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ELECTRONICALLY  
**FILED**  
Superior Court of California,  
County of San Francisco

**02/13/2025**  
Clerk of the Court  
BY: SAHAR ENAYATI  
Deputy Clerk

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **FOR THE COUNTY OF SAN FRANCISCO**

**CGC-25-622335**

10 CRISTIAN HERNANDEZ, an individual,  
11 on behalf of himself and others similarly  
12 situated,

13 Plaintiff,

14 vs.

15  
16 PEOPLE CENTER, INC.; and DOES 1 to  
17 50, inclusive,

18 Defendants.

Case No.:

**CLASS ACTION COMPLAINT**

1. Failure to Pay Wages and/or Overtime Under Labor Code §§ 510, 1194, and 1199
2. Failure to Pay Timely Wages Pursuant to Labor Code § 204
3. Failure to Keep Records Pursuant to Labor Code § 1199(c) and Wage Order 4-2001
4. Failure to Provide Meal Periods Pursuant to Labor Code §§ 226.7 and 512
5. Failure to Provide Rest Periods Pursuant to Labor Code § 226.7
6. Violation of Labor Code § 226(a)
7. Failure to Reimburse Expenses Pursuant to Labor Code § 2802
8. Penalties Pursuant to Labor Code § 203
9. Violation of Business & Professions Code § 17200

**JURY TRIAL DEMANDED**

1 Plaintiff CRISTIAN HERNANDEZ, an individual, on behalf of himself, all others  
2 similarly situated, complains of Defendant PEOPLE CENTER, INC. (“Defendant”) and each of  
3 them, as follows:  
4

5 **I**

6 **INTRODUCTION**

7 1. This is a Class Action, pursuant to Code of Civil Procedure § 382, on behalf of  
8 Plaintiff and a Proposed Class defined as:

9 All persons who are employed or have been employed as an  
10 hourly employee by PEOPLE CENTER, INC. in the State of  
11 California since four (4) years prior to the filing of this action  
to the present.

12 2. From at least four (4) years prior to the filing of this action continuing to the  
13 present, Defendant has had a consistent policy of failing to pay wages and/or overtime to all  
14 hourly employees for all work perform at the proper rate of compensation. On a regular and  
15 consistent basis, Defendant required Plaintiff and the Proposed Class to perform work “off the  
16 clock” without compensation. In addition, Defendant violated California’s overtime laws by  
17 failing to correctly calculate the regular rate of pay (i.e., failing to include commissions,  
18 bonuses, incentive pay, and other non-discretionary pay in the regular rate calculation). Due to  
19 Defendant’s failure to include all required compensation in the regular rate compensation,  
20 employees that were paid overtime were not fully paid at the proper rate. This resulted in  
21 underpayment of wages and/or overtime. As a result of Defendant’s unlawful policies, Plaintiff  
22 and the Proposed Class were not properly paid for all hours worked and were paid at a regular  
23 rate less than the rate required under California law.

24 3. From at least four (4) years prior to the filing of this action continuing to the  
25 present, Defendant failed to provide paid sick leave to employees, failed to put employees on  
26 notice of their paid sick leave rights, failed to maintain accurate records of used sick leave and  
27 the balance of employees’ sick leave, and failed to include sick leave balance on employees’  
28 wage statements. Further, Defendant did not correctly calculate the rate of pay at which

1 employees should be compensated for their sick leave.

2 4. For at least four (4) years prior to the filing of this action continuing to the  
3 present, Defendant has had a consistent policy of failing to timely pay their California  
4 employees after the conclusion of each pay period in compliance with Labor Code § 204.

5 5. For at least four (4) years prior to the filing of this action continuing to the  
6 present, Defendant has had a consistent policy of failing to keep accurate time records. Wage  
7 Order 4-2001 Section 7(A)(3) requires an employer to keep records of when the employee  
8 begins and ends each work period and meal periods. Labor Code § 1199(c) requires employers  
9 to comply with any order of the commission. As such, Defendant has violated this statute and  
10 the Wage Order by failing to keep accurate records.

11 6. For at least four (4) years prior to the filing of this action and continuing to the  
12 present, Defendant has had a consistent policy of failing to inform employees of their right to  
13 take meal periods and requiring employees within the State of California, including Plaintiff, to  
14 work at least five (5) hours without a meal period and failing to pay such employees one (1)  
15 hour of pay at the employees' regular rate of compensation for each workday that the meal  
16 period is not provided or provided after five (5) hours, as required by California state wage and  
17 hour laws.

