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**SUPERIOR COURT OF CALIFORNIA**  
**COUNTY OF SAN MATEO**  
**UNLIMITED JURISDICTION**

MELISSA HIRABAYASHI,  
individually, SYLVIA LEMAY,  
individually, KATHERINE  
WURDINGER, individually, and on  
behalf of all other similarly situated  
persons,

Plaintiffs,

v.

STANFORD HEALTH CARE, a non-  
profit organization, and DOES 1-20,

Defendants.

CASE NO.

**COMPLAINT AND JURY DEMAND**

1 Plaintiffs MELISSA HIRABAYASHI, SYLVIA LEMAY, and KATHERINE  
2 WURDINGER (“PLAINTIFFS”), on behalf of themselves and all other similarly situated  
3 individuals, complain and allege, upon information and belief, including the investigation of  
4 PLAINTIFFS’ counsel, unless otherwise, the following:

5  
6 **I. INTRODUCTION**

7 1. Plaintiffs MELISSA HIRABAYASHI (“HIRABAYASHI”), SYLVIA LEMAY  
8 (“LEMAY”), and KATHERINE WURDINGER (“WURDINGER”) who worked as nonexempt  
9 employees for the STANFORD HEALTH CARE (“STANFORD” or “DEFENDANT”) bring this  
10 class action against DEFENDANT.

11 2. DEFENDANT had and/or has a policy and practice of failing to provide their non-  
12 exempt, non-unionized employees in California with:

- 13 A. A meal break or missed meal break penalty wages when such employees work  
14 more than 5 hours without being provided with a meal break, and/or a missed  
15 meal break penalty wages when such employees worked shifts of more than  
16 10 hours without being provided with a second meal break;  
17 B. Failing to pay hours worked over 12 in a day at the correct double time rate;  
18 C. Failing to produce accurate wage statements based upon the policies and  
19 practices described above;  
20 D. Waiting time penalties; and  
21 E. Failure to provide employee records to current and former employees who  
22 request records.

23 3. DEFENDANT’s policies and practices violate California Industrial Welfare  
24 Commission (“IWC”) Order 4-2001; California Code of Regulations, Title 8, Chapter 5, § 11070;  
25 California Labor Code (“Labor Code”) §§ 201, 202, 203, 204, 210, 226.7, 512, and 2699(f)(2);  
26 and California Business and Professions Code (“B&P Code”) §§ 17200 *et seq.* (the “Unfair  
27 Business Practices Act”). These laws require, *inter alia*, employers to provide non-exempt  
28

1 employees with timely meal breaks, and that all hours worked be accurately reflected on an  
2 itemized wage statement. PLAINTIFFS bring this action on behalf of themselves and all other  
3 similarly situated individuals who worked as non-exempt employees for DEFENDANT in  
4 California in order to challenge the following policies and practices: A-E above in paragraph 2.

5 4. PLAINTIFFS, on behalf of themselves and all others similarly situated, seek  
6 injunctive and declaratory relief, compensation for all uncompensated work, and/or other  
7 damages as permitted by applicable law, as well as attorneys' fees, statutory and civil penalties,  
8 interest, and costs.

## 9 **II. PARTIES**

10 5. HIRABAYASHI is an individual who, at all relevant times, was a resident of the State  
11 of California. HIRABAYASHI was an employee of DEFENDANT in California from  
12 approximately October 2021 to April 1, 2025.

13 6. LEMAY is an individual who, at all relevant times, was a resident of the State of  
14 California. LEMAY was an employee of DEFENDANT in California from 2021 to present.

15 7. WURDINGER is an individual who, at all relevant times, was a resident of the State  
16 of California. WURDINGER was an employee of DEFENDANT in California from  
17 approximately February 2020 to January 1, 2023, and from December 2023 to present.

18 8. STANFORD HEALTH CARE is, upon information and belief, a non-profit  
19 organization in California.

20 9. Upon information and belief, DEFENDANT has more than 15,000 employees who  
21 are non-exempt.

