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**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**COUNTY OF CONTRA COSTA**

JESSICA ATEMAN, on behalf of herself and all others similarly situated,

Plaintiff,

vs.

PEAK MENTAL HEALTH – LICENSED CLINICAL SOCIAL WORKER PC; and DOES 1 through 100, inclusive,

Defendants.

Case No. C26-02826

**FIRST AMENDED CLASS AND REPRESENTATIVE ACTION COMPLAINT FOR:**

1. **FAILURE TO REIMBURSE BUSINESS EXPENSES (LABOR CODE §§ 2802, 2804);**
2. **UNFAIR COMPETITION (BUS. & PROF. CODE § 17200, *et seq.*);**
3. **PRIVATE ATTORNEYS GENERAL ACT (LABOR CODE § 2698 *et seq.*).**

**DEMAND FOR JURY TRIAL**
**UNLIMITED CIVIL CASE**



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Plaintiff Jessica Ateman ("Plaintiff"), on behalf of herself and all others similarly situated, and as a private attorney general on behalf of herself, the State of California, and other Aggrieved Employees, hereby brings this Class and Representative Action Complaint against Peak Mental Health – Licensed Clinical Social Worker PC, and Does 1 through 100, inclusive (collectively, "Defendants"), and on information and belief alleges as follows:

**JURISDICTION**

1. Plaintiff, on behalf of herself and all others similarly situated, and as a private attorney general on behalf of herself, the State of California, and other Aggrieved Employees, hereby brings this class action for recovery of unpaid wages and penalties under California Business and Professions Code section 17200, *et. seq*.; Labor Code sections 2698 *et seq.*, 2802, and 2804; and Industrial Welfare Commission Wage Order No. 4 ("Wage Order 4"), in addition to seeking declaratory relief and restitution. This class action is brought pursuant to California Code of Civil Procedure section 382. This Court has jurisdiction over Defendants' violations of the Labor Code because the amount in controversy exceeds this Court's jurisdictional minimum.

**VENUE**

2. Venue is proper in this judicial district pursuant to California Code of Civil Procedure §§ 395(a) and 395.5, as at least some of the acts and omissions complained of herein occurred in Contra Costa County. Defendants own, maintain offices, transact business, have an agent or agents within Contra Costa County, and/or otherwise are found within Contra Costa County, and Defendants are within the jurisdiction of this Court for purposes of service of process.

**PARTIES**

3. Plaintiff is over the age of eighteen (18). At all relevant times, Plaintiff was, and is, a California resident. Within the statute of limitations periods applicable to each cause of action pled herein, Plaintiff was employed by Defendants as a non-exempt employee. Plaintiff was, and is, a victim of Defendants' policies and/or practices complained of herein, lost money and/or property, and has been deprived of rights guaranteed by California Labor Code §§ 2698 *et seq.*, 2802, and 2804; Business & Professions Code § 17200, *et seq.* (Unfair Competition), and Wage Order 4, which sets employment standards for employees in the mental health services industry.

4. Plaintiff is informed and believes, and based thereon alleges, that during the four years preceding the filing of this lawsuit and continuing to the present, Defendants did (and do) business as a mental health services provider, and that they employed Plaintiff and other similarly situated non-exempt employees within Contra Costa County and/or the State of California.

5. Plaintiff does not know the true names or capacities, whether individual, partner, or corporate, of the defendants sued herein as DOES 1 through 100, and for that reason, said defendants are sued under such fictitious names, and Plaintiff will seek leave from this Court to amend this Complaint when such true names and capacities are discovered. Plaintiff is informed and believes, and thereon alleges, that each of said fictitious defendants, whether individual, partners, or corporate, were responsible in some manner for the acts and omissions alleged herein, and proximately caused Plaintiff and the Class (as defined in Paragraph 12) to be subject to the unlawful employment practices, wrongs, injuries, and damages complained of herein.

6. Plaintiff is informed and believes, and based thereon alleges, that at all times mentioned herein, Defendants were and are the employers of Plaintiff and all Class members.

