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7 Attorneys for Plaintiff,
8 LAUREN MILLSTEIN

9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**

11
12 LAUREN MILLSTEIN, individually) CASE NO.
13 and on behalf of other persons similarly)
14 situated,) **CLASS ACTION**

15 Plaintiffs,

) **COMPLAINT FOR DAMAGES,**
) **PENALTIES AND INJUNCTIVE**
) **RELIEF**

16 vs.

) **1. FAILURE TO PAY**
) **OVERTIME WAGES**

17 COUNTY OF LOS ANGELES;
18 NORTH COUNTY CORRECTIONAL)
19 FACILITY and DOES 1-100)

) **2. FAILURE TO PAY FOR**
) **REST BREAKS (29 CFR**
) **§785.18)**

20 Defendants.

) **3. FAILURE TO PAY FOR**
) **NON-DUTY-FREE MEAL**
) **BREAKS (29 CFR §785.19)**

) **4. UNFAIR COMPETITION**
) **(Cal. Bus. & Prof Code. §§**
) **17200 et seq.)**

) **DEMAND FOR JURY TRIAL**

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1 Plaintiff, Lauren Millstein, on behalf of herself, and all others similarly
2 situated, complains and alleges as follows

3
4 **INTRODUCTION**

5 1. This is a class action lawsuit pursuant to Fed. R. Civ. P. Rule 23, seeking
6 unpaid wages, unpaid overtime wages, unpaid rest periods and injunctive relief and
7 other equitable relief, reasonable attorneys’ fees and costs, brought on behalf of
8 Plaintiff and others similarly situated.

9
10 **JURISDICTION AND VENUE**

11 2. This Court has jurisdiction over this action pursuant to federal question
12 jurisdiction under 28 U.S.C. §1331. Plaintiff brings this lawsuit pursuant the Fair
13 Labor Standards Act (FLSA), 29 U.S.C. §201 *et seq.*

14 3. This Court also has supplemental jurisdiction, pursuant to 28 U.S.C.
15 §1367, over the state law claims asserted herein, as state and federal claims derive
16 from a common nucleus of operative facts.

17
18 **PARTIES**

19 4. Plaintiff is, and at all relevant times was, a California resident residing
20 within the Los Angeles County. Within the statute of limitations for the claims made
21 herein, Plaintiff experienced damage as a result of Defendants.

22 5. Plaintiff appears in this action on behalf of herself and on behalf of all
23 others similarly situated.
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1 6. Defendant, County of Los Angeles owns and operates North County
2 Correctional Facility (“NCCF”), located in Los Angeles County, California and
3 operates a jail.
4

5 7. At all relevant times to this action, Defendants were employers of
6 Plaintiff and the other members of the classes.
7

8 8. Plaintiff is informed and believes that DOES 1 through 100 are
9 corporations, individuals, limited liability partnerships, limited liability companies,
10 general partnerships, sole proprietorships or are other business entities or
11 organizations of a nature not currently known to Plaintiff.
12

13 9. Plaintiff is unaware of the true names of Defendants DOES 1 through
14 100. Plaintiff sues said defendants by said fictitious name, and will amend this
15 complaint when the true names and capacities are ascertained or when such facts
16 pertaining to liability are ascertained, or as permitted by law or by the Court.
17 Plaintiff is informed and believe that each of the fictitiously named Defendants is in
18 some manner responsible for the events and allegations set forth in this Complaint.
19
20