## 22 **III. JURISDICTION**

23 10. This Court has jurisdiction over PLAINTIFFS' claims pursuant to Labor Code § 203.

24 11. Upon information and belief neither the proposed class representatives' claims, nor the  
25 claims of any individual Class Member, exceed \$75,000, exclusive of interest and cost.  
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1 12. The Court has jurisdiction over PLAINTIFFS' claims for injunctive relief and  
2 restitution arising from DEFENDANT's unlawful business acts and practices under B&P Code  
3 §§ 17203 and 17204.

4 13. Venue as to DEFENDANT is proper in this County pursuant to California Code of  
5 Civil Procedure ("CCP") § 395(a). DEFENDANT conducts business and employs Class  
6 Members in this County, and events complained of herein occurred in this County.

7 14. On September 17, 2025, PLAINTIFFS gave notice to the California Labor and  
8 Workforce Development Agency ("LWDA") pursuant to Labor Code §§ 210 and 211, and the  
9 California Private Attorneys General Act, § 2698, *et seq.* ("PAGA") about DEFENDANT's  
10 violation of Labor Code §§ 203, 204, 210 and 211. Therefore, the Court has jurisdiction over  
11 PLAINTIFFS' claims for penalties pursuant to Labor Code §§ 203, 204, 210 and 211.

12 15. The LWDA already have given, or will give, PLAINTIFFS the right to proceed as  
13 private attorneys general because the LWDA does not intend to investigate PLAINTIFFS'  
14 allegations.

#### 16 **IV. FACTUAL ALLEGATIONS**

17 15. PLAINTIFFS and other Class Members worked as non-exempt employees of  
18 DEFENDANT in California.

19 16. PLAINTIFFS and other Class Members were not provided with 30-minute  
20 uninterrupted meal breaks within the first five hours of work during which they were relieved of  
21 all work when they worked shifts in excess of 5 hours and were not provided with missed meal  
22 break penalty wages.

23 17. PLAINTIFFS and other Class Members were not provided with a second 30-  
24 minute uninterrupted meal breaks when they worked shifts in excess of 10 hours and were not  
25 provided with missed meal break penalty wages.

26 18. PLAINTIFFS and other Class Members worked more than eight hours in a day  
27 but were not paid at the mandated over time rate.  
28

1           19.     PLAINTIFFS and other Class Members worked more than twelve hours in a day  
2 but were not paid at the mandated double time rate.

3           20.     DEFENDANT did not accurately record the hours worked and meal break  
4 premiums on PLAINTIFFS' and other Class Members' wage statements.

5           21.     PLAINTIFFS and Class Members were not provided with waiting time penalties  
6 when they were entitled to them.

7  
8                               **V.     CLASS ALLEGATIONS**

9           22.     PLAINTIFFS HIRABAYASHI, LEMAY, and WURDINGER bring this action  
10 on behalf of themselves and others similarly situated, and the Class Members.

11           23.     The Classes that PLAINTIFFS HIRABAYASHI, LEMAY, and WURDINGER  
12 seek to represent the following classes, defined as follows:

13               a.    Main Class 1: All non-exempt unionized employees of DEFENDANT in the State  
14                    of California during the four years prior to the commencement of this lawsuit  
15                    through the date of final resolution of the claims herein who worked over 6 hours  
16                    in a shift.

17               b.    Subclass 1: All former non-exempt unionized employees of DEFENDANT in the  
18                    State of California during the four years prior to the commencement of this lawsuit  
19                    through the date of final resolution of the claims herein who worked over 6 hours  
20                    in a shift.

21               c.    Main Class 2: All non-exempt, non-unionized employees of DEFENDANT in the  
22                    State of California during the four years prior to the commencement of this lawsuit  
23                    through the date of final resolution of the claims herein who worked over 6 hours  
24                    in a shift.

25               d.    Subclass 2: All former non-exempt, non-unionized employees of DEFENDANT  
26                    in the State of California during the four years prior to the commencement of this  
27                    lawsuit through the date of final resolution of the claims herein who worked over  
28                    6 hours in a shift.

