

EXHIBIT “A”

**SUMMONS
(CITACION JUDICIAL)**

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**

Straub Distributing Company, LTD., a California company; and Does 1 through 50, inclusive;

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

Juan Garcia, individually, and on behalf of all others similarly situated.

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

ELECTRONICALLY FILED
Superior Court of California,
County of Orange

08/22/2016 at 04:43:57 PM
Clerk of the Superior Court
By Georgina Ramirez, Deputy Clerk

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

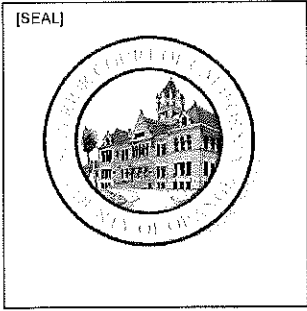
The name and address of the court is:
(El nombre y dirección de la corte es): Orange County Superior Court
Civil Complex Center
751 West Santa Ana Boulevard, Santa Ana, CA 92701

CASE NUMBER
(NÚMERO DE CASO) 30-2016-00870834-CU-OE-CXC
Judge Gail A. Andler

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Kevin E. Chiang 155 N. Lake Avenue, Suite 420, Pasadena, CA 91101; Telephone (818) 928-5677

DATE: 08/22/2016 (Fecha) ALAN CARLSON, Clerk of the Court Clerk, by Georgina Ramirez (Secretario) *Georgina Ramirez*, Deputy (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).



- NOTICE TO THE PERSON SERVED:** You are served
- as an individual defendant.
 - as the person sued under the fictitious name of (specify):
 - on behalf of (specify):
under: CCP 416.10 (corporation) CCP 416.60 (minor)
 CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
 CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
 other (specify):
 - by personal delivery on (date):

1 KEVIN W. CHIANG (State Bar No. 252391)
2 **EQUITY LEGAL GROUP, P.C.**
3 155 N. Lake Avenue, Suite 420
Pasadena, California 91101
Telephone: (818) 928-5677

4 SHUNT TATAVOS-GHARAJEH (State Bar No. 272164)
5 DANIEL J. PARK (State Bar No. 274973)
6 **JUSTICE LAW CORPORATION**
7 411 N. Central Avenue, Suite 500
Glendale, California 91203
Telephone: (818) 230-7502
Facsimile: (818) 230-7259

8 Attorneys for Plaintiff Juan Garcia

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Superior Court of California,
County of Orange
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Clerk of the Superior Court
By Georgina Ramirez, Deputy Clerk

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

10 **FOR THE COUNTY OF ORANGE**

Judge Gail A. Andler

11 JUAN GARCIA, individually, and on behalf of
12 all others similarly situated,

13 Plaintiff,

14 v.

15 STRAUB DISTRIBUTING COMPANY,
LTD., a California company; and DOES 1
16 through 50, inclusive,

17 Defendants.

Case No.: 30-2016-00870834-CU-OE-CXC

CX-101

CLASS ACTION

CLASS ACTION COMPLAINT FOR DAMAGES FOR:

- 18 (1) VIOLATION OF LABOR CODE SECTIONS 226.7 AND 512;
- 19 (2) VIOLATION OF LABOR CODE SECTIONS 510 AND 1194;
- 20 (3) VIOLATION OF LABOR CODE SECTION 203;
- 21 (4) VIOLATION OF LABOR CODE SECTION 226;
- 22 (5) VIOLATION OF BUSINESS AND PROFESSIONS CODE SECTION 17200 *et seq.*

DEMAND FOR JURY TRIAL

1 Plaintiff Juan Garcia (“Plaintiff”) hereby submits his Class Action Complaint for
2 Damages against Defendant Straub Distributing Company, Ltd. and DOES 1 through 50,
3 inclusive (collectively, “Defendants”), on behalf of himself and the Class of other similarly
4 situated current and former employees of Defendants, for meal period and rest break wages,
5 minimum and overtime wages, damages, and penalties as follows:

6 **INTRODUCTION**

7 1. This class action is brought pursuant to Labor Code §§ 203, 226, 226.7, 510,
8 512, 1194, 1198, Industrial Welfare Commission (“IWC”) Wage Order No. 4-2001 (codified
9 as California Code of Regulations, title 8, § 11040), and Business and Professions Code §
10 17200 *et seq.* (Unfair Competition Law (“UCL”).

11 2. This Complaint challenges Defendants’ systemic illegal employment practices
12 resulting in violations of the stated provisions of the Labor Code and corresponding IWC
13 Wage Order against the putative class of employees.

14 3. Plaintiff is informed and believes and thereon alleges Defendants jointly and
15 severally acted intentionally and with deliberate indifference and conscious disregard to the
16 rights of all employees in (1) failing to pay all meal period wages and rest break wages, (2)
17 failing to pay all minimum and overtime wages, (3) failing to pay all wages due and owing
18 upon termination of employment, (4) failing to provide accurate wage statements, and (5)
19 engaging in unfair business practices.