18 7. For at least four (4) years prior to the filing of this action and continuing to the  
19 present, Defendant has had a consistent policy of failing to inform employees of their right to  
20 take rest periods and of failing to provide employees within the State of California, including  
21 Plaintiff, rest periods of at least ten (10) minutes per four (4) hours worked or major fraction  
22 thereof and failing to pay such employees one (1) hour of pay at the employees regular rate of  
23 compensation for each workday that the rest period was not provided, as required by California  
24 state wage and hour laws.

25 8. For at least four (4) year prior to the filing of this action continuing to the  
26 present, Defendant has failed to comply with Labor Code § 226(a) by failing to include  
27 necessary and required information on wage statements provided to Plaintiff and the Proposed  
28 Class. Defendant failed to include the total hours worked, all applicable hourly rates in effect

1 during the pay period, and the corresponding number of hours worked at each hourly rate by the  
2 employee.

3 9. For at least four (4) years prior to the filing of this action and continuing to the  
4 present, Defendant has not reimbursed Plaintiff and the Proposed Class the cost and  
5 maintenance of their home internet and personal cellphones necessary to perform their job  
6 duties during the relevant time period in violation of Labor Code § 2802.

7 10. Based on the allegations alleged above, from at least four (4) years prior to the  
8 filing of this action continuing to the present, Defendant has failed to pay all wages due at the  
9 time of termination or resignation to Plaintiff and the Proposed Class.

10 11. Plaintiff, on behalf of himself and all Proposed Class Members brings this action  
11 pursuant to Labor Code §§ 203, 204, 210, 226(a), 226.7, 245-248.5, 510, 512, 1194, 1197, 1199,  
12 2802; Wage Order 4-2001; and California Code of Regulations, Title 8, Section 11040, seeking  
13 unpaid wages and/or overtime, proper sick pay, timely payment of wages, accurate  
14 recordkeeping, meal break premiums, rest break premiums, penalties for accurate itemized wage  
15 statements, reimbursement of expenses, wages upon termination or resignation, other penalties,  
16 injunctive and other equitable relief, and reasonable attorney's fees and costs.

17 12. Plaintiff, on behalf of himself and all Proposed Class Members, pursuant to  
18 Business & Professions Code §§ 17200-17208, also seeks injunctive relief, restitution, and  
19 disgorgement of all benefits Defendant enjoyed from its unlawful conduct as described herein.

20 **II**

21 **JURISDICTION AND VENUE**

22 13. This Court has subject matter jurisdiction over all causes of action asserted  
23 herein pursuant to Article VI, § 10 of the California Constitution and California Code of Civil  
24 Procedure § 410.10 by virtue of the fact that this is a civil action in which the matter in  
25 controversy, exclusive of interest, exceeds \$25,000, and because each cause of action asserted  
26 arises under the laws of the State of California or is subject to adjudication in the courts of the  
27 State of California.

28 14. This Court has personal jurisdiction over Defendant because Defendant has

1 caused injuries in the County of San Francisco and the State of California through their acts, and  
2 by their violation of the California Labor Code, California state common law, and California  
3 Business & Professions Code § 17200, *et seq.*

4 15. Venue as to each Defendant is proper in this judicial district, pursuant to Code of  
5 Civil Procedure § 395. Defendant operates within California and does business within the  
6 County of San Francisco. The unlawful acts alleged herein have a direct effect on Plaintiff and  
7 all Proposed Class Members within the State of California and the County of San Francisco.

8 16. This case should be classified as complex according to Rule 3.400 of the  
9 California Rules of Court, and assigned to a complex litigation judge and department, as it will  
10 involve substantial documentary evidence, a large number of witnesses, and is likely to involve  
11 extensive motion practice raising difficult or novel issues that will be time-consuming to resolve  
12 and would require substantial post judgment judicial supervision.

### 13 III

#### 14 PARTIES

##### 15 A. PLAINTIFF

16 17. Plaintiff CRISTIAN HERNANDEZ is a resident of California.