- 1 e. Main Class 3: All non-exempt employees of DEFENDANT who requested  
2 documents pursuant to Labor Code §§ 226, 432, or 1198.5 during a one-year  
3 period prior to the commencement of this lawsuit  
4

5 24. This action has been brought and may properly be maintained as a class action.  
6 The class certification requirements are met because the class is numerous, common questions of  
7 law and fact exist, the named PLAINTIFFS are typical of the class and will adequately represent  
8 the interests of the class with no conflicts, as factually explained above. Class counsel is  
9 experienced in class action litigation. Further, this case was properly brought as a class case  
10 because common questions of law or fact predominate over any individual issues, and a class  
11 action is superior to other available method to fairly and efficiently adjudicate the controversy.

- 12 a. Numerosity: The potential Class Members as defined are so numerous that joinder  
13 of all the Class Members is impracticable. DEFENDANT employed/employs  
14 numerous non-exempt employees in California at any given time, and it is  
15 estimated that there are more than 15,000 Class Members.

- 16 b. Commonality: There are questions of law and fact common to the PLAINTIFFS  
17 and to the Classes and Subclasses that predominate over any questions affecting  
18 only individual Class Members. These common questions of law and fact include,  
19 without limitation:

- 20 i. Whether DEFENDANT has or had a policy and practice of failing to  
21 provide a meal break to Main Class 1 & 2 who are entitled to them in  
22 violation of California labor laws and/or failing to compensate said  
23 employees one (1) hour of wages at their regular rate of compensation in  
24 lieu of meal periods;

- 25 ii. Whether DEFENDANT has or had a policy of failing to provide overtime  
26 premium pay to Main Class 2 who worked more than 8 hours per day;  
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- 1                   iii. Whether DEFENDANT has or had a policy of failing to provide double  
2                   time premium pay to Main Class 1 and 2 who worked more than 12 hours  
3                   per day;  
4                   iv. Whether DEFENDANT has or had a policy and practice of failing to  
5                   provide a first or second meal break to Class Members in violation of  
6                   California labor laws and/or failing to compensate said employees one (1)  
7                   hour of wages at their regular rate of compensation in lieu of meal periods;  
8                   v. Whether DEFENDANT's policy and practice of denying meal breaks to  
9                   Class Members is an unlawful, unfair or fraudulent business act or practice  
10                  in violation of California Business & Professions Code §§ 17200 and  
11                  17203, *et seq.*;  
12                  vi. Whether DEFENDANT's policy and practice of failing to pay overtime  
13                  wages to Class Members is an unlawful, unfair or fraudulent business act  
14                  or practice in violation of California Business & Professions Code §§  
15                  17200 and 17203, *et seq.*;  
16                  vii. Whether DEFENDANT violated Labor Code §§ 201-203 and/or the Unfair  
17                  Business Practices Act by failing to promptly pay PLAINTIFFS and  
18                  Subclasses 1 and 2 all wages due to them upon the termination of their  
19                  employment;  
20                  viii. Whether DEFENDANT's payroll policies and practices have violated the  
21                  Labor Code and/or the Unfair Business Practices Act by providing Class  
22                  Members with wage statements that do not accurately reflect the  
23                  employees' earnings, hours worked, or other items listed in Labor Code §  
24                  226;  
25                  ix. Whether DEFENDANT failed to produce employment records to Main  
26                  Class 3; and  
27  
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- 1                   x. The proper formula for calculating restitution, damages, and waiting time  
2                   penalties owed to PLAINTIFFS and similarly situated Class Members.
- 3           c. Superiority of Class Action: A class action is superior to other available means for  
4           the fair and efficient adjudication of this controversy. Individual joinder of all  
5           Class Members is not practicable, and questions of law and fact common to the  
6           Classes predominate over any questions affecting only individual members of each  
7           Class. Each Class Member has been damaged and is entitled to recovery by reason  
8           of DEFENDANT’S illegal policies and practices of failing to provide adequate  
9           meal breaks, of failing to pay for all hours worked over 12 in a day, of failing to  
10          timely and accurately pay non-exempt employees all wages due, and of failing to  
11          provide accurate itemized wage statements as required by law. Class action  
12          treatment will allow those similarly situated persons to litigate their claims in the  
13          manner that is most efficient and economical for the parties and the judicial  
14          system.

