

ORIGINAL

FILED

Superior Court of California
County of Los Angeles

MAY 07 2014

Sherri R. Carter, Executive Officer/Clerk
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And Ramon Zaragoza

D311 Shepard Wiley Jr.
SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES, CENTRAL CIVIL

JENNY AYON, RAMON ZARAGOZA, on)
behalf of themselves and all persons similarly)
situated,)

Plaintiffs,

vs.

DOMINOIDS, INC, dba Domino's Pizza;
SO-CAL DOMINOIDS, INC; H&J
ENTERPRISES, INC, a California
corporation; DAN HOSSEINI; JACOB
RASHTI; DOES 1 – 100, Inclusive,

Defendants.

Case No.: **BC544872**

CLASS ACTION

**COMPLAINT FOR RESTITUTION,
DAMAGES AND INJUNCTIVE RELIEF**

1. UNLAWFUL BUSINESS PRACTICES IN VIOLATION OF CAL. B&P CODE 17200 et seq.
2. FAILURE TO PAY EARNED WAGES AND OVERTIME COMPENSATION IN VIOLATION CAL. LABOR CODE 204, 210, 218, 510, 1194 AND 1198
3. FAILURE TO PROVIDE MEAL AND REST PERIODS IN VIOLATION OF CAL. LAB. CODE § 226.7 AND 512;
4. FAILURE TO PROVIDE WAGES WHEN DUE AND WAITING TIME PENALTIES IN VIOLATION OF CAL. LAB. CODE § 203;
5. FAILURE TO COMPENSATE FOR ALL HOURS WORKED [Labor Code § 1198]
6. FAILURE TO PROVIDE ACCURATE ITEMIZED WAGE STATEMENTS [Labor Code § 226]
7. PRIVATE ATTORNEY GENERAL ACT [Labor Code § 2698];

JURY DEMAND

RECEIPT #: CCH195707027
DATE PAID: 05/07/14 0:49 AM
PAYMENT: \$435.00
RECEIVED:
CHECK: \$0.00
CASH: \$0.00
CHANGE: \$0.00
CARD: \$435.00

PLAINTIFFS JENNY AYON ("AYONS" and/or "PLAINTIFFS"), RAMON
ZARAGOZA ("ZARAGOZA" and/or "PLAINTIFFS") on behalf of themselves and all persons

1 similarly situated, allege on information and belief, except for their own acts and knowledge, the
2 following:

3 **THE PARTIES**

4 1. PLAINTIFFS JENNY AYON and RAMON ZARAGOZA, are, and at all relevant times
5 mentioned herein, residents of Los Angeles County or Ventura Counties, State of California or
6 worked in Los Angeles County.

7 2. PLAINTIFFS are informed and believe, and thereon allege that DEFENDANT
8 DOMINOIDS, INC. ("DOMINOIDS" and/or "DEFENDANTS") dba Domino's Pizza, is, and
9 was at all relevant times mentioned herein, a California corporation organized under the law of
10 the State of California, with its principal place of business in Los Angeles, California, County of
11 Los Angeles.

12 3. PLAINTIFFS are informed and believe, and thereon allege that Defendant SO-CAL
13 DOMINOIDS, INC. ("DOMINOIDS" and/or "DEFENDANTS") is, and was at all relevant times
14 mentioned herein, a foreign corporation, registered in the State of California, with a registered
15 agent, CT Corporation, 818 W. 7th Street, Los Angeles, California 90017.

16 4. PLAINTIFFS are informed and believe, and thereon allege that DEFENDANT H&J
17 ENTERPRISES, INC, ("H&J" and/or "DEFENDANTS") is, and was at all relevant times
18 mentioned herein, a California corporation, organized under the law of the State of California,
19 with its principal place of business in Los Angeles, California, County of Los Angeles, at 6239
20 Agnes Avenue, North Hollywood, California 91606 and 17028 Devonshire.

21 5. PLAINTIFFS are informed and believe, and thereon allege that Defendant DAN
22 HOSSEINI ("HOSSEINI" and/or "DEFENDANTS") is, and was at all relevant times mentioned
23 herein, the registered agent of Defendant corporations H&J AND DOMINOIDS and an officer,
24 director of said corporation.

25 6. PLAINTIFFS are informed and believe, and thereon allege that Defendant DAN
26 HOSSEINI ("HOSSEINI" and/or "DEFENDANTS") is, and at all relevant times mentioned
27 herein, residents of Los Angeles County or Ventura Counties, State of California or worked in
28 Los Angeles County.

1 7. PLAINTIFFS are informed and believe, and thereon allege that Defendant JACOB
2 RASHTI ("RASHTI" and/or "DEFENDANTS") is, and at all relevant times mentioned herein,
3 residents of Los Angeles County or Ventura Counties, State of California or worked in Los
4 Angeles County.

5 8. PLAINTIFFS are ignorant of the true names and capacities of defendants sued herein as
6 Does 1-500, inclusive, and therefore sues these defendants by those fictitious names.
7 PLAINTIFF will seek leave to amend this Complaint to allege their true names and capacities
8 when ascertained.

9 9. PLAINTIFFS are informed and believe, and thereon allege, that each of the fictitiously
10 named defendants is responsible in some manner for the occurrences herein alleged, and that the
11 PLAINTIFF's damages as alleged in this Complaint were proximately caused by these
12 fictitiously named defendants.

13 10. PLAINTIFFS are informed and believe, and thereon allege, that at all relevant times
14 mentioned herein, each of the defendants was the agent and employee of each of the remaining
15 defendants, and in doing the things hereinafter alleged, was acting in the course and scope of
16 such agency and employment.

17 11. Venue is properly laid in this Court in that the claims and injuries occurred in the County
18 of Los Angeles and the Defendants are located in Los Angeles County, California.

18 INTRODUCTION

19 11. PLAINTIFFS regularly worked 35 or more hours per week. However, PLAINTIFFS
20 regularly worked 7 to 8 or more hour shifts per day. The primary jobs of PLAINTIFFS are
21 "insiders" (work inside the DOMINOIDS Pizza locations) and delivery drivers/insiders. The
22 PLAINTIFFS were generally required to work overtime on a daily basis, were not permitted to
23 take meal breaks, rest periods, and were not paid for all the hours worked, not paid overtime for
24 more than 8 hours a day, 40 hours a week.

