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5 Attorneys for Plaintiff Maria Lopez,
Individually, and as a Representative of
6 Other Members of the Public Similarly-Situated

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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF SAN DIEGO**

10
11 MARIA LOPEZ, an individual,
12 Plaintiff,

13 v.

14 ALLIEDBARTON SECURITY SERVICES,
LLC, a Delaware limited liability company;
15 ALLIEDBARTON SECURITY SERVICES,
LP;
16 SPECTAGUARD ACQUISITION, LLC, a
Delaware limited liability company; and
17 DOES 1 through 20, inclusive,
18 Defendants.

CASE NO.

COMPLAINT FOR:

1. Recovery of Penalties Under the Labor
Code Private Attorneys General Act of
2004.

DEMAND FOR JURY TRIAL

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I.
PARTIES

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3 1. Plaintiff Maria Lopez (hereinafter “Plaintiff” or “Lopez”) is, and at all relevant
4 times was, a female adult resident of San Diego county.

5 2. Plaintiff is informed and believes, and thereon alleges, that Defendant
6 ALLIEDBARTON SECURITY SERVICES, LLC is a Delaware limited liability company with its
7 principal place of business located at 161 Washington Street, Conshohocken, PA 19422.

8 3. Plaintiff is informed and believes, and thereon alleges, that Defendant
9 ALLIEDBARTON SECURITY SERVICES, LP is a Delaware business entity of unknown form
10 with its principal place of business located at 161 Washington Street, Conshohocken, PA 19422.

11 4. Plaintiff is informed and believes, and thereon alleges, that Defendant
12 SPECTAGUARD ACQUISITION, LLC is a Delaware limited liability company with its principal
13 place of business located at 161 Washington Street, Conshohocken, PA 19422.

14 5. The true names and capacities, whether individual, corporate, associate, or
15 otherwise, of defendants sued herein as DOES 1 through 20, inclusive, are currently unknown to
16 Plaintiffs, who therefore sues defendants by such fictitious names under Code of Civil Procedure§
17 474. Plaintiffs are informed and believe and thereon allege that each Defendant acted in all
18 respects pertinent to this action as the agent of the other Defendants, carried out a joint scheme,
19 business plan or policy in all respects pertinent hereto, and the acts of each Defendant are legally
20 attributable to the other Defendants.

21 6. Defendants ALLIEDBARTON SECURITY SERVICES, LLC, ALLIEDBARTON
22 SECURITY SERVICES, LP, SPECTAGUARD ACQUISITION, LLC, and DOES 1-20,
23 inclusive are hereinafter collectively referred to as “Defendants.”
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1 **II.**
2 **JURISDICTION AND VENUE**

3 7. This Court has jurisdiction over this controversy under Article 6, section 10 of the
4 California Constitution and California Code of Civil Procedure § 410.10.

5 8. Venue as to each Defendant is proper in this judicial district, pursuant to Code of
6 Civil Procedure § 395(a). Defendants maintain offices, transact business, and each Defendant is
7 otherwise within the Court’s jurisdiction for purposes of service of process.
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9 **III.**
10 **CAUSES OF ACTION**

11 **FIRST CAUSE OF ACTION**
12 **(Recovery of Penalties Under the Labor Code Private Attorneys General Act of 2004)**
13 **As Against All Defendants**

14 9. Plaintiff hereby incorporates all previous paragraphs by this reference. Defendants
15 employed Plaintiff as a Field Supervisor during the year preceding the filing of this Complaint.

16 10. Plaintiff brings this representative claim on behalf of herself and all other
17 aggrieved employees of Defendants under the Labor Code Private Attorneys General Act of 2004,
18 as codified in Labor Code §§ 2698, et seq. (“PAGA”).

19 11. Each Defendant is a “person” as contemplated within the meaning of subdivision
20 (b) of section 2699 of the Labor Code. Plaintiff is an “aggrieved employee” of Defendants as
21 contemplated within the meaning of subdivision (c) of section 2699 of the Labor Code.