15  
16                                   **FIRST CAUSE OF ACTION**

17                                   Failure to Provide Meal Periods in Violation  
18                                   of Labor Code §§ 226.7 and 512 and IWC Wage Orders as to Main Classes 1 & 2

19           25.       PLAINTIFFS incorporate all previous allegations on behalf of themselves and  
20           Main Class 1 & 2 Members.

21           26.       At all times relevant herein, Labor Code §§ 226.7 and 512 and the applicable wage  
22           IWC orders, including IWC Wage Order 4-2001 (Cal. Code Reg., tit. 8, § 11010, subds. 11(A)  
23           and 12(A)), have required DEFENDANT to provide meal break periods for its employees.

24           27.       Labor Code §§ 226.7 and 512 and the IWC wage orders, including IWC Wage  
25           Order 4-2001 (Cal. Code Reg., tit. 8, § 11010, subds. 11(A) and 12(A)), prohibit employers from  
26           employing an employee for more than five hours without a meal period of at least 30 minutes,  
27           unless the employee works less than six hours.  
28



1           28. Labor Code §§ 226.7 and 512 and the IWC wage orders, including IWC Wage  
2 Order 4-2001 (Cal. Code Reg., tit. 8, § 11010, subds. 11(A) and 12(A)), prohibit employers from  
3 employing an employee for 10 or more hours without a second meal period of at least 30 minutes.

4           29. Unless an employee is relieved of all duty during the 30-minute meal period, the  
5 employee is considered “on duty” and the meal periods are counted as time worked, under the  
6 applicable wage orders.

7           30. Under Labor Code § 226.7(b) and the IWC wage orders, an employer who fails to  
8 provide a required meal period must, as compensation, pay the employee one hour of pay at the  
9 employee’s regular rate of compensation for each workday that the meal period was not provided.

10           31. DEFENDANT has or had a policy or practice of not providing employees with a  
11 meal break within the first five hours of work when the employee worked more than six hours in  
12 a shift.

13           32. DEFENDANT has or had a policy or practice of failing to provide a meal break  
14 premium to employees who did not receive their meal break within the first five hours of a shift  
15 that lasted over six hours.

16           33. DEFENDANT has or had a policy and practice of not providing for employees the  
17 first nor second meal breaks to which they are entitled when the employees work more than 10  
18 hours per day.

19           34. DEFENDANT has or had a policy or practice of failing to provide a meal break  
20 premium to employees who did not receive their first or second meal break.

21           35. The aforementioned policies and practices are in violation of law, in that  
22 DEFENDANT’S policies and practices have denied PLAINTIFFS and Main Class 1&2 Members  
23 their first and second meal breaks to which they are legally entitled.

24           36. As a direct and proximate result of DEFENDANT’s conduct, PLAINTIFFS and  
25 Main Class 1 & 2 have suffered damages in an amount to be proven at trial.  
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1           37. As a direct and proximate result of DEFENDANT's conduct, PLAINTIFFS and  
2 Main Class 1 & 2 are also entitled to attorneys' fees in addition to interest, expenses and costs of  
3 suit.  
4

5                                   **SECOND CAUSE OF ACTION**

6 Failure to Pay Overtime Wages in Violation of Labor Code §§ 510, 1194, 1198, and IWC Wage  
7 Order 4-2001 as to Main Classes 1 & 2 Members

8           38. PLAINTIFFS incorporate all previous allegations on behalf of themselves and  
9 Main Classes 1 and 2.

10           39. At all relevant times, Labor Code §§ 510, 1194, and 1198 and the applicable  
11 Industrial Welfare Commission ("IWC") Wage Orders, including IWC Wage Order 4-2001,  
12 required DEFENDANT to compensate employees at one and one-half times their regular rate of  
13 pay for all hours worked in excess of eight (8) hours in a workday or forty (40) hours in a  
14 workweek, and at twice their regular rate of pay for all hours worked in excess of twelve (12)  
15 hours in a workday and for all hours worked in excess of eight (8) hours on the seventh  
16 consecutive day of work in a workweek.