25 12. Defendants H&J AND DOMINOIDS, upon information and belief, are pizza businesses
26 operated by Defendants DAN HOSSEINI and JACOB RASHTI, and headquartered in Los
27 Angeles, California, and Southern and Central California, which employed Plaintiffs as workers
28 at various Dominos pizza store locations. Plaintiffs were also employed in other locations in and
around Los Angeles County.

THE UCL REMEDIES

13 As a result of DEFENDANTS UCL violations, PLAINTIFFS, on behalf of themselves and the CALIFORNIA CLASS, seek restitutionary disgorgement of DEFENDANTS ill-gotten gains into a fluid fund to recover all the money that DEFENDANTS were required by law to pay, but failed to pay, to PLAINTIFFS and all other CALIFORNIA CLASS members in order to pay restitution to PLAINTIFFS and the CALIFORNIA CLASS. PLAINTIFF also seeks all other relief available to them and other "insiders" and/or delivery drivers. PLAINTIFFS also seek declaratory relief finding that the employment practices and policies of DEFENDANT violates California law.

14. PLAINTIFFS bring the First Cause of Action ("COA") for Unfair, Unlawful and Deceptive Business Practices pursuant to Cal. Bus. & Prof. Code 17200, et seq. (the "UCL").

15. As food service workers during the period beginning on the date four years before the filing of this complaint and ending on the date as determined by the filings.

16. To the extent equitable tolling operates to toll claims by PLAINTIFFS against DEFENDANTS, the times should be adjusted accordingly.

17. DEFENDANTS, as a matter of corporate policy, practice and procedure, and in violation of the applicable Labor Codes, Industrial Welfare Commission ("IWC") Wage Order Requirements, and the applicable provisions of California law, intentionally, knowingly, and willfully engaged in a practice whereby DEFENDANTS unfairly, unlawfully, and deceptively instituted a practice to ensure that the employees were not paid overtime, permitted meal periods, or permitted rest periods, by California Labor Code 512.

18. Misclassification of managers and assistant managers to the extent that assistant managers, shift leads and managers are misclassified, said managers and assistant managers and shift leads are really hourly employees who do the same work as everyone else.

19. DEFENDANTS have the burden of proof that each and every employee was properly paid pursuant to Cal. Lab. Code Sec. 512 et seq. DEFENDANTS, however, as a matter of uniform and systematic policy and procedure had in place during the time periods and still have in place a policy and practice that denies PLAINTIFFS their proper pay.

THE CONDUCT

20. PLAINTIFFS EDUARDO JENNY AYON and RAMON ZARAGOZA and other Dominos pizza workers were employed by Defendants DOMINOIDS, INC, dba Dominos, a

1 foreign corporation; SO-CAL DOMINIDS, INC.; H&J ENTERPRISES, INC, a California
2 corporation; DAN HOSSEINI and JACOB RASHTI at their various locations for varying
3 amounts of years. PLAINTIFFS were not paid overtime, given meal or rest periods, or paid the
4 proper amount for their hours worked, and forced to work off the clock, in violation of California
5 law. Also PLAINTIFFS were employed as minors, hired by said Defendants with no work
6 permits and employed under conditions in violation of California law.

7 21. As a food service type corporation doing business in California, DEFENDANTS are
8 subject to the UCL and the overtime laws of the State of California.

9 22. PLAINTIFFS are hourly workers, ranging from \$8.00 per hour to \$12.00 per hour as
10 follows: AYONS, \$10.00 per hour; ZARAGOZ, \$8.00 per hour. The CALIFORNIA CLASS
11 average pay range falls between \$8.00 and \$12.00 per hour.

12 23. PLAINTIFFS customarily worked between one and two hours overtime each day.
13 PLAINTIFFS customarily worked between one and two hours off the clock each shift.
14 PLAINTIFFS were required to log in their hours on the computer. However, PLAINTIFFS were
15 required to punch out at the end of their shift, then stay working on accounting and cleaning the
16 stores. DEFENDANTS then manipulated the computer data as necessary to avoid paying more
17 than 7 to 8 hours per shift and to avoid paying overtime.

18 24. DEFENDANTS intentionally failed to keep accurate records of PLAINTIFFS work time.

19 25. DEFENDANTS intentionally failed to pay PLAINTIFFS for hours worked, including
20 overtime, meal periods, rest periods.

21 26. By reason of this uniform conduct applicable to PLAINTIFFS, DEFENDANTS committed
22 acts of unfair competition in violation of California Unfair Competition Law, Cal. Bus. & Prof.
23 Code Sec. 17200 (the "UCL"), by engaging in company-wide policies and procedures which
24 failed to properly compensate PLAINTIFFS, the California FTB and the United States Internal
25 Revenue Services, the Social Security Administration, California state government, among
26 others.

27 27. Defendants' violation of California wage and hour laws constitutes a business practice
28 because it was done repeatedly over a significant period of time and in a systematic manner to
the detriment of Plaintiffs.

1 28. For the four years preceding the filing of this action, Plaintiff has suffered damages and
2 requests damages and/or restitution of all monies and profits to be disgorged from Defendants in
3 an amount according to proof at time of trial, but in excess of the jurisdiction of this Court.

4 29. As a result of DEFENDANT's intentional disregard of the obligation to meet this burden,
5 DEFENDANTS failed to properly calculate and/or pay all required overtime compensation for
6 work performed by PLAINTIFFS and violated the California Labor Code and regulations
7 promulgated thereunder as herein alleged.

8 30. PLAINTIFFS were employees as treated by DEFENDANTS and as defined under
9 California Labor Code 3351. PLAINTIFFS were paid an hourly wage based on the amount of
10 time DEFENDANTS scheduled PLAINTIFFS to work at the Dominos store where PLAINTIFF
11 was assigned. Misclassification of managers and assistant managers as other than hourly
12 employees.

13 31. PLAINTIFFS complained of the lack of overtime pay, but still were not properly
14 compensated.