21 10. Plaintiff is informed and believes, and based thereon alleges that at all
22 relevant times, each Defendant was an employer, was the principal, agent, partner,
23 joint venture, officer, director, controlling shareholder, subsidiary affiliate, parent
24 corporation, successor in interest and/or predecessor in interest of some or all of the
25 other Defendants, and was engaged with some or all of the other Defendants in a joint
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1 enterprise for profit and bore such other relationships to some or all of the other
 2 Defendants so as to be liable for their conduct with respect to the matters alleged in
 3 this complaint. Plaintiffs are further informed and believe and thereon allege that
 4 each Defendant acted pursuant to and within the scope of the relationships alleged
 5 above, and that at all relevant times, each Defendant knew or should have known
 6 about, authorized, ratified, adopted, approved, controlled, aided and abetted the
 7 conduct of all other Defendants. As used in this Complaint “Defendant” means
 8 “Defendants and each of them,” and refers to the Defendants named in the particular
 9 cause of action and DOES 1 through 100.
 10
 11
 12

13 11. At all times mentioned herein, each Defendant was the co-conspirator,
 14 agent, servant, employee, and/or joint venture of each of the other Defendants and
 15 was acting within the course and scope of said conspiracy, agency, employment,
 16 and/or joint venture and with the permission and consent and knowledge of each of
 17 the other Defendants.
 18
 19

20 **FACTS COMMON TO ALL CAUSES OF ACTION**

21 12. Defendants employed Plaintiff on an hourly basis as a non-exempt
 22 employee at Defendants, County of Los Angeles at NCCF in Los Angeles County
 23 withing the last two years period preceding the filing of this action. Defendants no
 24 longer employ Plaintiff as her last day of work with Defendants was on May 27,
 25 2019.
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1 13. During her employment with Defendants, Plaintiff worked in excess of
2 10 hours per day for six days. Plaintiff’s shift started at 6:00 a.m. until 2:00 p.m.
3
4 Yet, Defendants required Plaintiff to start working off the clock at 5:00 a.m.,
5 requiring her to retrieve security keys and conduct a security check before she
6 clocked in at 6:00 a.m. Defendants failed to pay Plaintiff overtime for working over
7
8 eight hours in a day.

9 14. When Plaintiff took rest breaks Defendants did not count Plaintiff’s rest
10 breaks as hours worked. As such, Plaintiff was not compensated for her rest breaks.
11

12 15. The members of the Classes are identifiable, similarly situated persons
13 who were hourly-paid non-exempt current and former employees of Defendants.
14

15 **CLASS DEFINITION AND CLASS ALLEGATIONS**

16 16. Plaintiff brings this action on behalf of herself and on behalf of all other
17 similarly situated persons as a class action pursuant to Fed. R. Civ. P. Rule 23.
18

19 The members of the Classes are defined as follows:

20 **Unpaid Overtime Wage Class:** All current and former non-exempt hourly
21 paid employees of the County of Los Angeles jail system who worked over
22 40 hours in a workweek for the County of Los Angeles at any time within the
23 last three (3) years prior to filing this initial Complaint through the date Notice
is mailed to the Class who were not being paid their overtime wages.

24 **Unpaid Rest Period Class:** All persons who, at any time within the last three
25 (3) years prior to the filing of this initial Complaint through date Notice is
26 mailed to the Class, worked as an hourly paid non-exempt employee for the
27 County of Los Angeles jail system and took rest breaks and were not paid for
28 said rest breaks.

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1 **Bona Fide Meal Period Class:** All persons who, at any time within the last
2 three (3) years prior to the filing of this initial Complaint through date Notice
3 is mailed to the Class, worked as an hourly paid non-exempt employee for the
4 County of Los Angeles jail system who took meal breaks where the County of
5 Los Angeles required them to work during these meal breaks and were not
6 paid.

7 17. This action has been brought and may be properly maintained as a class
8 action pursuant to the provisions of Fed. R. Civ. P. Rule 23 and other applicable law.

9 18. **Numerosity of the Classes:** Members of the Classes are so numerous
10 that their individual joinder is impracticable. Plaintiff estimate that there are no less
11 than 1,000 persons in the identified classes. The precise number of Class members
12 and their addresses are unknown to Plaintiff. However, Plaintiff is informed and
13 believes and thereon alleges that the number can be obtained from Defendants'
14 employment records. Class members may be notified of the pendency of this action
15 by conventional mail, electronic mail, the Internet, or published notice.