17           40. DEFENDANT had and/or continues to have a policy and practice of requiring or  
18 permitting PLAINTIFFS and similarly situated Class Members to work in excess of eight (8) hours  
19 per day and/or forty (40) hours per week, and in some instances more than twelve (12) hours per  
20 day, without paying them overtime or double-time compensation at the legally required rates.

21           41. DEFENDANT's acts and omissions, as alleged herein, constitute violations of  
22 Labor Code §§ 510, 1194, 1198, and IWC Wage Order 4-2001, and were willful, knowing, and  
23 intentional.

24           42. As a direct and proximate result of DEFENDANT's unlawful conduct,  
25 PLAINTIFFS and Main Classes 1 & 2 have suffered damages in amounts to be proven at trial,  
26 including unpaid overtime and double-time wages, interest, and other relief allowed by law.  
27  
28

43. Pursuant to Labor Code § 1194(a), PLAINTIFFS and Main Classes 1 & 2 are entitled to recover the unpaid overtime and double-time compensation, together with interest thereon, reasonable attorneys' fees, and costs of suit.

### THIRD CAUSE OF ACTION

## Waiting Time Penalties

### Violation of Labor Code §§ 201, 202 and 203 as to Subclass 1 & 2 Members

44. PLAINTIFFS incorporate all previous allegations on behalf of themselves and Subclass 1 and 2 Members.

45. Labor Code § 201(a) requires an employer who discharges an employee to pay compensation due and owing to the employee immediately upon discharge.

46. Labor Code § 202(a) requires an employer to pay compensation due and owing to an employee who has quit or resigned within seventy-two (72) hours of the employee's notice of his intention to quit or resign.

47. Labor Code § 203 provides that if an employer willfully fails to pay compensation promptly upon discharge or resignation, as required under Labor Code §§ 201 and 202, then the employer is liable for waiting time penalties in the form of continued compensation for up to thirty (30) workdays.

48. PLAINTIFFS and Subclass 1 & 2 Members are entitled to unpaid compensation for all hours worked at the legally mandated rates, but for which they have not yet been paid.

49. Some PLAINTIFFS and similarly situated Subclass 1 & 2 Members have left the employ of DEFENDANT but have not yet been fully compensated for the hours that they worked.

50. DEFENDANT has willfully failed and refused to make timely payment of wages to PLAINTIFFS and other similarly situated Subclass 1 & 2 Members.

51. As a direct and proximate result of DEFENDANT's conduct, DEFENDANT is liable to PLAINTIFFS and similarly situated Subclass 1 & 2 Members for up to thirty (30) days of waiting time penalties pursuant to Labor Code § 203.

1           52. As a direct and proximate result of DEFENDANT's conduct, PLAINTIFFS and  
2 similarly situated Subclass 1 & 2 Members are also entitled to attorneys' fees under Labor Code §  
3 1194, in addition to interest, expenses and costs of suit.  
4

5                           **FOURTH CAUSE OF ACTION**

6                           Failure to Provide Accurate Wage Statements  
7                           in Violation of Labor Code § 226 as to Main Class 1&2 Members

8           53. PLAINTIFFS incorporate all previous allegations on behalf of themselves and  
9 Main Class 1 & 2 Members.

10           54. Labor Code § 226(a) and/or IWC Wage Orders (*See* 8 Cal. Code of Regs.,  
11 §11040(8)) provide that every employer shall, semimonthly or at the time of each payment of  
12 wages, provide each employee with an accurate, written, itemized statement showing, *inter alia*,  
13 the gross wages earned, the total hours worked by the employee, and the applicable hourly rate in  
14 effect during the pay period and the corresponding number of hours earned at each hourly rate.