15 32. DEFENDANTS, as a matter of corporate policy, practice and procedure, and in violation
16 of the applicable Labor Code, Industrial Welfare Commission ("IWC") Wage Order
17 Requirements, and the applicable provisions of California law, intentionally, knowingly, and
18 willfully engaged in a practice whereby DEFENDANTS unfairly, unlawfully, and deceptively
19 instituted a practice to ensure that the employees were not paid the actual time worked.

20 33. PLAINTIFFS were required to "clock out" up to a half an hour to two hours before
21 completing their work at the Dominos stores to which PLAINTIFFS were assigned. Further,
22 some PLAINTIFFS were then required to drive to the bank following their shift in order to make
23 a nighttime cash deposit at the bank, time for which PLAINTIFF was not compensated and for
24 which DEFENDANTS have not accounted for in calculating wages due, overtime, meal and rest
25 periods. In actuality, DEFENDANTS knew that PLAINTIFFS were spending many hours in
26 overtime which was never compensated.

27 34. DEFENDANTS, further as a matter of corporate policy, practice and procedure, and in
28 violation of applicable Labor Code, and the applicable provisions of California law,

1 intentionally, knowingly and willfully engaged in a practice whereby DEFENDANTS unfairly,
2 unlawfully, and deceptively instituted a practice to ensure that the employees were unable to take
3 their Meal and Rest Periods.

4 35. Plaintiffs JENNY AYONS and RAMON ZARAGOZA, and other "insiders" and/or
5 delivery drivers were employed by DEFENDANTS at their various store locations for varying
6 amounts of years. PLAINTIFFS job duties were among other things to take orders, make pizzas,
7 keep track of inventory and accounting and when necessary deliver pizzas. PLAINTIFFS were
8 not properly compensated for regular wages, overtime, meal and rest periods. Records also show
9 the names of many other "insiders" and/or delivery drivers employed over the years by the
10 DEFENDANTS, few of which were paid for all hours worked, for overtime, not given meal or
11 rest periods, or paid the proper amount for their hours worked, in violation of California law.
12 PLAINTIFFS are representative of the CALIFORNIA CLASS by virtue of the duties or
13 providing being insiders and/or delivery drivers, and DEFENDANTS failure to properly
14 compensate PLAINTIFFS.

15 36. The Unlawful, Unfair, and/or Deceptive Failure to Have in Place a Company-Wide
16 Policy, Practice and Procedure to Correctly Determine whether PLAINTIFFS and members of
17 the CALIFORNIA CLASS were paid for all hours work, including overtime and for meal and
18 rest periods.

19 37. As a result of DEFENDANT's intentional disregard of the obligation to meet this burden,
20 DEFENDANTS failed to properly calculate and/or pay all required overtime compensation for
21 work performed by the members of the CALIFORNIA CLASS and violated the California Labor
22 Code and regulations promulgated thereunder as herein alleged.

23 38. DEFENDANTS failed to keep accurate records of PLAINTIFFS work time.
24 DEFENDANTS failed to pay PLAINTIFFS for hours worked, including regular wages for all
25 hours worked, overtime, meal periods, rest periods.

26 39. By reason of this uniform conduct applicable to PLAINTIFFS, DEFENDANTS
27 committed acts of unfair competition in violation of California Unfair Competition Law, Cal.
28 Bus. & Prof. Code Sec. 17200 (the "UCL"), by engaging in company-wide policies and
procedures which failed to properly compensate PLAINTIFFS.

1 40. Defendants' violation of California wage and hour laws constitutes a business practice
2 because it was done repeatedly over a significant period of time and in a systematic manner to
3 the detriment of PLAINTIFFS.

4 41. For the four years preceding the filing of this action, PLAINTIFFS have suffered
5 damages and requests damages and/or restitution of all monies and profits to be disgorged from
6 DEFENDANTGS in an amount according to proof at time of trial, but in excess of \$25,000.00 or
7 the jurisdictional minimums of this Court.

8 42. As a result of DEFENDANT's intentional disregard of the obligation to meet this burden,
9 DEFENDANTS failed to properly calculate and/or pay all required overtime compensation for
10 work performed by PLAINTIFFS and violated the California Labor Code and regulations
11 promulgated thereunder as herein alleged.

12 43. DEFENDANTS have the burden of proof that each and every employee was properly
13 paid pursuant to Cal. Lab. Code Sec. 512 et seq. DEFENDANTS, however, as a matter of
14 uniform and systematic policy and procedure had in place during the time periods and still have
15 in place a policy and practice that denies "insiders" and/or delivery drivers their proper pay

16 **JURISDICTION AND VENUE**

17 44. This Court has jurisdiction over PLAINTIFFS' action pursuant to California
18 Business & Professions Code § 17203 and Labor Code § 1194. Venue is proper in this judicial
19 district pursuant to California Code of Civil Procedure § 393 and §393.5 because (i) the liability
20 of DEFENDANTS arose in part in Los Angeles County, California (ii) violations of the unfair
21 competition law by DEFENDANTS occurred in Los Angeles County, California; and, (iv)
22 DEFENDANTS transact substantial business in Los Angeles County, California.

23 45. Venue is properly laid in this Court in that some or all of the claims and injuries occurred
24 in the County of Los Angeles and the Defendants did business in Los Angeles County,
25 California.

26 **FIRST CAUSE OF ACTION**

27 **For Unlawful Business Practices**

28 **[Cal. Bus & Prof. Code § 17200 et seq.]**

(By PLAINTIFFS Against ALL DEFENDANTS and DOES 1-100)

1 46. PLAINTIFFS reallege and incorporate by this reference, as though fully set forth herein,
2 paragraphs 1 through 45 of this Complaint. This cause of action is brought against all Defendants
3 jointly and individually.

4 47. PLAINTIFFS bring the First Cause of Action ("COA") for Unfair, Unlawful and
5 Deceptive Business Practices pursuant to Cal. Bus. & Prof. Code 17200, et seq. (the "UCL").

6 48. As food service workers during the period beginning on the date four years before the
7 filing of this complaint and ending on the date as determined by the filings.

8 49. To the extent equitable tolling operates to toll claims by PLAINTIFFS against
9 DEFENDANTS, the times should be adjusted accordingly.

