payment of overtime at the correct regular rate

24 2. Interest

25 3. Attorney fees

26 4. Other relief the court deems proper

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1 Third Cause of Action

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

3 2. Interest

4 3. Other relief the court deems proper

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6 Fourth Cause of Action

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

8 2. Interest

9 3. Other relief the court deems proper

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11 Fifth Cause of Action

12 1. Wage statement penalties

13 2. Attorney fees and costs

14 3. Other relief the court deems proper

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16 Sixth Cause of Action

17 1. Waiting time penalties

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19 Seventh Cause of Action

20 1. Restitution

21 2. Attorney fees

22 3. Other relief the court deems proper

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24 Eighth Cause of Action

25 1. All applicable PAGA penalties

26 2. Attorney fees

27 3. Other relief the court deems proper

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1 Date: January 13, 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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