15           55. Labor Code § 226(e) provides:

16           An employee suffering injury as a result of a knowing and intentional failure by employer  
17 to comply with subdivision (a) is entitled to recover the greater of all actual damages or fifty dollars  
18 (\$50) for the initial pay period in which a violation occurs and one hundred dollars (\$100) per  
19 employee for each violation in a subsequent pay period, not to exceed an aggregate penalty of four  
20 thousand dollars (\$4,000), and is entitled to an award of costs and reasonable attorneys' fees.

21           56. From at least October 2021 through the present, DEFENDANT has failed and  
22 continues to fail to provide accurate, itemized wage statements to PLAINTIFFS and Main Class 1  
23 Members that show accurate meal premiums as a result of the claims alleged above.

24           57. DEFENDANT is liable to PLAINTIFFS and Main Class 1&2 Members for the  
25 amounts described above, in addition to the civil penalties provided for in Labor Code § 226.3.

26           58. As a direct and proximate result of DEFENDANT's conduct, PLAINTIFFS and  
27 Main Class 1 & 2 Members are also entitled to attorneys' fees under Labor Code § 226(e), in  
28 addition to interest, expenses, and costs of suit.

1  
2 **FIFTH CAUSE OF ACTION**

3 Unlawful, Unfair and Fraudulent Business Practices  
4 In Violation of B&P Code §§ 17200 and 17203, *et seq.*

5 59. PLAINTIFFS incorporate all previous allegations on behalf of themselves and all  
6 Class Members.

7 60. The California Business & Professions Code (“B&P Code”) § 17200 *et seq.*  
8 prohibits unfair competition in the form of any unlawful, unfair or fraudulent business act or  
9 practice.

10 61. B&P Code § 17202 provides: “Notwithstanding Section 3369 of the Civil Code,  
11 specific or preventative relief may be granted to enforce a penalty, forfeiture, or penal law in case  
12 of unfair competition.”

13 62. B&P Code § 17203 provides that the Court may restore to any person in interest  
14 any money or property which may have been acquired by means of such unfair competition.

15 63. B&P Code § 17203 also provides that any person who meets the standing  
16 requirements of Section 17204 and complies with CCP Section 382 may pursue representative  
17 claims for relief on behalf of others.

18 64. B&P Code § 17204 allows “a person who has suffered injury in fact and has lost  
19 money or property as a result of the unfair competition” to prosecute a civil action for violation of  
20 the Unfair Business Practices Act.

21 65. Labor Code § 90.5(a) states that it is the public policy of California to vigorously  
22 enforce minimum labor standards in order to ensure employees are not required to work under  
23 substandard and unlawful conditions, and to protect employers who comply with the law from  
24 those who attempt to gain competitive advantage at the expense of their workers by failing to  
25 comply with the minimum standards law.

26 66. Pursuant to B&P § 17202, PLAINTIFFS and Class Members are entitled to enforce  
27 all applicable provisions of the Labor Code.  
28

1           67. Beginning at an exact date unknown to PLAINTIFFS, but at least since the date  
2 four years prior to the filing of this suit, DEFENDANT has committed acts of unfair competition  
3 as defined by the Unfair Business Practices Act, by engaging in the unlawful, unfair and fraudulent  
4 practices and acts described in this Complaint, including, but not limited to:

- 5           a. Violations of Labor Code §§ 510, 1194, 1198, pertaining to overtime pay;
- 6           b. Violations of Labor Code §§ 226.7 and 512, and IWC Wage Order 4 pertaining  
7 to meal periods;
- 8           c. Violations of Labor Code § 226, pertaining to itemized statements of wages;  
9 and
- 10           d. Violations of Labor Code §§ 201-203, pertaining to failure to pay all wages at  
11 separation of employment.