17 18. Plaintiff and the Proposed Class Members were regularly required to:

- 18 a. Work without being paid for all hours worked at the proper rate;
- 19 b. Work without being provided the proper sick pay;
- 20 c. Work without being paid wages in a timely manner;
- 21 d. Work without being supplied accurate time records;
- 22 e. Work without being provided their meal periods;
- 23 f. Work without being provided their rest periods;
- 24 g. Work without Defendant maintaining accurate time records showing

25 when the employee begins and ends each work period, meal periods, and total daily hours  
26 worked and work without being provided an accurate itemized wage statement that reflects all  
27 deductions from payment of wages and accurately report total hours worked, including when the  
28 employee begins and ends each work period, meal periods, and total daily hours worked, and

1 the applicable rates of pay by Plaintiff and Proposed Class Members; and

2 h. Work without being reimbursed for expenses as a condition of  
3 employment.

4 19. Defendant willfully failed to compensate Plaintiff and all Proposed Class  
5 Members for wages at the termination of their employment with Defendant.

6 20. As a result of this conduct, Defendant has engaged in unfair competition and  
7 unlawful business practices.

8 **B. DEFENDANTS**

9 21. Defendant PEOPLE CENTER, INC. is believed to be a Delaware corporation  
10 operating within the State of California. Defendant's corporate address is believed to be 430  
11 California Street, 12<sup>th</sup> Floor, San Francisco, CA 94104. Upon information and belief, Defendant  
12 employed Plaintiff and similarly situated persons as employees within California. Defendant  
13 has done and does business throughout the State of California.

14 22. The true names and capacities, whether individual, corporate, associate, or  
15 otherwise, of Defendants sued herein as DOES 1 to 50, inclusive, are currently unknown to  
16 Plaintiff, who therefore sues Defendants by such fictitious names under Code of Civil Procedure  
17 § 474. Plaintiff is informed and believes, and based thereon alleges, that each of the Defendants  
18 designated herein as a DOE is legally responsible in some manner for the unlawful acts referred  
19 to herein. Plaintiff will seek leave of court to amend this Complaint to reflect the true names  
20 and capacities of the Defendants designated hereinafter as DOES when such identities become  
21 known.

22 23. Plaintiff is informed and believes, and based thereon alleges, that each Defendant  
23 acted in all respects pertinent to this action as the agent of the other Defendants, carried out a  
24 joint scheme, business plan or policy in all respects pertinent hereto, and the acts of each  
25 Defendant are legally attributable to the other Defendants. Furthermore, Defendants in all  
26 respects acted as the employer and/or joint employer of Plaintiff and the Proposed Class  
27 Members.

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IV

**FACTUAL BACKGROUND**

24. Plaintiff and the Proposed Class are, and at all times pertinent hereto, have been classified as employees by Defendant.

25. Upon information and belief, Plaintiff and the Proposed Class are covered by California Industrial Welfare Commission Occupational Wage Order No. 4-2001 (Title 8 Cal. Code of Regs. § 11040).

26. On a regular and consistent basis, Defendant required Plaintiff and the Proposed Class to perform work “off the clock” without compensation. Defendant required Plaintiff and the Proposed Class to work before and after their scheduled shift to complete assigned job duties and tasks without the proper compensation. In addition, Defendant violated California’s overtime laws by failing to correctly calculate the regular rate of pay (i.e., failing to include commissions, bonuses, incentive pay, and other non-discretionary pay in the regular rate calculation). Due to Defendant’s failure to include all required compensation in the regular rate compensation, employees that were paid overtime were not fully paid at the proper rate. This resulted in underpayment of wages and/or overtime. As a result of Defendant’s unlawful policies, Plaintiff and the Proposed Class were not properly paid for all hours worked and were paid at a regular rate less than the rate required under California law.

27. On a regular and consistent basis, Defendant failed to provide paid sick leave to employees, failed to put employees on notice of their paid sick leave rights, failed to maintain accurate records of used sick leave and the balance of employees’ sick leave, and failed to include sick leave balance on employees’ wage statements. Plaintiff further alleges that Defendant did not correctly calculate the rate of pay at which employees should be compensated for their sick leave.

28. On a regular and consistent basis, Plaintiff and the Proposed Class were not paid timely at the conclusion of the pay period. Defendant’s California employees are paid their earned commission and/or bonus for the month at the end of the following month. As such, Defendant’s practice violates Labor Code §§ 204(a), 204(d), and 210.

