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ELECTRONICALLY FILED
 Superior Court of California
 County of Alameda
 10/27/2025

Chad Finke, Executive Officer / Clerk of the Court
 By: D. Drew Deputy

Attorneys for Plaintiff and the Class

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ALAMEDA

GREGORY CUSTODIO, as an individual
 and on behalf of all others similarly situated,

Plaintiff,

vs.

RANDSTAD INHOUSE SERVICES,
 LLC, a Delaware limited liability
 company; and DOES 1 through 50,
 inclusive,

Defendants.

Case No.: 23CV029977

**SECOND AMENDED REPRESENTATIVE
 ACTION COMPLAINT FOR DAMAGES FOR:**

**(1) VIOLATIONS OF LABOR CODE
 § 2698, *ET SEQ.***

DEMAND OVER \$25,000.00

1 Plaintiff Gregory Custodio (“Plaintiff”) hereby submits this representative action
2 complaint (“Complaint”) against Defendant Randstad Inhouse Services, LLC (“Defendant”) and
3 Does 1-50 (hereinafter collectively referred to as “Defendants”), as an individual and on behalf
4 of himself and other aggrieved employees of Defendants for penalties for violations of the
5 California Labor Code, as follows:

6 **INTRODUCTION**

7 1. This Complaint is within the Court’s jurisdiction under California Labor Code §§
8 §§ 201-203, 226, 226.7, 510, 512, 558, 1194, 2802, and 2698, *et seq.*, the California Industrial
9 Welfare Commission’s (“IWC”) Wage Orders.

10 2. This Complaint challenges systemic illegal employment practices resulting in
11 violations of the California Labor Code and Business and Professions Code against employees of
12 Defendants.

13 3. Plaintiff is informed and believes and based thereon alleges that Defendants
14 jointly and severally have acted intentionally and with deliberate indifference and conscious
15 disregard to the rights of all employees by failing to properly pay all overtime and double time
16 wages owed, provide off-duty meal and rest breaks, reimburse business expenses, pay all wages
17 owed upon separation of employment, issue accurate wage statements, and keep accurate records
18 as to Plaintiff and the aggrieved employees.

19 4. Plaintiff is informed and believes and based thereon alleges that Defendants have
20 engaged in, among other things a system of willful violations of the California Labor Code,
21 Business and Professions Code, and applicable IWC Wage Orders by creating and maintaining
22 policies, practices, and customs that knowingly deny employees the above stated rights and
23 benefits.

24 5. The policies, practices, and customs of defendants described above and below
25 have resulted in unjust enrichment of Defendants and an unfair business advantage over
26 businesses that routinely adhere to the strictures of the California Labor Code and the California
27 Business and Professions Code.

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7. Venue is proper in Alameda County because Plaintiff worked for Defendants in Oakland, California.

8. Plaintiff Gregory Custodio began employment with Defendant in about 2006 as an hourly, non-exempt employee. Plaintiff was employed as a security guard and continued to work for Defendants until approximately January 2023.

10. Plaintiff is informed and believes and based thereon alleges that Defendant Randstad Inhouse Services, LLC was and is a Delaware limited liability company doing business in the State of California providing work placement services.

12. As such and based upon all the facts and circumstances incident to Defendants' business in California, Defendants are subject to California Labor Code §§ 201-203, 226, 226.7, 510, 512, 558, 1194, 2802, and 2698, *et seq.*, and the IWC Wage Orders.

3

1 herein.

2 14. At all times herein mentioned, each of said Defendants participated in the doing
3 of the acts hereinafter alleged to have been done by the named Defendants; and furthermore, the
4 Defendants, and each of them, were the agents, servants, and employees of each of the other
5 Defendants, as well as the agents of all Defendants, and at all times herein mentioned, were
6 acting within the course and scope of said agency and employment.

7 15. Plaintiff is informed and believes and based thereon alleges that at all times
8 material hereto, each of the Defendants named herein was the agent, employee, alter ego, and/or
9 joint venturer of, or working in concert with each of the other co-defendants and was acting
10 within the course and scope of such agency, employment, joint venture, or concerted activity.
11 To the extent said acts, conduct, and omissions were perpetrated by certain Defendants, each of
12 the remaining Defendants confirmed and ratified said acts, conduct, and omissions of the acting
13 Defendants.

14 16. At all times herein mentioned, Defendants, and each of them, were members of,
15 and engaged in, a joint venture, partnership, and common enterprise, and acting within the course
16 and scope of, and in pursuance of, said joint venture, partnership, and common enterprise.

17 17. At all times herein mentioned, the acts and omissions of various Defendants, and
18 each of them, concurred and contributed to the various acts and omissions of each and all of the
19 other Defendants in proximately causing the injuries and damages as herein alleged. At all times
20 herein mentioned, Defendants, and each of them, ratified each and every act or omission
21 complained of herein. At all times herein mentioned, the Defendants, and each of them, aided
22 and abetted the acts and omissions of each and all of the other Defendants in proximately causing
23 the damages as herein alleged.