16
17
18 19. **Existence of Predominance of Common Questions of Fact and Law:**
19 Common questions of law and fact exist as to all members of the Classes. These
20 questions predominate over any questions effecting only individual members of the
21 classes. These common factual and legal questions include:

22
23 (a) Was it the County of Los Angeles jail system's common practice
24 of requiring employees to work off the clock a violation of the overtime wage rights
25 of Class members?
26
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1 (b) Whether Plaintiff and those similarly situated were not paid for
2 working more than 40 hours per workweek.

3
4 (c) Whether the County of Los Angeles’ conduct was willful.

5 (d) Was it the County of Los Angeles’ jail system common practice
6 to not pay employees when they took rest breaks;
7

8
9 (e) Whether County of Los Angeles committed unlawful business
10 practices or acts within the meaning of Cal. Business & Professions Code §§17200 *et*
11 *seq.*;

12
13 (f) Is the County of Los Angeles jail system liable for attorneys’
14 fees?;

15
16 (g) Whether Defendants raise any affirmative defenses that are
17 universal in application.

18
19 20. **Typicality**: Plaintiff’s claims are typical of the claims of the members
20 of the respective Classes because Plaintiff was an employee of Defendants as an
21 hourly paid non-exempt employee in who was required to work off the clock and was
22 not paid overtime wage compensation by Defendants. She was not paid for the resr
23 periods she took, and suffered the same injuries and seeks the same releif applicable
24 to each class members. Plaintiff did not receive all earned wages as a result of such
25 practices at the time her employment ended with Defendants.
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1 24. At all relevant times, Plaintiff and the other members of the Unpaid
2 Overtime Class were non-exempt hourly employees of Defendants covered by the
3 FLSA. 29 U.S.C. §203(e)(1).
4

5 25. Pursuant to the FLSA, Plaintiff and the other members of the Unpaid
6 Overtime Wage Class were entitled to overtime wages payable at the rate of at least
7 one and one-half times their regular rate of pay for all work in excess of forty (40)
8 hours in one workweek. 29 U.S.C. §207.
9

10 26. Defendants failed to pay Plaintiff and other members of the Unpaid
11 Overtime Wage Class for overtime work in violation of the FLSA. Plaintiff is
12 informed and believes and based thereon alleges that Defendants' practice of having
13 its employees work off the clock resulted in employees working overtime and not
14 being paid for it. This resulted in Defendants failing to pay all the overtime wages
15 owed to Plaintiff and Unpaid Overtime Wage Class members.
16
17

18 27. As a result of Defendants' unlawful conduct, Plaintiff and other
19 members of the Unpaid Overtime Wage Class have suffered damages in an amount,
20 subject to proof, to the extent they were not paid all overtime wages earned.
21

22 28. Defendants knew Plaintiff and other members of the Unpaid Overtime
23 Wage Class worked overtime without proper compensation because Defendants were
24 aware, or should have been aware, that Plaintiff and those others similarly situated
25 were required to work off the clock to perform security checks. Defendants willfully
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1 failed and refused to pay Plaintiff and the Unpaid Overtime Wage Class overtime
2 wages at the required overtime rate.

3
4 29. Plaintiff and other members of the Unpaid Overtime Wage Class are
5 entitled to recover the full amount of their unpaid overtime wages, prejudgment
6 interest, reasonable attorneys’ fees and costs of suit.

7
8 30. Plaintiff is informed and believes and thereon alleges that at all relevant
9 times within the applicable limitations period, Defendants maintained and continues
10 to maintain a policy or practice of requiring members of the Unpaid Overtime Wage
11 Class to perform various duties exceeding a 40 hour workweek without
12 compensation. As a result of Defendants’ unlawful conduct, Plaintiff and members
13 of the Unpaid Overtime Wage Class have suffered damages in an amount, subject to
14 proof, to the extent they were not paid for all overtime wages earned during each pay
15 period.
16
17

18 **SECOND CAUSE OF ACTION**
19 **FAILURE TO PAY FOR REST PERIODS**
20 **(By Plaintiff and the Unpaid Rest Period Class against all Defendants)**

21 31. Plaintiff incorporates paragraphs 1 through 30 of this complaint as
22 though fully alleged herein.

