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 ORIGINAL FILED**
 Superior Court of California
 County of Los Angeles

SEP 30 2019
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 By: Isaac Lovo, Deputy

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12
 13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
 14 **FOR THE COUNTY OF LOS ANGELES**

15
 16 MONICA BARAJAS, as an individual and
 on behalf of all other aggrieved employees,

Case No.: **19STCV34668**

17 Plaintiff,

**REPRESENTATIVE ACTION COMPLAINT
 FOR:**

18
 19 vs.

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

20 WHITE MEMORIAL MEDICAL
 CENTER, a California corporation;
 21 ADVENTIST HEALTH SYSTEM/WEST,
 a California corporation; and DOES 1
 22 through 50, inclusive,

DEMAND OVER \$25,000.00

23 Defendants.
 24

1 Plaintiff Monica Barajas (“Plaintiff”) hereby submits this Representative Action
2 Complaint (“Complaint”) against Defendant White Memorial Medical Center, Defendant
3 Adventist Health System/West and Does 1 through 50 (hereinafter collectively referred to as
4 “Defendants”) on behalf of herself and a all other current and former aggrieved employees of
5 Defendants for penalties for violations of the California Labor Code, including without
6 limitation, failure to provide employees with accurate itemized wage statements as follows:

7 **INTRODUCTION**

8 1. This representative action is within the Court’s jurisdiction under California
9 Labor Code sections 226 and 2698, *et seq.*

10 2. This Complaint challenges systemic illegal employment practices resulting in
11 violations of the California Labor Code against individuals who worked for Defendants.

12 3. Plaintiff is informed and believes, and based thereon alleges, that Defendants,
13 jointly and severally, have acted intentionally and with deliberate indifference and conscious
14 disregard to the rights of all employees in Defendants’ failure to provide accurate payroll
15 records.

16 4. Plaintiff is informed and believes, and based thereon alleges, that Defendants
17 have engaged in, among other things a system of willful violations of the California Labor Code,
18 by creating and maintaining policies, practices and customs that knowingly deny employees the
19 above stated rights and benefits.

20 **JURISDICTION AND VENUE**

21 5. The Court has jurisdiction over the violations of California Labor Code sections
22 226 and 2698, *et seq.*

23 6. Venue is proper in Los Angeles County because Defendants operate a hospital in
24 Los Angeles County, and Plaintiff was employed by Defendants in Los Angeles County.

25 **PARTIES**

26 7. Plaintiff was employed by Defendants as an hourly non-exempt employee from
27 approximately 2011 through November 2018.

28 8. Plaintiff was and is the victim of the policies, practices, and customs of

1 Defendants complained of in this action in ways that have deprived her of the rights guaranteed
2 by California Labor Code sections 226 and 2698, *et seq.*

3 9. Plaintiff is informed and believes that White Memorial Medical Center is a
4 California non-profit corporation that maintain operations in the State of California, including
5 locations in Los Angeles, California.

6 10. Plaintiff is informed and believes that Adventist Health System/West is a
7 California non-profit corporation that maintains operations in the State of California, including
8 locations in Los Angeles, California.

9 11. Plaintiff is informed and believes, and based thereon alleges, that at all times
10 herein mentioned Defendants are and were business entities, individuals, and partnerships,
11 licensed to do business and actually doing business in the State of California. As such, and based
12 upon all the facts and circumstances incident to Defendants' business, Defendants are subject to
13 California Labor Code sections 226 and 2698, *et seq.*

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

21 13. At all times herein mentioned, each of said Defendants participated in the doing
22 of the acts hereinafter alleged to have been done by the named Defendants; and furthermore, the
23 Defendants, and each of them, were the agents, servants and employees of each of the other
24 Defendants, as well as the agents of all Defendants, and at all times herein mentioned, were
25 acting within the course and scope of said agency and employment.