10 50. DEFENDANTS, as a matter of corporate policy, practice and procedure, and in violation
11 of the applicable Labor Codes, Industrial Welfare Commission ("IWC") Wage Order
12 Requirements, and the applicable provisions of California law, intentionally, knowingly, and
13 willfully engaged in a practice whereby DEFENDANTS unfairly, unlawfully, and deceptively
14 instituted a practice to ensure that the employees were not paid overtime, permitted meal periods,
or permitted rest periods, by California Labor Code 512.

15 51. Misclassification of managers and assistant managers and shift leads to the extent it exists
16 is hereby pled based on the rules regarding managers, assistant managers and shift leads
17 spending less than 50 percent of their time do actual managerial duties such that they are in
18 essence hourly workers.

19 52. DEFENDANTS are persons as that term is defined under California Business &
20 Professions Code § 17201.

21 53. DEFENDANTS have the burden of proof that each and every employee was properly paid
22 pursuant to Cal. Lab. Code Sec. 512 et seq. DEFENDANTS, however, as a matter of uniform
23 and systematic policy and procedure had in place during the time periods and still have in place a
24 policy and practice that denies PLAINTIFFS their proper pay.

25 54. California Business & Professions Code § 17200 et seq. (the "UCL") defines unfair
26 competition as any unlawful, unfair, or fraudulent business act or practice. Section 17203
27 authorizes injunctive, declaratory, and/or other equitable relief with respect to unfair competition
28 as follows:

Any person who engages, has engaged, or proposes to engage in unfair

1 competition may be enjoined in any court of competent jurisdiction. The
2 court may make such orders or judgments, including the appointment of a receiver, as
3 may be necessary to prevent the use or employment by any person of any practice which
4 constitutes unfair competition, as defined in this chapter, or as may be necessary to
5 restore to any person in interest any money or property, real or personal, which may have
6 been acquired by means of such unfair competition.

7 California Business & Professions Code § 17203.

8 55. Through the conduct alleged herein, DEFENDANTS have engaged in an unlawful,
9 unfair, and/or deceptive business practice by violating California law, including but not limited
10 to provisions of the Wage Orders, the Regulations implementing the Fair Labor Standards Act as
11 enacted by the Secretary of Labor, the California Labor Code, the Code of Federal Regulations
12 and the California Code of Regulations, the opinions of the Department of Labor Standards
13 Enforcement, California Labor Code §§ 510, *et seq.*, California Labor Code § 226, California
14 Labor Code § 226.7, and California Labor Code § 203 by unfairly violating the public policy of
15 the state of California by failing to pay PLAINTIFFS for all hours worked; failure to pay for
16 overtime, failure to provide meal and rest periods, and DEFENDANTS told the employees they
17 were not entitled to the benefits of these laws, knowing the statements to be untrue, for which
18 this Court should issue declaratory, injunctive and other equitable relief, pursuant to Cal. Bus. &
19 Prof. Code § 17203, as may be necessary to prevent and remedy the conduct held to constitute
20 unfair competition.

21 56. By and through the unlawful, unfair, and/or deceptive business practices described
22 herein, DEFENDANT has obtained valuable property, money, and services from the
23 PLAINTIFFS, and has deprived them of valuable rights and benefits guaranteed by law, all to
24 their detriment and to the benefit of DEFENDANT so as to allow DEFENDANT to unfairly
25 compete. Declaratory and injunctive relief is necessary to prevent and remedy this unfair
26 competition, and pecuniary compensation alone would not afford adequate and complete relief.

27 57. All the acts described herein as violations of, among other things, the Cal. Lab. Code,
28 California Code of Regulations, and the Industrial Welfare Commission Wage Orders, are
29 unlawful, are in violation of public policy, are immoral, unethical, oppressive, and unscrupulous,

1 and are likely to deceive employees, and thereby constitute deceptive, unfair and unlawful
2 business practices in violation of Cal. Bus. and Prof. Code § 17200 *et seq.*

3 58. PLAINTIFFS are further entitled to, and do, seek a declaration that the above described
4 business practices are deceptive unfair and/or unlawful and that an injunctive relief should be
5 issued restraining DEFENDANT from engaging in any of these deceptive, unfair and unlawful
6 business practices in the future.

7 59. PLAINTIFFS have no plain, speedy, and/or adequate remedy at law that will end the
8 unfair and unlawful business practices of DEFENDANT. Further, the practices herein alleged
9 presently continue to occur unabated. As a result of the unfair and unlawful business practices
10 described above, PLAINTIFFS have suffered and will continue to suffer irreparable harm unless
11 DEFENDANT is restrained from continuing to engage in these unfair and unlawful business
12 practices. In addition, DEFENDANT should be required to disgorge their ill gotten gains into a
13 fluid fund and to make restitution to PLAINTIFFS.

14
15 **SECOND CAUSE OF ACTION**
16 **(FAILURE TO PAY OVERTIME COMPENSATION UNDER CALIFORNIA**
17 **INDUSTRIAL WELFARE COMMISSION ORDERS, CALIFORNIA LABOR CODE)**
[Cal. Lab. Code §§ 510, 515.5, 551, 552, 1194, 1198]
18 **(By PLAINTIFFS Against ALL DEFENDANTS and DOES 1-100)**

19 60. PLAINTIFFS reallege and incorporate by this reference, as though fully set forth herein,
20 paragraphs 1 through 59 of this Complaint. This cause of action is brought against all Defendants
jointly and individually.

21 61. Pursuant to Industrial Welfare Commission Order 1-90, California Code of
22 Regulations, Title 8, §11010, for the three years preceding the filing of this lawsuit until
23 January 1, 1998, Defendants, were required to compensate Plaintiff for all overtime, which is
24 calculated at one and one-half (1½) times the regular rate of pay for hours worked in excess of
25 eight (8) hours per day and/or forty (40) hours per week, and two (2) times the regular rate of pay
26 for hours worked in excess of twelve (12) hours per day.

27 62. Pursuant to Industrial Welfare Commission Orders, California Code of Regulations, Title
28 8, §11010, as of January 1, 1998, Defendants were required to compensate Plaintiff for all

1 overtime, which is calculated at one and one-half (1½) times the regular rate of pay for hours
2 worked in excess of forty (40) hours per week.