22 12. Plaintiff seeks to recover civil penalties pursuant to Labor Code § 2699(a) for
23 Defendants’ violation of, inter alia, Labor Code § 226(a) in that Defendants, as the employer of
24 Plaintiff and all other aggrieved employees, failed to provide an accurate itemized wage statement
25 that reflected the name and address of the legal entity that is the employer of Plaintiff and other
26 aggrieved employees. To the extent that any violation of statute or regulation alleged herein does
27 not carry a penalty, Plaintiff seeks civil penalties pursuant to Labor Code § 2699(f). Plaintiff
28

1 further seeks attorneys' fees and costs for bringing this claim.

2 13. California Labor Code § 226(a) sets forth reporting requirements for employers
3 when they pay wages: "Every employer shall ... at the time of each payment of wages, furnish
4 each of his or her employees ... an itemized statement in writing showing ... (8) the name and
5 address of the legal entity that is the employer"

7 14. Defendants failed, and continue to fail, to provide Plaintiff and many of their other
8 California employees with paystubs that contain the information required by California Labor
9 Code § 226(a). Specifically, the wage statements Defendants furnished, and continue to furnish,
10 to Plaintiff and many of their other California employees fail to set forth the legal entity that is the
11 employer of Plaintiff and other California employees.

13 15. Based on a pre-filing investigation conducted by Plaintiff's counsel, Plaintiff
14 alleges upon information and belief that Defendants employ more than 5,000 employees in the
15 State of California and provide a large majority of these employees with wage statements that
16 violate the requirements of California Labor Code § 226(a). The exact number of California
17 employees to whom Defendants have provided such wage statements, as well as the exact number
18 of wage statements Defendants have provided during the applicable time period, can be easily
19 ascertained by reviewing Defendants' employee and payroll records.

21 16. Plaintiff has complied with the PAGA's administrative requirement in the manner
22 prescribed in Labor Code § 2699.3, including providing notice as set forth in Labor Code §
23 2699.3(a)(1). Plaintiff has either received notice from the Labor & Workforce Development
24 Agency ("LWDA") that it would not investigate the allegations in the notice Plaintiff provided to
25 the LWDA, or 33 calendar days have elapsed since the postmark date of that Plaintiff provided
26 notice under Labor Code § 2699.3(a)(1).

28 17. PAGA, specifically California Labor Code § 2699(f), establishes a civil penalty to

1 be levied against California employers for violations of California Labor Code provisions that do
2 not contain their own civil penalties. California Labor Code § 2699(f)(2) provides that “[i]f, at
3 the time of the alleged violation, an employer employs one or more employees, the civil penalty is
4 one hundred dollars (\$100) for each aggrieved employee per pay period for the initial violation
5 and two hundred dollars (\$200) for each aggrieved employee per pay period for each subsequent
6 violation.”
7

8 18. Because Defendants are employers that currently employ one or more employees,
9 the civil penalties set forth in California Labor Code § 2699(f)(2) apply.

10 19. Plaintiff requests penalties against Defendants as provided under California Labor
11 Code § 2699(f)(2), plus reasonable attorneys’ fees and costs, in amounts to be proved at trial.
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13 **IV.**
14 **PRAYER FOR RELIEF**

15 WHEREFORE, Plaintiff requests the following relief:

16 A. For all provisions of the Labor Code violated as described above except those for
17 which a civil penalty is specifically provided, a civil penalty of one hundred dollars (\$100) for
18 each aggrieved employee per pay period for the initial violation and two hundred dollars (\$200)
19 for each aggrieved employee per pay period for each subsequent violation;

20 B. That Plaintiff and aggrieved employees be awarded costs of suit, reasonably
21 attorneys’ fees and costs pursuant to Labor Code §§ 226, 2699, Code of Civil Procedure § 1021.5
22 and/or other applicable law; and such other and further relief as the court may deem appropriate.
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24 **KEEGAN & BAKER, LLP**

25
26 Dated: May 24, 2010

27 By: _____
28 Jason E. Baker, Esq.
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Attorneys for Plaintiff Maria Lopez,
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DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury trial on all issues so triable.

KEEGAN & BAKER, LLP

Dated: May 24, 2010

By: _____
Jason E. Baker, Esq.
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