12           68. By violating these statutes and regulations, the acts of DEFENDANT constitute  
13 unfair and unlawful business practices under B&P § 17200 *et seq.*

14           69. The violations of these laws and regulations, as well as the fundamental California  
15 public policies protecting workers, serve as unlawful predicate acts and practices for purposes of  
16 B&P Code §§ 17200 and 17203, *et seq.*

17           70. The acts and practices described above constitute unfair, unlawful and fraudulent  
18 business practices, and unfair competition, within the meaning of B&P Code §§ 17200 and 17203,  
19 *et seq.* DEFENDANT's violation of the law and regulations described above constitutes a business  
20 practice because it was done repeatedly over a significant period of time and in a systematic  
21 manner to the detriment of PLAINTIFFS and other Class Members. Among other things,  
22 DEFENDANT'S acts and practices have forced PLAINTIFFS and other similarly situated workers  
23 to labor for many hours in a row without receiving the meal periods to which they were entitled  
24 by law and which are important to employee safety. The acts and practices described above have  
25 allowed DEFENDANT to gain an unfair competitive advantage over law-abiding employers and  
26 competitors.  
27  
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1           71. As a direct and proximate result of the acts and practices described herein,  
2 PLAINTIFFS and other Class Members have been denied compensation, in an amount to be  
3 proven at trial. PLAINTIFFS and Class Members have accordingly each suffered injury in fact  
4 and have lost money or property as a result of DEFENDANT'S unfair, unlawful and fraudulent  
5 business practices, and unfair competition.

6           72. PLAINTIFFS and other Class Members are entitled to restitution pursuant to B&P  
7 Code § 17203 for all wages and other compensation unlawfully withheld from employees during  
8 the four year period prior to the filing of the complaint.

9           73. Injunctive relief is necessary and appropriate to prevent DEFENDANT from  
10 repeating their unlawful, unfair and fraudulent business acts and practices described herein.

11           74. Pursuant to § 17203 and/or any other applicable law, PLAINTIFFS seeks an order  
12 preventing DEFENDANT from engaging in unlawful, unfair and fraudulent conduct, and  
13 preventing DEFENDANT from profiting and benefiting from illegal and wrongful acts.

14           75. PLAINTIFFS' success in this action will enforce important rights affecting the  
15 public interest. Therefore, PLAINTIFFS sue on behalf of the general public as well as themselves  
16 and Class Members.

17           76. An award of attorneys' fees is appropriate pursuant to CCP § 1021.5 and other  
18 applicable laws because: 1) this action will confer a significant benefit upon a large class of  
19 persons; 2) there is a financial burden involved in pursuing this action; and 3) it would be against  
20 the interest of justice to force PLAINTIFFS to pay attorneys' fees from any amount recovered in  
21 this action.

22  
23                                   **SIXTH CAUSE OF ACTION**

24                   PENALTIES UNDER THE PRIVATE ATTORNEYS GENERAL ACT  
25                                   Labor Code §§ 2698 *et seq.*

26           77. The allegations of each of the preceding paragraphs are realleged and incorporated  
27 herein by reference. PLAINTIFFS bring this claim as a representative cause of action on behalf of  
28 themselves and the following aggrieved employees: Main Class 1 & 2.

1           78. Pursuant to Labor Code section 2699.3(a), PLAINTIFFS gave written notice by  
2 certified mail to DEFENDANT, and by electronic delivery to the California Labor Workforce  
3 Development Agency (“LWDA”), of some of the factual and legal basis for the labor law  
4 violations alleged in this complaint. The LWDA did not provide notice pursuant to Labor Code  
5 section 2699.3(a)(2)(A).

6           79. Labor Code section 2699(f) provides, in pertinent part: “For all provisions of this  
7 code except those for which a civil penalty is specifically provided, there is established a civil  
8 penalty for a violation of these provisions, as follows: . . . If, at the time of the alleged violation,  
9 the person employs one or more employees, the civil penalty is one hundred dollars (\$100) for  
10 each aggrieved employee per pay period for the initial violation and two hundred dollars (\$200)  
11 for each aggrieved employee per pay period for each subsequent violation.”

12           80. Labor Code section 2699(g)(1) provides, in pertinent part: “[A]n aggrieved  
13 employee may recover the civil penalty described in subdivision (f) in a civil action . . . filed on  
14 behalf of himself or herself and other current or former employees against whom one or more of  
15 the alleged violations was committed. Any employee who prevails in any action shall be entitled  
16 to an award of reasonable attorney’s fees and costs.”