3 63. Pursuant to Industrial Welfare Commission Order 1, effective January 1, 2000, California
4 Code of Regulations, Title 8, §11010, beginning on January 1, 2000 until the date plaintiff
5 ceased to be employed by Defendants, Defendants were required to compensate Plaintiff for all
6 overtime, which is calculated at one and one-half (1½) times the regular rate of pay for hours
7 worked in excess of eight (8) hours per day and/or forty (40) hours per week, and two (2) times
8 the regular rate of pay for hours worked in excess of twelve (12) hours per day.

9 64. PLAINTIFFS were nonexempt employees entitled to the protections of Industrial
10 Welfare Commission Orders 1-90 and 1-98, California Code of Regulations, Title 8,
11 §11010. During the course of Plaintiff's employment, Defendants, and each of them, failed to
12 compensate Plaintiff for overtime hours worked in excess of eight (8) hours per day and/or
13 forty (40) hours per week and double-time hours for hours worked in excess of twelve (12) hours
14 per day, as required under the aforementioned labor regulations.

15 65. During the time periods alleged, the PLAINTIFFS worked more than eight (8) hours in a
16 workday and/or forty (40) hours in a work week, and also worked on the seventh (7th) day of a
17 workweek.

18 66. At all relevant times, DEFENDANT failed to pay PLAINTIFFS overtime compensation
19 for the hours they have worked in excess of the maximum hours permissible by law as required
20 by Cal. Lab. Code §§ 510 and 1198, even though PLAINTIFFS were regularly required to work,
21 and did in fact work, overtime hours.

22 67. By virtue of DEFENDANT's unlawful failure to pay additional premium overtime
23 compensation to the PLAINTIFFS for their overtime hours, the PLAINTIFFS have suffered, and
24 will continue to suffer, an economic injury in amounts which are presently unknown to them and
25 which will be ascertained according to proof at trial.

26 68. DEFENDANT knew or should have known that PLAINTIFFS were systematically
27 denied either through intentional malfeasance or gross nonfeasance, not to pay them for their
28 overtime labor as a matter of uniform corporate policy, practice and procedure.

1 69. Therefore, PLAINTIFFS request recovery of regular and overtime compensation
2 according to proof, interest, attorney's fees and cost pursuant to Cal. Lab. Code §1194(a), as well
3 as the assessment of any statutory penalties against DEFENDANT, in a sum as provided by the
4 Cal. Lab. Code and/or other statutes.

5 70 In performing the acts and practices herein alleged in violation of labor laws and refusing
6 to provide the requisite regular and overtime compensation, the DEFENDANT acted and
7 continues to act intentionally, oppressively, and maliciously toward the PLAINTIFFS with a
8 conscious and utter disregard of their legal rights, or the consequences to them, and with the
9 despicable intent of depriving them of their property and legal rights and otherwise causing them
10 injury in order to increase corporate profits at the expense of PLAINTIFFS.

11 71. As a proximate result of the aforementioned violations, PLAINTIFFS have been
12 damaged in an amount according to proof at time of trial, but in an amount in excess of the
13 jurisdiction of this Court.

14 72. Defendants' conduct described herein violates Labor Code §§512, 558, 1194 and 1198.
15 Therefore PLAINTIFFS are entitled to recover the unpaid balance of wages owed, penalties, plus
16 interest, and reasonable attorney's fees and costs of suit.

17 **THIRD CAUSE OF ACTION**
18 **FAILURE TO PROVIDE MEAL AND REST PERIODS IN VIOLATION OF**
19 **CAL. LAB. CODE § 226.7 AND 512;**
20 **(By PLAINTIFFS Against ALL DEFENDANTS and DOES 1-100)**

21 73. PLAINTIFFS reallege and incorporate by this reference, as though fully set forth herein,
22 paragraphs 1 through 72 of this Complaint. This cause of action is brought against all Defendants
23 jointly and individually.

24 74. Plaintiffs worked without lunch periods. PLAINTIFFS also worked without rest periods.
25 DEFENDANTS failed to provide lunch breaks or rest periods contrary to Cal. Lab. Code § 226.7
26 AND 512. (c) The civil penalties provided for in this section are in addition to any other civil or
27 criminal penalty provided by law.
28

1 75. During the time periods alleged, the PLAINTIFFS worked more than eight (8) hours in a
2 workday and/or forty (40) hours in a work week, and also worked on the seventh (7th) day of a
3 workweek.

4 76. At all relevant times, DEFENDANT failed to pay PLAINTIFFS overtime compensation
5 for the hours they have worked in excess of the maximum hours permissible by law as required
6 by Cal. Lab. Code §§ 510 and 1198, even though PLAINTIFFS were regularly required to work,
7 and did in fact work, overtime hours.

8 77. By virtue of DEFENDANT's unlawful failure to pay additional premium overtime
9 compensation to the PLAINTIFFS for their overtime hours, the PLAINTIFFS have suffered, and
10 will continue to suffer, an economic injury in amounts which are presently unknown to them and
11 which will be ascertained according to proof at trial.

12 78. DEFENDANT knew or should have known that PLAINTIFFS were systematically
13 denied either through intentional malfeasance or gross nonfeasance, not to pay them for their
14 overtime labor as a matter of uniform corporate policy, practice and procedure.

15 79. Therefore, PLAINTIFFS request recovery of regular and overtime compensation
16 according to proof, interest, attorney's fees and cost pursuant to Cal. Lab. Code §1194(a), as well
17 as the assessment of any statutory penalties against DEFENDANT, in a sum as provided by the
18 Cal. Lab. Code and/or other statutes.

19 80. In performing the acts and practices herein alleged in violation of labor laws and refusing
20 to provide the requisite regular and overtime compensation, the DEFENDANT acted and
21 continues to act intentionally, oppressively, and maliciously toward the PLAINTIFFS with a
22 conscious and utter disregard of their legal rights, or the consequences to them, and with the
23 despicable intent of depriving them of their property and legal rights and otherwise causing them
24 injury in order to increase corporate profits at the expense of PLAINTIFFS.