23
24 32. When Plaintiff and those similarly situated were able to take a rest
25 breaks, they were not paid for such rest breaks as is required pursuant to 29 U.S.C.
26 785.18.
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1 33. Defendants failed to pay Plaintiff and other members of the Unpaid Rest
2 Period Class for the rest periods they actually took.

3
4 34. As a result of Defendants’ unlawful conduct, Plaintiff and other
5 members of the Unpaid Rest Period Class have suffered damages in an amount,
6 subject to proof, to the extent they were not paid all wages earned.
7

8 35. Defendants knew Plaintiff and other members of the Unpaid Rest Period
9 Class were not paid for their rest periods. Defendants willfully failed and refused to
10 pay Plaintiff and the Unpaid Rest Periods Class for their rest periods.
11

12 36. Plaintiff and other members of the Unpaid Rest Period Class are entitled
13 to recover the full amount of their unpaid wages, prejudgment interest, reasonable
14 attorneys’ fees and costs of suit.
15

16 37. Plaintiff is informed and believes and thereon alleges that at all relevant
17 times within the applicable limitations period, Defendants maintained and continues
18 to maintain a policy or practice of requiring members of the Unpaid Rest Period
19 Class to not pay its employees who take rest breaks. As a result of Defendants’
20 unlawful conduct, Plaintiff and members of the Unpaid Rest Period Class have
21 suffered damages in an amount, subject to proof, to the extent they were not paid for
22 all wages earned during each pay period.
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THIRD CAUSE OF ACTION
FAILURE TO PAY FOR REST PERIODS
(By Plaintiff and the Bona Fide Meal Period Class against all Defendants)

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2
3
4 38. Plaintiff incorporates paragraphs 1 through 37 of this complaint as
5 though fully alleged herein.

6 39. Defendants did not allow Plaintiff and members of the Bona Fide Meal
7
8 Period Class to have a duty-free meal period. Plaintiff and members of the Bona Fide
9 Meal Period Class were required to continue to work during these meal periods in
10 violation of 29 U.S.C. 785.19.

11
12 40. Defendants failed to pay Plaintiff and other members of the Bona Fide
13 Meal Period Class the time worked during their purported meal period.

14 41. As a result of Defendants' unlawful conduct, Plaintiff and other
15
16 members of the Bona Fide Meal Period Class have suffered damages in an amount,
17 subject to proof, to the extent they were not paid all wages earned.

18 42. Defendants knew Plaintiff and other members of the Bona Fide Meal
19
20 Period Class were not paid for their time working during their purported meal
21 periods. Defendants willfully failed and refused to pay Plaintiff and the Bona Fide
22 Meal Period Class these wages.

23
24 43. Plaintiff and other members of the Bona Fide Meal Period Class are
25
26 entitled to recover the full amount of their unpaid wages, prejudgment interest,
27 reasonable attorneys' fees and costs of suit.
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1 44. Plaintiff is informed and believes and thereon alleges that at all relevant
2 times within the applicable limitations period, Defendants maintained and continues
3 to maintain a policy or practice of requiring members of the Bona Fide Meal Period
4 Class to not pay its employees who are required work over their purported meal
5 period. As a result of Defendants’ unlawful conduct, Plaintiff and members of the
6 Bona Fide Meal Period Class have suffered damages in an amount, subject to proof,
7 to the extent they were not paid for all wages earned during each pay period.
8
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10 **FOURTH CAUSE OF ACTION**
11 **UNFAIR COMPETITION**

12 **(By Plaintiff and All Classes against all Defendants)**

13 45. Plaintiff incorporates paragraphs 1 through 44 of this complaint as
14 though fully alleged herein.
15

