

Larry W. Lee (State Bar No. 228175)
Max W. Gavron (State Bar No. 291697)
Kwanporn "Mai" Tulyathan (State Bar No. 316704)
DIVERSITY LAW GROUP, P.C.
515 S. Figueroa Street, Suite 1250
Los Angeles, CA 90071
(213) 488-6555
(213) 488-6554 facsimile
lwlee@diversitylaw.com
mgavron@diversitylaw.com
ktulyathan@diversitylaw.com

William L. Marder (State Bar No. 170131)
bill@polarislawgroup.com
Polaris Law Group
501 San Benito Street, Suite 200
Hollister, CA 95023
(831) 531-4214
(831) 634-0333 facsimile

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

**FIRST 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, 512, 2802, and 2698, *et seq.*, the California Industrial Welfare
9 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 provide off-duty meal and rest breaks,
16 reimburse business expenses, pay all wages owed upon separation of employment, issue accurate
17 wage statements, and keep accurate records as to Plaintiff and the Class.

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

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

27 **JURISDICTION AND VENUE**

28 6. The Court has jurisdiction over the violations of the California Labor Code §§

201-203, 226, 226.7, 512, 2802, and 2698, *et seq.*

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

PARTIES

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.

9. Plaintiff was and is the victim of the policies, practices, and customs of Defendants complained of in this action in ways that have deprived him of the rights guaranteed by California Labor Code §§ 201-203, 226, 226.7, 512, 2802, and 2698, *et seq.*

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.

11. Plaintiff is informed and believes and based thereon alleges that at all times herein mentioned Defendant and Does 1 through 50 are and were business entities, individuals, and partnerships, licensed to do business and actually doing business in the State of California.

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, 512, 2802, and 2698, *et seq.*, and the IWC Wage Orders

13. Plaintiff does not know the true names or capacities, whether individual, partner, or corporate, of the defendants sued herein as Does 1 through 50, inclusive, and for that reason, said defendants are sued under such fictitious names, and Plaintiff prays for leave to amend this Complaint when the true names and capacities are known. Plaintiff is informed and believes and based thereon alleges that each of said fictitious defendants were responsible in some way for the matters alleged herein and proximately caused Plaintiff and members of the general public and Class to be subject to the illegal employment practices, wrongs, and injuries complained of herein.

14. At all times herein mentioned, each of said Defendants participated in the doing

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

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

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

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

22 **FIRST CAUSE OF ACTION**

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

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

25 18. Plaintiff brings this cause of action as a proxy for the State of California and in
26 this capacity, seeks penalties on behalf of all aggrieved employees who were employed as
27 security guards in the State of California from March 10, 2022, through the present, for
28 Defendant's violations of Labor Code §§ 201-203, 226, 226.7, 512, and 2802, arising from

1 Defendant's policy and practice of: (a) failing to provide duty-free meal periods, in violation of
2 Labor Code § 226.7 and 512; (b) failing to provide duty-free rest periods, in violation of Labor
3 Code § 226.7; (c) failing to reimburse business expenses, in violation of Labor Code § 2802; (d)
4 failing to pay all wages owed upon separation of employment, in violation of Labor Code §§
5 201-203; and (e) failing to provide accurate, itemized wage statements, in violation of Labor
6 Code § 226(a).

7 19. On or about March 10, 2023, Plaintiff sent written notice to the California Labor
8 & Workforce Development Agency ("LWDA") of Defendants' violations of Labor Code §§ 201-
9 203, 226, 226.7, 512, and 2802, pursuant to Labor Code § 2698, et seq., the Private Attorneys
10 General Act (the "PAGA"). In addition to the LWDA, Plaintiff also sent the notice to Defendants
11 via certified mail pursuant to Labor Code § 2699.3.

12 20. As of the date of the filing of this Complaint, the LWDA has not responded to
13 Plaintiff's written notice, nor has it indicated that it intends to investigate the Labor Code
14 violations provided for in the written notice.

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

19 **PRAYER FOR RELIEF**

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

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

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

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PROOF OF SERVICE

(Code of Civil Procedure Sections 101 a, 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 May 18, 2023, I served the following document(s) described as: **FIRST AMENDED REPRESENTATIVE ACTION COMPLAINT FOR DAMAGES** on the interested parties in this action as follows:

Joseph W. Ozmer II Kabat Chapman & Ozmer LLP 333 S. Grand Avenue, Suite 2225 Los Angeles, California 90071	<i>Attorneys for Defendant Randstad Inhouse Services, LLC</i> jozmer@kcozlaw.com
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_____ 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 May 18, 2023, at Los Angeles, California.



Erika Mejia