20 **JURISDICTION AND VENUE**

21 4. This class action is brought pursuant to California Code of Civil Procedure §
22 382. The monetary damages sought by Plaintiff exceed the minimal jurisdictional limits of the
23 Superior Court and will be established according to proof at trial.

24 5. This Court has jurisdiction over this action pursuant to California Constitution,
25 Article VI, Section 10, which grants the Superior Court original jurisdiction in all causes
26 except those given by statute to other courts. The statutes under which this action is brought
27 do not specify any other basis for jurisdiction.

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1 alleged herein were duly committed with ratification, knowledge, permission, encouragement,
2 authorization and consent of each Defendant designated herein.

3 13. As such, and based upon all the facts and circumstances incident to Defendants'
4 business in California, Defendants are subject to Labor Code §§ 203, 226, 226.7, 510, 512,
5 1194, 1198, IWC Wage Order No. 4-2001, and the UCL.

6 **CLASS ACTION ALLEGATIONS**

7 14. **Definition:** Plaintiff seeks class certification pursuant to California Code of
8 Civil Procedure § 382 of all current and former non-exempt employees of Defendants who
9 worked in California and were paid on an hourly basis at any time from August 21, 2012 to the
10 present, including the following Subclasses:

11 (a) **Meal Period Subclass:** all Defendants' non-exempt employees who worked
12 one or more shifts in excess of six (6) hours in California at any time during the
13 period from August 21, 2012 to the present;

14 **As an alternative to Subclass (a):** (a)(1) all Defendants' non-exempt
15 employees who worked one or more shifts in excess of six (6) hours in
16 California who were not provided a 30-minute break during which they were
17 relieved of all duties, at any time during the period from August 21, 2012 to the
18 present;

19 (b) **Rest Break Subclass:** all Defendants' non-exempt employees who worked one
20 or more shifts of three and one-half (3.5) hours or more in California at any time
21 during the period from August 21, 2012 to the present;

22 **As an alternative to Subclass (b):** (b)(1) all Defendants' non-exempt
23 employees who worked one or more shifts of three and one-half (3.5) hours or
24 more in California who were not provided a paid 10-minute break during which
25 they were relieved of all duties, at any time during the period from August 21,
26 2012 to the present;

27 (c) **Overtime Subclass:** all Defendants' non-exempt employees who worked in
28 excess of eight (8) hours in a day or forty (40) hours in a workweek in

1 California at any time during the period from August 21, 2012 to the present;

2 (d) **Minimum Wage Subclass** all Defendants’ non-exempt employees who worked
3 in California and were not properly paid all minimum wages at any time during
4 the period from August 21, 2012 to the present.

5 (e) **Terminated Employee Subclass:** all Defendants’ non-exempt employees who
6 worked in California at any time during the period from August 21, 2013 to the
7 present, and who were not properly paid all wages on termination or within 72
8 hours thereof;

9 (f) **Wage Statement Subclass:** all Defendants’ non-exempt employees who
10 worked in California and received an itemized wage statement at any time
11 during the period from August 21, 2013 to the present;

12 **15. Numerosity:** The members of the Class are so numerous that joinder of all
13 members would be impractical, if not impossible. The identities of the members of the Class
14 are readily ascertainable by review of Defendants’ records, including payroll records.

15 **16. Adequacy of Representation:** Plaintiff is fully prepared to take all necessary
16 steps to represent fairly and adequately the interests of the Class defined above. Plaintiff’s
17 attorneys are ready, willing and able to fully and adequately represent the Class and individual
18 Plaintiff. Plaintiff’s attorneys have prosecuted and settled wage-and-hour class actions in the
19 past and currently have a number of wage-and-hour class actions pending in California courts.

20 **17.** Defendants uniformly administered a corporate policy, practice and/or
21 procedure of (1) failing to pay all meal period wages and rest break wages, (2) failing to pay all
22 minimum and overtime wages, (3) failing to pay all wages due and owing upon termination of
23 employment, (4) failing to provide accurate wage statements, and (5) engaging in unfair
24 business practices. Plaintiff alleges this corporate conduct is accomplished with the advance
25 knowledge and designed with intent to willfully withhold appropriate wages for work
26 performed by members of the Class.

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28 ///

1 **18. Common Question of Law and Fact:** There are predominant common
2 questions of law and fact and a community of interest amongst Plaintiff and the claims of the
3 Class concerning whether Defendants' policies and practices regularly denied Class Members
4 meal and rest break wages, minimum and overtime wages, accurate wage statements, and all
5 wages due and owing upon termination of employment.