16 46. The unlawful conduct of Defendants alleged herein constitutes unfair
17 competition within the meaning of Cal. Business & Professions Code §§17200 *et seq.*
18 Due to the allegedly unlawful and unfair business practices in violation of the FLSA,
19 Defendants have gained a competitive advantage over other comparable private
20 confinement businesses doing business in the State of California that comply with
21 their obligations to compensate employees for all earned wages as required by law.
22
23

24 47. As a result of Defendants’ unfair competition as alleged herein, Plaintiff
25 and other members of each Class have suffered injury in fact and lost money or
26 property. Plaintiff and members of each Class have been deprived of their rights to
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1 overtime wages for all overtime hours worked and timely payment of all monies
2 earned each pay period.

3
4 48. Pursuant to Cal. Business & Professions Code §17203, Plaintiff and
5 other members of each Class are entitled to restitution of all wages and other monies
6 owed and belonging to them, including interest thereon, that Defendants wrongfully
7 withheld from them and retained for itself by means of its unlawful and unfair
8 business practices.

9
10 49. Pursuant to Cal. Business & Professions Code §17203, Plaintiff and
11 other members of each Class are entitled to an injunction to prevent the continuation
12 of Defendants' unlawful and unfair business practices that constitute unfair
13 competition. Injunctive relief is warranted because Defendants continue to engage in
14 unlawful and unfair business practices with respect to currently employed members
15 of each Class, and such members of the Class have no adequate legal remedy for the
16 continuing injuries that will be suffered as a result of Defendants' ongoing unlawful
17 conduct. Injunctive relief is the only remedy available to prevent Defendants from
18 continuing to engage in the unlawful and unfair business practices described herein.
19
20
21

22 50. Plaintiff and members of the each Class are entitled to recover
23 reasonable attorneys' fees in connection with their unfair competition claims pursuant
24 to Cal. Code of Civil Procedure §1021.5, the substantial benefit doctrine and/or the
25 common fund doctrine.
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PRAYER FOR RELIEF

WHEREFORE, Plaintiff on behalf of herself and all others similarly situated, pray for relief and judgment against Defendants as follows:

1. That this action be certified as a class action pursuant to Fed. R. Civ. P. Rule 23;

2. An order finding that Plaintiff and the putative class members are similarly situated;

3. An order certifying this case as a class action pursuant to Fed. R. Civ. P. Rule 23;

4. An order for authorization for prompt issuance of a notice to all those similarly situated, apprising them of the pendency of this action and giving them the opportunity to assert timely FLSA claims by filing individual consent forms;

5. An order finding that Defendants willfully did not pay overtime wages earned to Plaintiff and those similarly situated;

6. An order finding that Defendants willfully did not pay waged earned to Plaintiff and those similarly situated;

7. An order enjoining Defendants from the conduct alleged herein above;

8. An order awarding prejudgment and post-judgment interest at the maximum legal rate;

9. An order awarding attorneys' fees according to proof;

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1 10. An order awarding costs of suit herein; and

2 11. All such other and further relief as the Court deems just.

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4
5 Date: March 25, 2021

Respectfully Submitted,

6 McCATHERN LLP

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8 By: *Evan Selik*
9
10 Evan Selik
11 Christine Zaouk
12 Attorneys for Plaintiff,
13 LAUREN MILLSTEIN

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DEMAND FOR JURY TRIAL

1
2 Plaintiff demands a trial by jury for himself and the Class on all claims so
3 triable.
4

5
6 Date: March 25, 2021

Respectfully Submitted,

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8 McCATHERN LLP

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10 By: *Evan Selik*
11 Evan Selik
12 Christine Zaouk
13 Attorneys for Plaintiff,
14 LAUREN MILLSTEIN
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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: [North County Correctional Facility, Los Angeles County Hit with Ex-Employee's Wage and Hour Lawsuit](#)