1           29.     On a regular and consistent basis Defendant has had a consistent policy of failing  
2 to keep accurate time records. IWC Wage Order 4-2001 and Labor Code specifically require  
3 that Defendant maintains time records showing when the employee begins and ends each work  
4 period. *See* IWC Wage Order 4-2001(7). Further, meal periods, split shift intervals and total  
5 daily hours worked shall also be recorded. *Id.* Here, Defendant's own policies and procedures  
6 failed to record the start and stop of each meal period as required by the Wage Order and Labor  
7 Code. As a result, it is impossible to determine by Defendant's records if Plaintiff and the  
8 Proposed Class received a proper and timely thirty (30) minute uninterrupted meal period.  
9 Further, this violates the Wage Order and Labor Code as Defendant failed to record when the  
10 employee begins and ends each works period. This is to the detriment of Plaintiff and the  
11 Proposed Class.

12           30.     Plaintiff and the Proposed Class Members have been forced by Defendant to  
13 work over five (5) hours in one day without being provided a thirty (30) minute uninterrupted  
14 meal break and not being compensated one (1) hour of pay at the regular rate of compensation  
15 for each workday that a meal period was not provided or provided after five (5) hours, all in  
16 violation of California labor laws, regulations, and Industrial Welfare Commission Wage  
17 Orders. Additionally, Defendant failed to inform Plaintiff and the Proposed Class of their right  
18 to take meal periods by way of a lawful policy.

19           31.     Plaintiff and the Proposed Class have been required to work four-hour  
20 increments (or major fractions thereof) without being provided with a ten (10) minute rest  
21 period. Additionally, Defendant failed to inform Plaintiff and the Proposed Class of their right  
22 to take rest periods by way of a lawful policy.

23           32.     Defendant has failed to provide accurate itemized wage statements in compliance  
24 with Labor Code § 226(a) by failing to maintain time records showing when the employee  
25 begins and ends each work period, meal periods, total daily hours worked by itemizing in wage  
26 statements all deductions from payment of wages, accurately reporting total hours and  
27 applicable rates of pay for Plaintiff and the Proposed Class.

28           33.     On a regular and consistent basis, Plaintiff and the Proposed Class have not been

1 properly reimbursed expenses associated with the cost and maintenance of their home internet  
2 and personal cellphones necessary to perform their job duties as a condition of employment.

3 34. Defendant willfully failed to pay wages and compensation, when Plaintiff and  
4 Proposed Class Members quit or were discharged. Defendant failed to pay the wages described  
5 above at the time of termination or resignation. This failure was willful, without legal  
6 justification, and interfered with Plaintiff's and the Proposed Class Members' rights.

7 35. As a result of the facts alleged above, Defendant has engaged in unfair  
8 competition and unlawful business practices.

9 **V**

10 **CLASS ACTION ALLEGATIONS**

11 36. Plaintiff brings this action on behalf of himself and all others similarly situated as  
12 a Class Action pursuant to § 382 of the Code of Civil Procedure. Plaintiff seeks to represent  
13 proposed class composed of and defined as follows:

14 All persons who are employed or have been employed as a non-  
15 exempt employee by PEOPLE CENTER, INC. in the State of  
16 California since four (4) years prior to the filing of this action to  
the present.

17 37. Plaintiff reserves the right under Rule 3.765(b) of the California Rules of Court  
18 to amend or modify the class description with greater specificity, by division into subclasses, or  
19 by limitation to particular issues.

20 38. This action has been brought and may properly be maintained as a class action  
21 under the provisions of § 382 of the Code of Civil Procedure because there is a well-defined  
22 community of interest in the litigation and the Proposed Class is easily ascertainable.

23 **A. Numerosity**

24 39. The potential members of the Proposed Class as defined are so numerous that  
25 joinder of all the members of the Proposed Class is impracticable. While the precise number of  
26 Proposed Class Members has not been determined at this time, Plaintiff is informed and believes  
27 that Defendant currently employ, and during the relevant time periods employed 50 to 99  
28 members of the Proposed Class at any given time.

1           40. Plaintiff alleges that Defendant's employment records would provide information  
2 as to the number and location of all Proposed Class Members. Joinder of all members of the  
3 Proposed Class is not practicable.