7. At all times herein mentioned, each of said Defendants participated in the acts herein alleged to have been done by the named Defendants; and furthermore, the Defendants, and each of them, were the agents, servants, and employees of each of the other Defendants, as well as the agents of all Defendants, and at all times herein mentioned were acting within the course and scope of said agency and employment. Defendants, and each of them, approved of, condoned, and/or otherwise ratified each of the acts or omissions alleged herein.

8. At all times mentioned herein, Defendants, and each of them, were members of and engaged in a joint venture, partnership, and common enterprise, and acting within the course and scope of and in pursuance of said joint venture, partnership, and common enterprise. Further, Plaintiff alleges that all Defendants were joint employers for all purposes of Plaintiff and all Class Members (as defined in Paragraph 12).

## GENERAL FACTUAL ALLEGATIONS

9. Plaintiff was employed by Defendants as an hourly-paid, non-exempt Mental Health Therapist from in or about September 2025 until in or about June 2026.

10. During Plaintiff's employment with Defendants, Defendants failed to reimburse Plaintiff and other employees for expenses they incurred in the course of their employment. Specifically, Plaintiff and other employees worked remotely providing tele-health services to clients via the internet; in doing so, Plaintiff and other employees had to purchase and maintain their own office equipment and other business expenses without reimbursement from Defendants. This office equipment included, but was not limited to, computers, printers, lockable file cabinets, desks, and soundproof headphones. Plaintiff and other employees also had to pay for their own internet service without reimbursement from Defendants. Defendants knew, or reasonably should have known, that Plaintiff and other employees used their personal equipment and devices and otherwise incurred work-related expenses.

11. On information and belief, Defendants have engaged in the above unlawful practices throughout the putative class period and continuing to the present.

## CLASS ACTION ALLEGATIONS

12. **Class Definition:** Plaintiff brings this action on behalf of herself and the following Class pursuant to Section 382 of the Code of Civil Procedure: "All of Defendants' current and former employees who worked remotely at any time from four years prior to the filing of this action through the present."

13. **Numerosity/Ascertainability:** The members of the Class are so numerous that joinder of all members would be unfeasible and impracticable. The membership of the Class is unknown to Plaintiff at this time; however, it is estimated that the Class numbers greater than fifty (50) individuals. The identity of such membership is readily ascertainable via Defendants' employment records.

14. **Common Questions of Law and Fact Predominate/Well Defined Community of Interest:** There are common questions of law and fact as to Plaintiff and all other similarly situated employees, which predominate over questions affecting only individual members including, but not limited to:

i. Whether the Class incurred work-related expenses; and

ii. Whether Defendants properly reimbursed expenses incurred by the Class.

15. **Predominance of Common Questions:** Common questions of law and fact predominate over questions that affect only individual members of the Class. The common questions of law set forth above are numerous and substantial and stem from Defendants' policies and/or practices applicable to each individual class member, such as Defendants' expense reimbursement policies/practices. As such, the common questions predominate over individual questions concerning each individual class member's showing as to her or her eligibility for recovery or as to the amount of her or her damages.

16. **Typicality:** Plaintiff's claims are typical of the claims of the Class because Plaintiff was employed by Defendants as a non-exempt employee in California during the statute(s) of limitation applicable to each cause of action pled in the Complaint in this action. As alleged herein, Plaintiff, like the members of the Class, was not paid was not reimbursed for all expenses she incurred in carrying out her job duties for Defendants.

17. **Adequacy of Representation:** Plaintiff is fully prepared to take all necessary steps to represent fairly and adequately the interests of the members of the Class. Moreover, Plaintiff's attorneys are ready, willing, and able to fully and adequately represent the members of the Class and Plaintiff. Plaintiff's attorneys have prosecuted numerous wage-and-hour class actions in state and federal courts in the past and are committed to vigorously prosecuting this action on behalf of the members of the Class.