24 **FIRST CAUSE OF ACTION**

25 **VIOLATION OF LABOR CODE § 2698, *ET SEQ.***

26 **(BY PLAINTIFF AND AGGRIEVED EMPLOYEES AGAINST ALL DEFENDANTS)**

27 18. Plaintiff brings this cause of action as a proxy for the State of California and in
28 this capacity, seeks penalties on behalf of all aggrieved employees who were employed as

1 security guards in the State of California from March 10, 2022, through the present, for
2 Defendant's violations of Labor Code §§ 201-203, 226, 226.7, 512, and 2802, arising from
3 Defendant's policy and practice of: (a) failing to provide duty-free meal periods, in violation of
4 Labor Code § 226.7 and 512; (b) failing to provide duty-free rest periods, in violation of Labor
5 Code § 226.7; (c) failing to reimburse business expenses, in violation of Labor Code § 2802; (d)
6 failing to pay all wages owed upon separation of employment, in violation of Labor Code §§
7 201-203; (e) failing to properly pay all overtime and double time wages owed, in violation of
8 Labor Code §§ 510, 558, and 1194; and (f) failing to provide accurate, itemized wage statements,
9 in violation of Labor Code § 226(a).

10 19. On or about March 10, 2023, Plaintiff sent written notice to the California Labor
11 & Workforce Development Agency ("LWDA") of Defendants' violations of Labor Code §§ 201-
12 203, 226, 226.7, 512, and 2802, pursuant to Labor Code § 2698, *et seq.*, the Private Attorneys
13 General Act (the "PAGA"). On or about January 19, 2025, Plaintiff sent a supplemental written
14 notice to the LWDA of Defendants' violations of Labor Code §§ 201-203, 226, 510, 558, and
15 1194, pursuant to the PAGA. In addition to the LWDA, Plaintiff also sent the notices to
16 Defendants via certified mail pursuant to Labor Code § 2699.3.

17 20. As of the date of the filing of this Complaint, the LWDA has not responded to
18 Plaintiff's written notices, nor has it indicated that it intends to investigate the Labor Code
19 violations provided for in the written notices.

20 21. As such, pursuant to Labor Code § 2699(a), Plaintiff seeks recovery of any and all
21 applicable civil penalties for Defendants' violations of Labor Code §§ 201-203, 226, 226.7, 510,
22 512, 558, 1194, and 2802, for the time period described above, on behalf of himself and other
23 aggrieved employees who were employed as security guards.

24 **PRAYER FOR RELIEF**

25 WHEREFORE, Plaintiff prays for judgment as an individual and on behalf of all others
26 that this suit is brought against Defendants, jointly and severally, as follows:

27 1. Upon the First Cause of Action, for civil penalties according to proof pursuant to
28 the PAGA and Labor Code § 226.3, and for costs and attorneys' fees;

1 2. On all causes of action, for attorneys' fees and costs as provided by California
2 Labor Code § 2699 and California Code of Civil Procedure § 1021.5; and

3 3. For such other and further relief as the Court may deem just and proper.
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5 DATED: October 21, 2025

DIVERSITY LAW GROUP, P.C.

6
7 By: _____

Larry W. Lee

8 Max W. Gavron

9 Kwanporn "Mai" Tulyathan

10 Attorneys for Plaintiff and the Aggrieved
Employees
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PROOF OF SERVICE

(Code of Civil Procedure Sections 1013a, 2015.5)

STATE OF CALIFORNIA]
]ss.
COUNTY OF LOS ANGELES]

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 515 S. Figueroa Street, Suite 1250, Los Angeles, California 90071.

On October 27, 2025, I served the following document(s) described as: **SECOND AMENDED REPRESENTATIVE ACTION COMPLAINT FOR DAMAGES** on the interested parties in this action as follows:

Joseph W. Ozmer II Matthew E. Hayes Adria K. Harris Windy Thor Bonnie Westenberger Kabat Chapman & Ozmer LLP 333 S. Grand Avenue, Suite 2225 Los Angeles, CA 90071	<i>Attorneys for Defendant Randstad Inhouse Services, LLC</i> jozmer@kcozlaw.com MHayes@kcozlaw.com aharris@kcozlaw.com wthor@kcozlaw.com bwestenberger@kcozlaw.com
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 X BY ELECTRONIC SERVICE: Based on a court order I caused the above-entitled document(s) to be served through the ACE Attorney Service E-Filing System at the website www.efile.acelegal.com, addressed to all parties appearing on this proof of service for the above-entitled case. The service transmission was reported as complete and a copy of the filing receipt/confirmation will be filed, deposited, or maintained with the original document(s) in this office.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on October 27, 2025, at Los Angeles, California.



Erika Mejia