17           81. PLAINTIFFS are aggrieved employees as defined by Labor Code section 2699(a).

18           82. PLAINTIFFS’ cause of action under Labor Code section 2698 *et seq.* is based on  
19 the allegations stated above in this Complaint.  
20

21           83. As a direct and proximate result of DEFENDANT’s unlawful practices and  
22 policies, PLAINTIFFS and the other aggrieved employees have suffered and continue to suffer  
23 monetary losses.

24           84. PLAINTIFFS, on behalf of themselves and other aggrieved employees, request  
25 civil penalties against DEFENDANT for violations of the Labor Code, as provided under Labor  
26 Code section 2699(f), plus reasonable attorneys’ fees and costs, as provided under Labor Code  
27 section 2699(g)(1), in amounts to be proved at trial.

28 ///



1 **SEVENTH CAUSE OF ACTION**

2 Failure to Produce Records

3 Labor Code § 226, 432, and 1198.5 as to Main Class 3 Members

4 9. PLAINTIFFS incorporate all previous allegations herein allegations on behalf of  
5 themselves and Main Class 3 Members.

6 10. PLAINTIFFS and Main Class 3 Members requested employment records from  
7 DEFENDANT after their employment ended.

8 11. DEFENDANT failed to produce the requested records.

9 12. DEFENDANT's failure to produce records is a violation of CA Labor Code §§ 226,  
10 432, and 1198.5.

11 13. DEFENDANT is liable for statutory damages, attorneys' fees and costs.

12 **PRAYER FOR RELIEF**

13 WHEREFORE, PLAINTIFFS pray for an order as follows:

14 1. Pursuant to Code of Civil Procedure section 382, certifying this action as a class action;

15 2. Certifying the Class and appointing PLAINTIFFS HIRABAYASHI, LEMAY, and  
16 WURDINGER as Class Representatives, and KLETTER.LAW as Class Counsel;

17 3. For declaratory judgment that DEFENDANT has violated California Labor Laws and  
18 public policy, as alleged herein;

19 4. For declaratory judgment that DEFENDANT has violated B&P Code §§ 17200 and  
20 17203, *et seq.*, as a result of the aforementioned violations of the Labor Code and of California  
21 public policy protecting workers, ensuring that workers are paid at the legally mandated rate for  
22 all hours worked, and prohibiting work without adequate meal breaks (second meal breaks where  
23 required);

24 5. For a permanent and mandatory injunction prohibiting DEFENDANT, their officers,  
25 agents, employees, affiliated companies, and all those working in concert with them, from  
26 committing future violations of the laws and public policies described herein;

27 6. For an award of restitution;

1           7. For injunctive relief preventing DEFENDANT from continuing with the unlawful  
2 conduct described herein;

3           8. Imposing all statutory and/or civil penalties provided by law, including but not limited  
4 to, penalties under Labor Code §§ 201-204, 210, 226, 226(e), 226.3, 226.7(b), 558, 2699(f), and  
5 Wage Order 4-2001 together with interest on these amounts;

6           9. Awarding PLAINTIFFS and Class Members compensatory damages, including but not  
7 limited to wages, earnings, expense reimbursement and other compensation, according to proof,  
8 and interest on these amounts;

9           10. For award of reasonable attorneys' fees, as provided by Labor Code §§ 226(e), 1194,  
10 2699(g)(1), and CCP § 1021.5, and/or other applicable law;

11           11. For statutory prejudgment interest;

12           12. For all costs of suit; and

13           13. For such other and further relief as this Court deems just and proper.

14           Plaintiffs and Class Members request a trial by jury on each cause of action for which a  
15 trial by jury is proper.  
16

17  
18 Dated: October 23, 2025

**KLETTER.LAW**

19 By: /s/ RACHEL HALLAM

20 CARY KLETTER  
21 RACHEL HALLAM  
22 Attorneys for PLAINTIFFS  
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