6 **19. Typicality:** Plaintiff's claims are typical of the claims of all members of the
7 Class. Plaintiff is a member of the Class and has suffered the alleged violations of Labor Code
8 §§ 203, 226, 226.7, 510, 512, 1194, 1198, and IWC Wage Order No. 4-2001, and the UCL.

9 **20.** The Labor Code upon which Plaintiff bases his claims is broadly remedial in
10 nature. These laws and labor standards serve an important public interest in establishing
11 minimum working conditions and standards in California. These laws and labor standards
12 protect the average working employee from exploitation by employers who may seek to take
13 advantage of superior economic and bargaining power in setting onerous terms and conditions
14 of employment.

15 **21.** The nature of this action and the format of laws available to Plaintiff and
16 members of the Class identified herein make the class action format a particularly efficient and
17 appropriate procedure to redress the wrongs alleged herein. If each employee were required to
18 file an individual lawsuit, the corporate Defendants would necessarily gain an unconscionable
19 advantage since it would be able to exploit and overwhelm the limited resources of each
20 individual plaintiff with their vastly superior financial and legal resources. Requiring each
21 Class Member to pursue an individual remedy would also discourage the assertion of lawful
22 claims by employees who would be disinclined to file an action against their former and/or
23 current employer for real and justifiable fear of retaliation and permanent damage to their
24 careers at subsequent employment.

25 **22.** The prosecution of separate actions by the individual Class Members, even if
26 possible, would create a substantial risk of (a) inconsistent or varying adjudications with
27 respect to individual Class Members against the Defendants and which would establish
28 potentially incompatible standards of conduct for the Defendants, and/or (b) adjudications with

1 pursuant to Labor Code § 226, including interest thereon, penalties, reasonable attorneys' fees,
2 and costs of suit according to the mandate of California Labor Code § 226.

3 **FIFTH CAUSE OF ACTION**

4 **FOR VIOLATION OF BUSINESS AND PROFESSIONS CODE SECTION 17200 *et seq.***

5 **(AGAINST ALL DEFENDANTS BY PLAINTIFF ON BEHALF OF**

6 **ALL CLASS MEMBERS)**

7 **45.** Plaintiff re-alleges and incorporates by reference paragraphs 1 through 44 as
8 though fully set forth herein.

9 **46.** Defendants, and each of them, have engaged and continue to engage in unfair
10 and unlawful business practices in California by practicing, employing and utilizing the
11 employment practices outlined above, inclusive, to wit, by knowingly denying employees: (1)
12 all meal period wages and rest break wages, (2) all overtime wages and minimum wages, (3)
13 all wages due and owing upon termination of employment, and (4) accurate wage statements.

14 **47.** Defendants' utilization of such business practices constitutes unfair, unlawful
15 competition and provides an unfair advantage over Defendants' competitors.

16 **48.** Plaintiff seeks, on his own behalf, and on behalf of other members of the Class
17 and Subclasses who are similarly situated, full restitution of monies, as necessary and
18 according to proof, to restore any and all monies withheld, acquired and/or converted by the
19 Defendants by means of the unfair practices complained of herein.

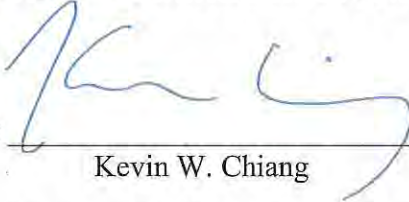
20 **49.** The acts complained of herein occurred within the last four years preceding the
21 filing of the complaint in this action.

22 **50.** Plaintiff is informed and believe and based thereon allege that at all times herein
23 mentioned Defendants have engaged in unlawful, deceptive and unfair business practices, as
24 proscribed by California Business and Professions Code § 17200 *et seq.*, including those set
25 forth above, thereby depriving Plaintiff and the Class and Subclasses the minimum working
26 condition standards and conditions due to them under the California laws and IWC Wage
27 Orders as specifically described therein.

1 9. On all Causes of Action, for attorneys' fees, interest, and costs as provided by
2 California Labor Code §§ 218.6, 226, 1194, and Code of Civil Procedure §
3 1021.5, and for such other further relief the Court may deem just and proper.
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5 Dated: August 22, 2016

EQUITY LEGAL GROUP, P.C.


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8 By: 
 Kevin W. Chiang
9 Attorneys for Plaintiff Juan Garcia
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DEMAND FOR JURY TRIAL

Plaintiff, for himself and the Class and Subclasses, hereby demands a jury trial as provided by California law.

Dated: August 22, 2016

EQUITY LEGAL GROUP, P.C.

By: 
Kevin W. Chiang

Attorneys for Plaintiff Juan Garcia

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ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Plaintiff Claims Straub Distributing Co. Deducted Wages for Untaken Meal, Rest Breaks](#)
