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11 Maximillian Jones

ELECTRONICALLY
FILED
Superior Court of California,
County of San Francisco
03/13/2023
Clerk of the Court
BY: JEFFREY FLORES
Deputy Clerk

12 SUPERIOR COURT OF CALIFORNIA
13 COUNTY OF SAN FRANCISCO

14 **CGC-23-605125**

15 MAXIMILLIAN JONES, on behalf of himself) NO.
16 and all aggrieved employees,)
17) COMPLAINT FOR PAGA PENALTIES
18 Plaintiff,)
19 v.)
20)
21 JOHN STEWART COMPANY, INC.. and)
22 DOES 1 to 100,)
23 Defendants.)
24)
25)
26)
27)
28)

29 PRELIMINARY ALLEGATIONS

- 30 1. Plaintiff Maxmillian Jones is a resident of San Francisco County.
- 31 2. Defendant John Stewart Company, Inc. ("JSCo") is a corporation based in San Francisco
32 County.
- 33 3. Plaintiff does not know the names and capacities of Does 1 to 100 and therefore uses
34 fictitious names. Plaintiff will amend pursuant to Code of Civil Procedure section 474 when the
35 names and capacities are known.
- 36 4. On December 28, 2022 Plaintiff mailed a certified PAGA letter that explained the specific
37 bases for PAGA penalties to JSCo and uploaded the letter to the LWDA website. Since it has been
38 more than 65 days and the LWDA has not notified anyone of an intent to investigate, Plaintiff may

1 now proceed with a PAGA complaint on behalf of himself and all aggrieved employees.

2 5. The aggrieved employees are all nonexempt employees of Defendants from September 20,
3 2022 to present.

4 6. Plaintiff and the aggrieved employees work helping JSCo and Does 1 to 100 with
5 residential property management; thus Wage Order 4 applies.

6 7. Plaintiff has worked for JSCo and Does 1 to 100 from March 2019 to present.

7 8. Throughout that time, the following Labor Code violations occurred.

8 9. First, Defendants did pay Plaintiff and the aggrieved employees for work performed off the
9 clock, leading to unpaid wages, including both straight time and overtime.

10 10. Second, overtime should have been paid at the correct regular rate of pay.

11 11. Third, Defendants did not provide accurate wage statements to Plaintiff and the aggrieved
12 employees since the wage statements did not list all time worked.

13 12. Fourth, Plaintiff and the aggrieved employees did not receive premium pay at the correct
14 regular rate of pay for missed meal breaks.

15 13. Fifth, Plaintiff and the aggrieved employees did not receive premium pay at the correct
16 regular rate of pay for missed meal breaks.

17
18 FIRST CAUSE OF ACTION

19 PAGA Penalties

20 Against All Defendants

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

22 15. PAGA penalties in Labor Code sections 558, 1197.1 and 2699 apply to off the clock work.

23 16. The PAGA penalties in Labor Code section 2699 apply to the regular rate violations.

24 16. The PAGA penalties in Labor Code sections 2699 apply to the wage statement penalty
25 violations.

26 17. The PAGA penalties in Labor Code 558 and 2699 apply to the meal break violations.

27 18. The PAGA penalties in Labor Code section 2699 apply to the rest break violations.

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1 Prayer

2 First Cause of Action

3 1. All applicable PAGA penalties

4 2. Attorney fees and costs

5 3. Other relief the court deems proper

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7 Date: March 13, 2023

FRONTIER LAW CENTER

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Adam Rose

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Adam Rose
Attorney for Plaintiff
Maximillian Jones

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