25 81. DEFENDANTS have intentionally and improperly failed to provide all rest and/or meal
26 periods without any work or duties to PLAINTIFFS, as required by law, and by failing to do so
27 DEFENDANT violated the provisions of Labor Code 226.7. DEFENDANTS as a company
28 policy filled in the break times themselves or had the break times filled in at their direction by

1 subordinates, but did not permit PLAINTIFFS to take their breaks. DEFENDANTS posted a
2 sign on the break sign-in sign-out sheets threatening "consequences" if any PLAINTIFF failed to
3 abide by the company policy of denying breaks, despite the sign-in sign-out sheet. Further
4 DEFENDANTS did not permit lunches during an 8 hour shift. PLAINTIFFS worked straight
5 through 8 hours with no break and no lunch.

6 82. Therefore, PLAINTIFFS demand on behalf of themselves, one (1) hour of premium pay
7 for each workday in which a rest period was not provided as required by law and one (1) hour of
8 premium pay for each workday in which a meal period was not provided as required by law.

9 83. Defendants' conduct described herein violates Labor Code §§226.7 and 512. Therefore,
10 PLAINTIFFS are entitled to recover the unpaid balance of wages owed, penalties, plus interest,
11 and reasonable attorney's fees and costs of suit.

12 **FOURTH CAUSE OF ACTION**
13 **FAILURE TO PROVIDE WAGES WHEN DUE IN VIOLATION OF CAL.**
14 **LAB. CODE § 203 AND WAITING TIME PENALTIES PURSUANT TO**
15 **LABOR CODE §203)**

16 **(By PLAINTIFFS Against ALL DEFENDANTS and DOES 1-100)**

17 84. PLAINTIFFS reallege and incorporate by this reference, as though fully set forth herein,
18 paragraphs 1 through 83 of this Complaint. This cause of action is brought against all Defendants
19 jointly and individually.

20 85. Defendants, and each of them, willfully refused and continue to refuse, to pay
21 PLAINTIFFS for all hours worked, failure to pay PLAINTIFFS for overtime worked, failure to
22 provide meal and rest periods. Therefore, PLAINTIFFS are entitled to recover the unpaid
23 balance of wages owed, penalties, plus interest, and reasonable attorney's fees and costs of suit
24 as provided by Labor Code §203.

25 **FIFTH CAUSE OF ACTION**
26 **(FAILURE TO COMPENSATE FOR ALL HOURS WORKED UNDER CALIFORNIA**
27 **INDUSTRIAL WELFARE COMMISSION ORDERS AND**
28 **CALIFORNIA LABOR CODE §1198)**
(By PLAINTIFFS Against ALL DEFENDANTS and DOES 1-100)

1 86. Plaintiff hereby realleges and incorporates by reference, as though fully set forth herein,
2 the allegations contained in paragraphs 1 through 85. This cause of action is brought against all
3 Defendants jointly and individually.

4 87. At all times relevant herein, DEFENDANTS were required to compensate its hourly
5 employees for all hours worked upon reporting for work at the appointed time stated by the
6 DEFENDANTS pursuant to Industrial Welfare Commission Orders 1-90 and 1-98, California
7 Code of Regulations, Title 8, §11010.

8 88. For the three (3) years preceding the filing of this action, Defendants failed to
9 compensate Plaintiff for all hours worked.

10 89. Under the aforementioned wage order and regulations, Plaintiff is to recover
11 compensation for all hours worked but not paid by Defendants for the three (3) years preceding
12 the filing of this Complaint.

13 90. As a proximate result of the aforementioned violations, Plaintiff has been damaged in an
14 amount according to proof at time of trial, but in an amount in excess of the jurisdiction of this
15 Court.

16 91. Defendants' conduct described herein violates Labor Code §§512, 558, 1194 and
17 1198. Therefore, pursuant to Labor Code §§218.5, 512, 558, and 1194, PLAINTIFFS are entitled
18 to recover damages for the nonpayment of wages for all hours worked, penalties, plus reasonable
19 attorney's fees and costs of suit.

20 **SIXTH CAUSE OF ACTION**
21 **FAILURE TO PROVIDE ACCURATE ITEMIZED STATEMENTS IN VIOLATION OF**
22 **CAL. LAB. CODE § 226;**
23 **(By PLAINTIFFS Against ALL DEFENDANTS and DOES 1-100)**

24 92. PLAINTIFFS reallege and incorporate by this reference, as though fully set forth herein,
25 paragraphs 1 through 91 of this Complaint. This cause of action is brought against all Defendants
26 jointly and individually.

27 93. Plaintiffs were not given accurate itemized statements of hours worked because
28 PLAINTIFFS were not paid for all hours worked, in violation of Cal. Labor Code § 226, and for
overtime. Further, because Defendants did not pay PLAINTIFFS all PLAINTIFF'S wages and

1 overtime, DEFENDANTS did not pay all the required payroll tax deductions, nor Social Security
2 deductions on behalf of PLAINTIFFS, in violation of state and federal law. DEFENDANTS
3 paid PLAINTIFFS by check, deducting payroll taxes and Social Security only from the check
4 part of the payroll. DEFENDANTS, by failing to provide accurate wage statements, deceived
5 PLAINTIFFS into accepting pay for less than the hours worked. PLAINTIFFS were not able to
6 enjoy the fruits of the labor and the California FTB and IRS were unable to collect the proper
7 taxes due.

8 94. Defendants' conduct described herein violates Labor Code §226. Therefore, pursuant to
9 Labor Code §226, PLAINTIFFS are entitled to recover damages for the nonpayment of wages
10 for all hours worked, penalties, plus reasonable attorney's fees and costs of suit.

11
12 **SEVENTH CAUSE OF ACTION**
13 **LABOR CODE PRIVATE ATTORNEY GENERAL ACT**
14 **[Labor Code § 2698];**
15 **(By PLAINTIFFS Against ALL DEFENDANTS and DOES 1-100)**

16 95. PLAINTIFFS reallege and incorporate by this reference, as though fully set forth herein,
17 paragraphs 1 through 94 of this Complaint. This cause of action is brought against all Defendants
18 jointly and individually.