4           **B. Commonality**

5           41. There are questions of law and fact common to the Proposed Class that  
6 predominate over any questions affecting only individual Proposed Class Members. These  
7 common questions of law and fact include, without limitation:

8           a. Whether Defendant failed to pay wages to Plaintiff and the Proposed  
9 Class as required by the Labor Code and Wage Orders under Labor Code §§ 510, 1194, 1197,  
10 and 1199;

11           b. Whether Defendant failed to provide the proper sick pay as required by  
12 Labor Code §§ 245-248.5;

13           c. Whether Defendant failed to timely pay wages to Plaintiff and the  
14 Proposed Class during the course of employment in violation of Labor Code § 204;

15           d. Whether Defendant failed to keep accurate records in violation of Wage  
16 Order 4-2001 Section 7(A)(3) and Labor Code § 1199(c);

17           e. Whether Defendant failed to provide all lawful meal periods or pay one  
18 hour of wages in lieu thereof statements to Plaintiff and the Proposed Class;

19           f. Whether Defendant failed to provide all lawful rest periods or pay one  
20 hour of wages in lieu thereof statements to Plaintiff and the Proposed Class;

21           g. Whether Defendant violated Labor Code § 226(a) and Wage Order 4-  
22 2001 or other applicable IWC Wage Orders, and Cal. Code Regs., Title 8, Section 11040 by  
23 failing to issue accurate and complete itemized wage statements;

24           h. Whether Defendant violated Labor Code § 2802 and/or Wage Order 4-  
25 2001 or other applicable IWC Wage Orders by failing to reimburse out of pocket expenses for  
26 the cost and maintenance of their home internet and personal cellphones necessary to perform  
27 their job duties;

28           i. Whether Defendant violated §§ 201-203 of the Labor Code by failing to

1 pay compensation due and owing at the time that any Proposed Class Member's employment  
2 with Defendant terminated;

3 j. Whether Defendant violated § 17200, *et seq.* of the Business &  
4 Professions Code by engaging in the acts previously alleged; and

5 k. Whether Plaintiff and the members of the Proposed Class are entitled to  
6 equitable relief pursuant to Business & Professions Code § 17200, *et seq.*

7 **C. Typicality**

8 42. The claims of Plaintiff are typical of the claims of the Proposed Class. Plaintiff  
9 and all members of the Proposed Class sustained injuries and damages arising out of and caused  
10 by Defendant's common course of conduct in violation of laws, regulations that have the force  
11 and effect of law, and statutes as alleged herein.

12 **D. Adequacy of Representation**

13 43. Plaintiff will fairly and adequately represent and protect the interests of the  
14 members of the Proposed Class. Counsel who represents Plaintiff and the Proposed Class are  
15 competent and experienced in litigating large employment class actions.

16 **E. Superiority of Class Action**

17 44. A class action is superior to other available means for the fair and efficient  
18 adjudication of this controversy. Individual joinder of all Proposed Class Members is not  
19 practicable, and questions of law and fact common to the Proposed Class predominate over any  
20 questions affecting only individual members of the Proposed Class. Each member of the  
21 Proposed Class has been damaged and is entitled to recovery by reason of Defendant's illegal  
22 policy and/or practice of failing to pay wages for all hours worked at the proper rate, failing to  
23 provide the proper sick pay, failing to timely wages, failing to provide accurate time records,  
24 failing to provide meal periods, failing to provide rest periods, failing to provide accurate  
25 itemized wage statements, failing to provide reimbursement of expenses, and failing to pay all  
26 wages upon resignation or termination.

27 45. Class action treatment will allow those similarly situated persons to litigate their  
28 claims in the manner that is most efficient and economical for the parties and the judicial

1 system. Plaintiff is unaware of any difficulties that are likely to be encountered in the  
2 management of this action that would preclude its maintenance as a class action.

3 **VI**

4 **FIRST CAUSE OF ACTION**

5 **FAILURE TO PAY WAGES/OVERTIME**

6 **VIOLATION OF LABOR CODE §§ 510, 1194, 1197, AND 1199**

7 46. Plaintiff incorporates each and every allegation set forth in all of the foregoing  
8 paragraphs as if fully set forth herein.