18. **Superiority:** The California Labor Code is broadly remedial in nature and serves an important public interest in establishing minimum working conditions and standards in California. These laws and labor standards protect the average working employee from exploitation by employers who have the responsibility to follow the laws and who may seek to take advantage of superior economic and bargaining power in setting onerous terms and conditions of employment. The nature of this action and the format of laws available to Plaintiff and members of the Class make the class action format a particularly efficient and appropriate procedure to redress the violations alleged herein. If each employee were required to file an individual lawsuit, Defendants would necessarily gain an unfair advantage, as they would be able to exploit and overwhelm the limited resources of each individual plaintiff with their vastly

superior financial and legal resources. Moreover, requiring each Class member to pursue an individual remedy would discourage assertion of lawful claims by employees who would be disinclined to file an action against a former and/or current employer for fear of retaliation and permanent damages to their careers at subsequent employment. Further, the prosecution of separate actions by individual class members would create a substantial risk of inconsistent or varying verdicts or adjudications with respect to the individual class members against Defendants herein; and which would establish potentially incompatible standards of conduct for Defendants. Further, the claims of individual Class members are not sufficiently large to warrant vigorous individual prosecution considering all of the costs and expenses attending thereto. As such, the Class identified in Paragraph 12 is maintainable under Cal. Code Civ. Proc. § 382.

**FIRST CAUSE OF ACTION**

**FAILURE TO REIMBURSE BUSINESS EXPENSES**

**(AGAINST ALL DEFENDANTS)**

19. Plaintiff re-alleges and incorporates by reference all prior paragraphs.

20. At all relevant times, Defendants were subject to Labor Code § 2802, which states that "an employer shall indemnify her or her employees for all necessary expenditures or losses incurred by the employee in direct consequence of the discharge of her or her duties, or of her or her obedience to the directions of the employer."

21. At all relevant times, Defendants were subject to Labor Code § 2804: "any contract or agreement, express or implied, made by any employee to waive the benefits of this article or any part thereof, is null and void, and this article shall not deprive any employee or her personal representative of any right or remedy to which she is entitled under the laws of this State."

22. Due to Defendants' unlawful policy and practice of requiring employees to use their personal property for work purposes and their failure to reimburse Plaintiff and members of the Class, Defendants have violated Labor Code § 2802.

23. As a proximate result of Defendants' policies and/or practices in violation of Labor Code §§ 2802 and 2804, Plaintiff and members of the Class have suffered damages in sums, which will be shown according to proof.

24. Plaintiff and members of the Class are entitled to attorneys' fees and costs of suit pursuant to Labor Code § 2802(c) for bringing this action.

25. Pursuant to Labor Code § 2802(b), any action brought for the reimbursement of necessary expenditures carries interest at the same rate as judgments in civil actions. Thus, Plaintiff and members of the Class are entitled to interest, which shall accrue from the date on which they incurred the initial necessary expenditure.

**SECOND CAUSE OF ACTION**

**UNFAIR COMPETITION**

**(AGAINST ALL DEFENDANTS)**

26. Plaintiff re-alleges and incorporates by reference all previous paragraphs.

27. Defendants have engaged, and continue to engage, in unfair and/or unlawful business practices in violation of Business & Professions Code § 17200, *et seq.*, by failing to reimburse business expenses.

28. Defendants' utilization of these unfair and/or unlawful business practices has deprived Plaintiff and members of the Class of compensation to which they are legally entitled, constitutes unfair and/or unlawful competition, and provides an unfair advantage over Defendants' competitors who have been and/or are currently employing workers and attempting to do so in honest compliance with applicable wage and hour laws.

29. Because Plaintiff is a victim of Defendants' unfair and/or unlawful conduct alleged herein, Plaintiff, for herself and on behalf of the members of the Class, seeks full restitution of monies as necessary and according to proof, to restore all monies withheld, acquired, and/or converted by Defendants pursuant to Business & Professions Code §§ 17203 and 17208.