19 96. On September 8, 2010, PLAINTIFFS gave written notice by certified mail to
20 the Labor and Workforce Development Agency (the "LWDA") and the DEFENDANTS of the
21 specific provisions of this code alleged to have been violated as required by Labor Code §
22 2699.3.

23 97. California Labor Code § 2699.3 provides: The agency shall notify the DEFENDANTS
24 and the aggrieved employee or representative by certified mail that it does not intend to
25 investigate the alleged violation within 30 calendar days of the postmark date of the notice
26 received pursuant to paragraph (1). Upon receipt of that notice or if no notice is provided within
27 33 calendar days of the postmark date of the notice given pursuant to paragraph (1), the
28 aggrieved employee may commence a civil action pursuant to Section 2699.

98. No notice from the LWDA was received within 33 calendar days of the
postmark date of the written notice provided by PLAINTIFFS to the LWDA, and therefore,

1 PLAINTIFFS now commence a civil action pursuant to Section 2699.

2 99. The policies, acts and practices heretofore described were and are an unlawful
3 business act or practice because DEFENDANTS' failure to pay overtime, failed to pay wages,
4 failure to provide rest and meal period breaks, failure to pay wages and compensation for work
5 without rest and meal period breaks, and failure to provide accurate wage statements and
6 maintain accurate time records for PLAINTIFFS violates applicable Labor Code sections and
7 gives rise to statutory penalties as a result of such conduct. PLAINTIFFS, as aggrieved
8 employees, hereby seek recovery of civil penalties as prescribed by the Labor Code Private
9 Attorney General Act of 2004 on behalf of themselves against whom one or more of the
10 violations of the Labor Code was committed. In addition, PLAINTIFFS, as aggrieved
11 employees, hereby seek recovery of civil penalties as prescribed by the Labor Code Private
12 Attorney General Act of 2004 on behalf of the State of California and/or the LWDA, to the
13 fullest extent available under the law.

14 100. PLAINTIFFS are entitled to bring an action on behalf of themselves pursuant to the
15 Private Attorney General Act, Cal. Labor Code 2698. Therefore, PLAINTIFFS are entitled to
16 recover the unpaid balance of wages owed, penalties, plus interest, and reasonable attorney's fees
17 and costs of suit.

18 **DEMAND FOR JURY TRIAL**

19 Plaintiffs demand a jury trial on issues triable to a jury.

20 Dated: March 29, 2014

21 **PRAYER**

22 WHEREFOR, PLAINTIFFS pray for judgment against DEFENDANTS as follows:

23 COUNT 1:

24 1. On behalf of PLAINTIFFS:

25 A) An order temporarily, preliminarily and permanently enjoining and restraining
26 DEFENDANTS from engaging in similar unlawful conduct as set forth herein;
27
28

1 B) An order requiring DEFENDANTS to provide restitution of all sums unlawfully withheld
2 from compensation due to PLAINTIFFS; and,
3 D) Disgorgement of DEFENDANTS' ill-gotten gains into a fluid fund for restitution of the sums
4 incidental to DEFENDANTS' violations due to PLAINTIFFS.

5 COUNTS 2 THROUGH 2 and 7:

6 2. On behalf of PLAINTIFFS:

7 A) One (1) hour of premium pay for each workday in which a rest period was not provided to
8 PLAINTIFFS for each four (4) hours of work during the period commencing on the date that is
9 within four years prior to the filing of this Complaint;

10 B) One hour of premium pay for each day in which a meal period was not provided to
11 PLAINTIFFS as required by law;

12 C) The wages of PLAINTIFFS as a penalty from the due date thereof at the same rate until paid
13 or until an action therefor is commenced, for violation of Cal. Lab. Code § 203;

14 D) The greater of all actual damages or fifty dollars (\$50) for the initial pay period in which a
15 violation occurs and one hundred dollars (\$100) per PLAINTIFF for each violation in a
16 subsequent pay period, not exceeding an aggregate penalty of four thousand dollars (\$4,000) for
17 violation of Cal. Lab. Code § 226.

18 E) That the Court declare the rights and duties of the parties consistent with the relief sought by
19 PLAINTIFFS;

20 F) Issue a declaratory judgment that DEFENDANT's acts, policies, practices and procedures
21 complained of herein violated provisions of the Fair Labor Standards Act;

22 G) That DEFENDANT be enjoined from further violations of the Fair Labor Standards Act;

23 3. An award of interest, including prejudgment interest at the legal rate.

24 A) An award of liquidated damages, statutory damages, including reasonable attorneys' fees and
25 cost of suit, but only to the extent that such reasonable attorneys' fees and costs are recoverable
26 pursuant to Cal. Lab. Code §1194

27 (B). PLAINTIFFS only request and seek attorneys' fees with respect to the overtime claims
28 alleged herein. Neither this prayer nor any other allegation or prayer in this Complaint is to be

1 construed as a request, under any circumstance, that would result in a request for attorneys' fees
2 or costs available under Cal. Lab. Code § 218.5;

3 C) Such other and further relief as the Court deems just and equitable.

4 In addition to an amount sufficient to recover underpaid wages.

5 (D) For each subsequent violation, one hundred dollars (\$100) for each underpaid employee for
6 each pay period for which the employee was underpaid in addition to an amount sufficient to
7 recover underpaid wages.

8 (E) Wages recovered pursuant to this section shall be paid to the
9 affected employee.

10 (F) If upon inspection or investigation the Labor Commissioner determines that a person had
11 paid or caused to be paid a wage for overtime work in violation of any provision of this chapter,
12 or any provision regulating hours and days of work in any order of the Industrial Welfare
13 Commission, the Labor Commissioner may issue a citation. The procedures for issuing,
14 contesting, and enforcing judgments for citations or civil penalties issued by the Labor
15 Commissioner for a violation of this chapter shall be the same as those set out in Section 1197.1.

16 (G) The civil penalties provided for in this section are in addition to any other civil or criminal
17 penalty provided by law.