9 47. Labor Code § 510(a) states that eight hours of labor constitutes a day's work and  
10 any work in excess of eight hours in one workday and any work in excess of 40 hours in any  
11 one workweek must be compensated at the rate of no less than one and one-half times the  
12 regular rate of pay for an employee. Labor Code §§ 1194 and 1199 require an employer to pay  
13 its employees the legal minimum wage and the legal overtime compensation applicable.  
14 California law also requires that any compensation, including a bonus, must be included in the  
15 regular rate of pay.

16 48. On a regular and consistent basis, Plaintiff and the Proposed Class were not paid  
17 for all hours worked at the proper rate of compensation. Defendant required Plaintiff and the  
18 Proposed Class to perform work "off the clock" without compensation. Defendant required  
19 Plaintiff and the Proposed Class to work before and after their scheduled shift to complete  
20 assigned job duties and tasks without the proper compensation. In addition, Defendant violated  
21 California's overtime laws by failing to correctly calculate the regular rate of pay (i.e., failing to  
22 include commissions, bonuses, incentive pay, and other non-discretionary pay in the regular rate  
23 calculation). Due to Defendant's failure to include all required compensation in the regular rate  
24 compensation, employees that were paid overtime were not fully paid at the proper rate. This  
25 resulted in underpayment of wages and/or overtime. As a result of Defendant's unlawful  
26 policies, Plaintiff and the Proposed Class were not properly paid for all hours worked and were  
27 paid at a regular rate less than the rate required under California law.

28 49. Plaintiff and the Proposed Class were forced to work on a regular and consistent

1 basis without receiving compensation for all hours worked at the proper rate. Specifically,  
2 Plaintiff and the Proposed Class were not paid at the proper overtime rate when they were  
3 working more than eight (8) hours in one day or forty (40) hours in one week.

4 50. By their policy of requiring Plaintiff and the Proposed Class to work in excess of  
5 eight (8) hours in a workday and/or forty (40) hours in a workweek without compensating them  
6 at the rate of one-half (1 1/2) their regular rate of pay, Defendant willfully violated the  
7 provisions of Labor Code §§ 510, 1194 and 1199.

8 51. As a result of the unlawful acts of Defendant, Plaintiff and the Proposed Class  
9 have been deprived of wages and overtime in amounts to be determined at trial, and are entitled  
10 to recovery of such amounts, plus interest and penalties thereon, attorney's fees, and costs.

11 **VII**

12 **SECOND CAUSE OF ACTION**

13 **FAILURE TO TIMELY PAY WAGES PURSUANT TO LABOR CODE § 204**

14 52. Plaintiff incorporates each and every allegation set forth in all of the foregoing  
15 paragraphs as if fully set forth herein.

16 53. Labor Code § 204(a) states that all wages earned by any person in any  
17 employment are due and payable twice during each calendar month. Further, Labor Code  
18 § 204(d) requires that employees paid on a weekly, biweekly, or semimonthly basis be paid no  
19 later than seven (7) calendar days after the payroll period ends. Defendant's California  
20 employees are paid their earned commission and/or bonus for the month at the end of the  
21 following month. As such, Defendant's practice violates Labor Code §§ 204(a), 204(d) and  
22 210.

23 54. As a proximate result of Defendant's violations of Labor Code § 204, Plaintiff  
24 and the Proposed Class have been damaged in an amount according to proof at the time of trial.

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**VIII**

**THIRD CAUSE OF ACTION**

**FAILURE TO KEEP ACCURATE TIME RECORDS PURSUANT TO**

**WAGE ORDER 4-2001 AND LABOR CODE § 1199**

55. Plaintiff incorporates each and every allegation set forth in all of the foregoing paragraphs as if fully set forth herein.

56. Labor Code § 1199 requires employers to comply with any provision of this chapter or any order or ruling of the commission.

57. Wage Order 4-2001 Section 7(A)(3) requires an employer to keep records of when the employee begins and ends each work period and meal periods.

58. Defendant failed to keep accurate records of when an employee begins and ends each work period and accurate meal period times. Defendant does not keep these records for Plaintiff and the Proposed Class.

59. As a result of the unlawful acts of Defendant, Plaintiff and the Proposed Class are entitled to penalties thereon, attorney's fees, and costs.