30. The acts complained of herein occurred within the four years immediately preceding the filing of this action.

31. Plaintiff was compelled to retain counsel to file this action to protect her and Class members' interests, to obtain restitution and injunctive relief for Defendants' current employees, and to enforce important rights affecting the public interest. Plaintiff has thereby incurred attorneys' fees and costs, which she is entitled to recover under Cal. Code Civ. Proc. § 1021.5.

**THIRD CAUSE OF ACTION**

**PRIVATE ATTORNEYS GENERAL ACT**

**(AGAINST ALL DEFENDANTS**

32. Plaintiff re-alleges and incorporates by reference all previous paragraphs.

33. Defendants have committed several Labor Code violations against Plaintiff and other Aggrieved Employees. Plaintiff is an "Aggrieved Employee" within the meaning of Labor Code § 2698 *et seq*. Plaintiff, acting on behalf of herself, the State of California, and other Aggrieved Employees, brings this representative action against Defendants to recover the civil penalties due to Plaintiff, other aggrieved employees, and the State of California according to proof, as well as for injunctive relief, as provided under the Private Attorneys General Act, based on the following violations:

a. Failing to reimburse Plaintiff and other Aggrieved Employees for all work-related expenses, in violation of Labor Code §§ 2802, 2804, 1198, and 1199.

34. On or about August 20, 2026, Plaintiff notified Defendant Peak Mental Health – Licensed Clinical Social Worker PC via certified mail, and the California Labor and Workforce Development Agency ("LWDA") via its website, of Defendants' violations of the California Labor Code and Plaintiff's intent to bring a claim under California Labor Code § 2698 *et seq.* with respect to the violations of the Labor Code identified in paragraph 33 (a) above. Now that sixty-five (65) days have passed from Plaintiff's notifying Defendants and the LWDA of the above violations of the Labor Code, Plaintiff has exhausted her administrative requirements for bringing a claim under the Private Attorneys General Act with respect to these violations.

35. As indicated in Plaintiff's PAGA notice letter, the "Aggrieved Employees" whom Plaintiff seeks to represent in this representative PAGA action include all of Defendants' current and former employees who have worked for Defendants in California at any time from one year prior to the date of Plaintiff's PAGA notice letter through the date that judgment is entered in Plaintiff's PAGA action or any other alternative date agreed upon by the partes and/or approved by the Court.

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36. Plaintiff was compelled to retain the services of counsel to file this court action to protect her interests and the interests of other aggrieved employees, and to assess and collect the civil penalties owed by Defendants and to seek injunctive relief under the PAGA. Plaintiff has thereby incurred attorneys' fees and costs, which she is entitled to recover under Labor Code § 2699(k).

## PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment for herself and for all others on whose behalf this suit is brought against Defendants, as follows:

1. For an order certifying the proposed Class;

2. For an order appointing Plaintiff as representative of the Class;

3. For an order appointing counsel for Plaintiff as counsel for the Class;

4. Upon the First Cause of Action, for compensatory, consequential, general, and special damages according to proof pursuant to Labor Code §§ 2802, and 2804;

5. Upon the Second Cause of Action, for restitution to Plaintiff and members of the Class of all money and/or property unlawfully acquired by Defendants by means of any acts or practices declared by this Court to be in violation of Bus. & Prof Code § 17200, *et seq.*;

6. Upon the Third Cause of Action, for any and all civil penalties available to Plaintiff, the State of California, and other Aggrieved Employees under the Private Attorneys General Act, as well as injunctive relief under the Private Attorneys General Act prohibiting Defendants from engaging in the unlawful conduct alleged herein;

7. Prejudgment interest pursuant to Cal. Labor Code § 2802(b);

8. On all causes of action, for attorneys' fees and costs as provided by Labor Code §§ 2699(k), 2802(c), Cal. Code Civ. Proc. § 1021.5, and all other applicable statutes; and

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

Date: October 26, 2026

MARQUEE LAW GROUP, APC



Tuvia Korobkin
Attorneys for Plaintiff

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a jury trial with respect to all issues triable by jury.

Date: October 26, 2026

MARQUEE LAW GROUP, APC



Tuvia Korobkin
Attorneys for Plaintiff