18 4. For compensatory damages;

19 5. For restitution of all monies due to PLAINTIFFS and disgorgement of profits from
20 the unlawful business practices of Defendants;

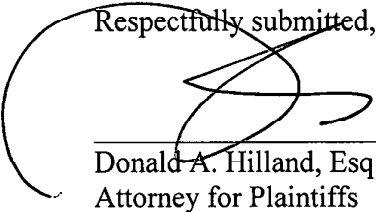
21 6. For waiting time penalties pursuant to Labor Code §203;

22 7. For penalties pursuant to Labor Code §512 and 558;

23 8. For such other and further relief that the Court may deem just and proper.

24 Date: March 29, 2014

Respectfully submitted,

25
26
27
28

Donald A. Hilland, Esq.
Attorney for Plaintiffs

ORIGINAL

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Donald A. Hilland 240436 LAW OFFICE OF DONALD A. HILLAND 405 N. Maclay Ave., Suite 203 San Fernando, CA 91340 TELEPHONE NO.: 818 838 3600 FAX NO.: ATTORNEY FOR (Name): Plaintiffs Jenny Ayon and Ramon Zaragoza		FOR COURT USE ONLY FILED Superior Court of California County of Los Angeles MAY 07 2014 Sherri R. Carter, Executive Officer/Clerk By <u>Cristina Grijalva</u> Deputy Cristina Grijalva	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 600 S. Commonwealth MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, California 90005 BRANCH NAME: Central Civil West			
CASE NAME:			
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)		Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	
		CASE NUMBER: BC 544872	
		JUDGE: DEPT:	

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input checked="" type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
---	--	--

2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☒ punitive
4. Number of causes of action (specify):
5. This case ☒ is ☐ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: 4/29/2014
Donald A. Hilland

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

SHORT TITLE:

JENNY AYON ET AL. V. DOMINIDS, INC., ET AL.

CASE NUMBER

BC544872

**CIVIL CASE COVER SHEET ADDENDUM AND
STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL? ☐ YES CLASS ACTION? ☒ YES LIMITED CASE? ☐ YES TIME ESTIMATED FOR TRIAL 14 ☐ HOURS/ ☒ DAYS

Item II. Indicate the correct district and courthouse location (4 steps – If you checked "Limited Case", skip to Item III, Pg. 4):

Step 1: After first completing the Civil Case Cover Sheet form, find the main Civil Case Cover Sheet heading for your case in the left margin below, and, to the right in Column **A**, the Civil Case Cover Sheet case type you selected.

Step 2: Check one Superior Court type of action in Column **B** below which best describes the nature of this case.

Step 3: In Column **C**, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Local Rule 2.0.

Applicable Reasons for Choosing Courthouse Location (see Column C below)

- | | |
|--|--|
| 1. Class actions must be filed in the Stanley Mosk Courthouse, central district. | 6. Location of property or permanently garaged vehicle. |
| 2. May be filed in central (other county, or no bodily injury/property damage). | 7. Location where petitioner resides. |
| 3. Location where cause of action arose. | 8. Location wherein defendant/respondent functions wholly. |
| 4. Location where bodily injury, death or damage occurred. | 9. Location where one or more of the parties reside. |
| 5. Location where performance required or defendant resides. | 10. Location of Labor Commissioner Office |

Step 4: Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

Auto Tort
Other Personal Injury/ Property Damage/ Wrongful Death Tort

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1., 2., 4.
Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2. 2.
Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 4. 1., 4.
Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall) <input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.) <input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress <input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1., 4. 1., 4. 1., 3. 1., 4.

SHORT TITLE:

JENNY AYON ET AL. V. DOMINIDS, INC., ET AL.

CASE NUMBER

Non-Personal Injury/ Property
Damage/ Wrongful Death Tort

Employment

Contract

Real Property

Unlawful Detainer

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 3.
Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1., 2., 3.
Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.
Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3. 1., 2., 3.
Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2., 3.
Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
Other Employment (15)	<input checked="" type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1., 2., 3. 10.
Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2., 5. 2., 5. 1., 2., 5. 1., 2., 5.
Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2., 5., 6. 2., 5.
Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 5. 1., 2., 3., 5. 1., 2., 3., 8.
Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____	2.
Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6. 2., 6. 2., 6.
Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer- Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2., 6.
Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.

SHORT TITLE:

JENNY AYON ET AL. V. DOMINIDS, INC., ET AL.

CASE NUMBER

Judicial Review

Provisionally Complex Litigation

Enforcement
of JudgmentMiscellaneous
Civil ComplaintsMiscellaneous
Civil Petitions

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 6.
Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.
Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2., 8. 2. 2.
Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2., 8.
Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1., 2., 8.
Construction Defect (10)	<input type="checkbox"/> A6007 Construction Defect	1., 2., 3.
Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1., 2., 8.
Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1., 2., 8.
Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1., 2., 3., 8.
Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.
Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 9. 2., 6. 2., 9. 2., 8. 2., 8. 2., 8., 9.
RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.
Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only <input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment) <input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8. 2., 8. 1., 2., 8. 1., 2., 8.
Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.
Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment <input type="checkbox"/> A6123 Workplace Harassment <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition	2., 3., 9. 2., 3., 9. 2., 3., 9. 2. 2., 7. 2., 3., 4., 8. 2., 9.

SHORT TITLE:

JENNY AYON ET AL. V. DOMINIDS, INC., ET AL.

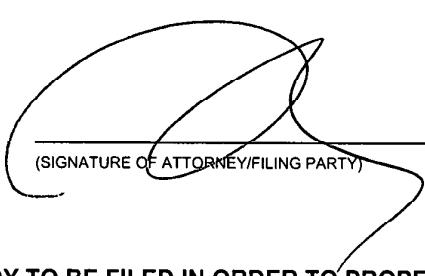
CASE NUMBER

Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

REASON: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected for this case. <input checked="" type="checkbox"/> 1. <input type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10.		ADDRESS: 8313 Laurel Canyon
CITY: Sun Valley	STATE: CA	ZIP CODE: 91352

Item IV. Declaration of Assignment: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Commonwealth courthouse in the Central District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., § 392 et seq., and Local Rule 2.0, subds. (b), (c) and (d)].

Dated: 4/29/2014



(SIGNATURE OF ATTORNEY/FILING PARTY)

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 03/11).
5. Payment in full of the filing fee, unless fees have been waived.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

05/07/2014