**IX**

**FOURTH CAUSE OF ACTION**

**FAILURE TO PROVIDE MEAL PERIODS PURSUANT TO LABOR CODE § 226.7**

**AND LABOR CODE § 512**

60. Plaintiff incorporates each and every allegation set forth in all of the foregoing paragraphs as if fully set forth herein.

61. Labor Code §§ 226.7 and 512 require an employer to pay an additional hour of compensation for each meal period the employer fails to provide. Employees are entitled to a first meal period of at least thirty (30) minutes for shifts over five (5) hours, to be provided within the first five (5) hours of the shift. Defendant failed to maintain a policy informing Plaintiff and the Proposed Class of these rights.

62. Plaintiff and the Proposed Class consistently worked shifts over five (5) hours.

63. Defendant failed to provide Plaintiff and the Proposed Class with proper meal

1 periods of not less than thirty (30) minutes as required by the Labor Code during the relevant  
2 time period. When Defendant provided these meal periods, they were often less than thirty (30)  
3 minutes in length.

4 64. Pursuant to Labor Code § 226.7, Plaintiff and the Proposed Class are entitled to  
5 damages in an amount equal to one (1) hour of wages per missed meal break, per day in a sum  
6 to be proven at trial.

7 **X**

8 **FIFTH CAUSE OF ACTION**

9 **FAILURE TO ALLOW REST PERIODS PURSUANT TO LABOR CODE § 226.7**

10 65. Plaintiff incorporates each and every allegation set forth in all of the foregoing  
11 paragraphs as if fully set forth herein.

12 66. Labor Code § 226.7 require an employer to pay an additional hour (1) of  
13 compensation for each rest period the employer fails to provide. Employees are entitled to a  
14 paid ten (10) minute rest break for every four (4) hours worked (or major fraction thereof).  
15 Defendant failed to maintain a policy informing Plaintiff and the Proposed Class of this right.

16 67. Plaintiff and the Proposed Class consistently worked shifts with no rest breaks or  
17 with only some of their required rest breaks, and Defendant failed to maintain an accurate policy  
18 advising Plaintiff and the Proposed Class of these rest breaks and failed to provide Plaintiff and  
19 the Proposed Class with rest breaks of not less than ten (10) minutes as required by the Labor  
20 Code during the relevant time period.

21 68. Pursuant to Labor Code § 226.7, Plaintiff and the Proposed Class are entitled to  
22 damages in an amount equal to one (1) hour of wages per missed rest period, in a sum to be  
23 proven at trial.

24 **XI**

25 **SIXTH CAUSE OF ACTION**

26 **VIOLATION OF LABOR CODE § 226(a)**

27 69. Plaintiff incorporates each and every allegation set forth in all of the foregoing  
28 paragraphs as if fully set forth herein.





1           84. This is a Class Action for Unfair Business Practices. Plaintiff, on behalf of  
2 himself, on behalf of the general public, and on behalf of the Proposed Class, brings this claim  
3 pursuant to Business & Professions Code § 17200, *et seq.* The conduct of Defendant as alleged  
4 in this Complaint has been and continues to be unfair, unlawful, and harmful to Plaintiff, the  
5 general public, and the Proposed Class. Plaintiff seeks to enforce important rights affecting the  
6 public interest within the meaning of Code of Civil Procedure § 1021.5.

7           85. Plaintiff is a “person” within the meaning of Business & Professions Code  
8 § 17204, and therefore has standing to bring this cause of action for injunctive relief, restitution,  
9 and other appropriate equitable relief.

10          86. Business & Profession Code § 17200, *et seq.* prohibits unlawful and unfair  
11 business practices.

12          87. California’s wage and hour laws express fundamental public policies. Providing  
13 employees with proper wages and compensation are fundamental public policies of this State  
14 and of the United States. Labor Code § 90.5(a) articulates the public policies of this State to  
15 enforce vigorously minimum labor standards, to ensure that employees are not required or  
16 permitted to work under substandard and unlawful conditions, and to protect law-abiding  
17 employers and their employees from competitors who lower their costs by failing to comply  
18 with minimum labor standards.

19          88. Defendant has violated statutes and public policies as alleged herein. Through  
20 the conduct alleged in this Complaint, Defendant has acted contrary to these public policies,  
21 have violated specific provisions of the Labor Code, and have engaged in other unlawful and  
22 unfair business practices in violation of Business & Profession Code § 17200, *et seq.*, depriving  
23 Plaintiff, and all persons similarly situated, and all interested persons of rights, benefits, and  
24 privileges guaranteed to all employees under law.