26 14. Plaintiff is informed and believes, and based thereon alleges, that at all times
27 material hereto, each of the Defendants named herein was the agent, employee, alter ego and/or
28 joint venturer of, or working in concert with each of the other co-Defendants and was acting

1 within the course and scope of such agency, employment, joint venture, or concerted activity.
2 To the extent said acts, conduct, and omissions were perpetrated by certain Defendants, each of
3 the remaining Defendants confirmed and ratified said acts, conduct, and omissions of the acting
4 Defendants.

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

8 16. At all times herein mentioned, the acts and omissions of various Defendants, and
9 each of them, concurred and contributed to the various acts and omissions of each and all of the
10 other Defendants in proximately causing the injuries and damages as herein alleged. At all times
11 herein mentioned, Defendants, and each of them, ratified each and every act or omission
12 complained of herein. At all times herein mentioned, Defendants, and each of them, aided and
13 abetted the acts and omissions of each and all of the other Defendants in proximately causing the
14 damages as herein alleged.

15 **FIRST CAUSE OF ACTION**

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

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

18 17. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 16 as
19 though fully set forth herein.

20 18. Plaintiff brings this cause of action as a proxy for the State of California and in
21 this capacity, seeks penalties on behalf of all Aggrieved Employees for Defendants' violation of
22 Labor Code section 226(a) from August 2, 2018, through the present, arising from Defendants'
23 failure to provide proper and accurate itemized wage statements.

24 19. Plaintiff and the Aggrieved Employees were paid on an hourly basis. As such, the
25 wage statements should have reflected all applicable hourly rates in effect during the pay period
26 and the total hours worked, pursuant to Labor Code section 226(a). The wage statements
27 provided to Plaintiff and the Aggrieved Employees failed to identify such information. More
28 specifically, when Plaintiff and the Aggrieved Employees received overtime and/or shift

1 differential wages, the corresponding wage statement failed to identify the accurate total hours
2 worked. When the hours shown on the wage statement were added up, they did not equal the
3 actual total hours worked during the pay period. Additionally, when Plaintiff and the Aggrieved
4 Employees received overtime wages, the corresponding wage statement failed to accurately
5 identify the applicable hourly overtime rate as 1.5 times the regular rate of pay. Rather, the
6 overtime rate was identified as a regular rate.

7 20. Whenever overtime wages were paid to Plaintiff and other Aggrieved Employees,
8 the wage statements do not accurately the correct overtime rate of time-and-a-half the applicable
9 regular rate of pay in violation of Labor Code section 226(a)(9).

10 21. Defendants' wage statements further list multiple and in some cases three
11 different overtime categories for overtime work, with a different number of stated hours in each
12 overtime category in violation of Labor Code section 226.

13 22. On or about August 2, 2019, Plaintiff sent written notice to the California Labor
14 & Workforce Development Agency ("LWDA") of Defendants' violation of Labor Code section
15 226(a) pursuant to Labor Code section 2698, *et seq.*

16 23. As of the date of this filing, the LWDA has not provided written notice regarding
17 whether it intends to investigate the Labor Code violations set forth in Plaintiff's written notice
18 and thus allowing Plaintiff to proceed under PAGA against Defendants for said violations.
19 Therefore, Plaintiff may seek any and all applicable penalties under PAGA.

20 24. As such, pursuant to Labor Code section 2699(a), Plaintiff seeks recovery of any
21 and all applicable civil penalties for Defendants' violation of Labor Code section 226 for the
22 time periods described above, as a proxy for the State of California and on behalf of other
23 Aggrieved Employees.

24 **PRAYER FOR RELIEF**

25 WHEREFORE, Plaintiff prays for and requests relief against Defendants as follows:

26 1. Upon the First Cause of Action, for civil penalties according to proof pursuant to
27 Labor Code section 2698, *et seq.*, and for costs and attorneys' fees;

28 2. On all causes of action for attorneys' fees and costs as provided by California

1 Labor Code sections 226 and 2698, *et seq.*, and Code of Civil Procedure section 1021.5; and

2 3. For such other and further relief the Court may deem just and proper.

3
4 DATED: September 30, 2019

DIVERSITY LAW GROUP, P.C.

5
6 By: 

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