25          89. Defendant’s conduct, as alleged hereinabove, constitutes unfair competition in  
26 violation of § 17200, *et seq.* of the Business & Professions Code.

27          90. Defendant, by engaging in the conduct herein alleged, either knew or in the  
28 exercise of reasonable care, should have known that the conduct was unlawful. As such it is a

1 violation of § 17200, *et seq.* of the Business & Professions Code.

2 91. As a proximate result of the above-mentioned acts of Defendant, Plaintiff and  
3 others similarly situated have been damaged in a sum as may be proven.

4 92. Unless restrained, Defendant will continue to engage in the unlawful conduct as  
5 alleged above. Pursuant to the Business & Professions Code, this court should make such  
6 orders or judgments, including the appointment of a receiver, as may be necessary to prevent the  
7 use or employment by Defendant, its agents, or employees, of any unlawful or deceptive  
8 practices prohibited by the Business & Professions Code, and/or, including but not limited to,  
9 restitution and disgorgement of profits which may be necessary to restore Plaintiff and the  
10 Proposed Class the money Defendant has unlawfully failed to pay.

11 **RELIEF REQUESTED**

12 **WHEREFORE**, Plaintiff prays for the following relief:

13 1. For compensatory damages in the amount of unpaid wages and/or overtime not  
14 paid to Plaintiff and each Proposed Class Member from at least four (4) years prior to the filing  
15 of this action to the present as may be proven;

16 2. For penalties pursuant to Labor Code § 210 for violation of Labor Code § 204 in  
17 the amount of one hundred dollars (\$100) for the initial pay period in which a violation occurs  
18 and two hundred dollars (\$200) per employee for each violation in a subsequent pay period, plus  
19 25% of the amount unlawfully withheld;

20 3. For compensatory damages in the amount of Plaintiff's and each Proposed Class  
21 Members' hourly wage for each meal period missed or taken late from at least four (4) years  
22 prior to the filing of this action to the present as may be proven;

23 4. For compensatory damages in the amount of Plaintiff's and each Proposed Class  
24 Members' hourly wage for each rest period missed or taken late from at least four (4) years prior  
25 to the filing of this action to the present as may be proven;

26 5. For penalties pursuant to Labor Code § 226(e) for violation of Labor Code  
27 § 226(a) in the amount of fifty dollars (\$50) for the initial pay period in which a violation occurs  
28 and one hundred dollars (\$100) per employee for each violation in a subsequent pay period, not

1 exceeding an aggregate penalty of four thousand dollars (\$4,000);

2 6. For compensatory damages in the amount of Plaintiff's and each Proposed Class  
3 Members' out of pocket expenses as a requirement of employment;

4 7. For penalties pursuant to Labor Code § 203 for all employees who were  
5 terminated or resigned equal to their daily wage times thirty (30) days;

6 8. An award of prejudgment and post judgment interest;

7 9. An order enjoining Defendant and its agents, servants, and employees, and all  
8 persons acting under, in concert with, or for it from providing Plaintiff and the Proposed Class  
9 with proper wages and/or overtime, timely payment of wages, accurate time records, meal  
10 periods, rest periods, accurate itemized wage statements, reimbursement of expenses, and wages  
11 upon termination/resignation pursuant to Labor Code §§ 203, 204, 210, 226(a), 226.7, 245-  
12 248.5, 510, 512, 1194, 1197, 1199, 2802, and IWC 4-2001;

13 10. For restitution for unfair competition pursuant to Business & Professions Code  
14 § 17200, *et seq.*, including disgorgement or profits, in an amount as may be proven;

15 11. An award providing for payment of costs of suit;

16 12. An award of attorney's fees; and

17 13. Such other and further relief as this Court may deem proper and just.

18 **DEMAND FOR JURY TRIAL**

19 Plaintiff hereby demands a trial of his claims by jury to the extent authorized by law.

20

21 DATED: February 12, 2025

LAW OFFICES OF DARREN M. COHEN, APC

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By: 

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DARREN M. COHEN

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*Attorneys for Plaintiff and the Proposed Class*

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