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14 Counsel for Plaintiffs

15 **SUPERIOR COURT OF CALIFORNIA,**  
16 **SAN DIEGO COUNTY**

17 Michael Brown, Michael Lannen,  
18 individually and on behalf of other members  
19 of the general public similarly situated

20 Plaintiffs,

21 vs.

22 RLLW, INC., RLW, INC., Jackie Robinson,  
23 Michael Loyd, Flintie Ray Williams, and Does  
24 1 thru 50, inclusive,

25 Defendants.  
26 \_\_\_\_\_/

27 **NO.** \_\_\_\_\_

28 **CLASS ACTION**

**COMPLAINT**

1. **Violations of Labor Code**
2. **Violations of B&P § 17200**
3. **Conversion**

1 **FIRST CAUSE OF ACTION**

2 **(Violations Of The California Labor Code)**

3 COME NOW, Plaintiffs, individuals over the age of eighteen (18), and bring this  
4 challenge to Defendants’ lucrative, repressive and unlawful business practices on behalf of  
5 themselves and a class of all others similarly situated and for a Cause of Action against  
6 Defendants, RLLW, INC., RLW, INC., JACKIE ROBINSON, MICHAEL LOYD, FLINTIE  
7 RAY WILLIAMS and DOES 1-50, inclusive, (hereinafter Defendants) and each of them,  
8 allege as follows:  
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10 **THE PARTIES, JURISDICTION AND VENUE**

11 **1.**

12 This class action is brought pursuant to Section 382 of the California Code of Civil  
13 Procedure. The monetary damages and restitution sought by Plaintiffs exceed the minimal  
14 jurisdiction limits of the Superior Court and will be established according to proof at trial. The  
15 monetary damages for each named Plaintiff, including the pro rata share of statutory attorney  
16 fees, punitive damages and penalties for each named Plaintiff, does not exceed \$75,000 per  
17 named Plaintiff.  
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19 Defendants, RLLW, Inc. and RLW, Inc. are alter ego corporations doing business in  
20 California. Defendants Jackie Robinson, Michael Loyd, and Flintie Ray Williams are  
21 individuals doing business in California. Both named Plaintiffs worked for Defendants, and  
22 each of them, in San Diego County, California. Plaintiff Michael Brown is an individual  
23 residing in San Diego, California. Plaintiff Michael Lannen is an individual residing in Las  
24 Vegas, Nevada. Venue is proper in San Diego County as said Defendants own and operate  
25 restaurants in San Diego County and the acts complained of herein occurred in San Diego  
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1 County. Plaintiffs are informed and believe that all of the acts complained of herein occurred  
2 in the State of California. The class representative plaintiffs who were employed in a salaried  
3 position at one of Defendants' restaurants within the State of California are Michael Brown and  
4 Michael Lannen.  
5

6 **2.**

7 Defendant RLLW, Inc. is a franchisee of Pizza Hut, Inc. Defendant RLLW, Inc. is an  
8 alter ego to the individual defendants, and each of them, whereby they own and operate an  
9 industry, business and establishment in approximately 70 separate geographic locations within  
10 the State of California, including within San Diego County, for the purpose of selling pizza and  
11 related food items under the trade name "Pizza Hut." As such, and based upon all the facts and  
12 circumstances incident to Defendants' business in California, Defendants are subject to  
13 California Labor Code Sections 1194, et seq., California Business and Professions Code  
14 Section 17200, et seq., (Unfair Practices Act) and the applicable wage order(s) issued by the  
15 Industrial Welfare Commission.  
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18 **3.**

19 At all times herein mentioned Defendants RLLW, Inc. and RLW, Inc., are the alter egos  
20 of defendants Jackie Robinson, Michael Loyd, and Flintie Ray Williams and Does 1 thru 10,  
21 inclusive. Defendants Jackie Robinson, Michael Loyd, and Flintie Ray Williams and Does 1  
22 thru 10, inclusive, have a unity of interest with defendant RLW Inc. and RLLW, Inc. such that  
23 separate identities, personalities, entities, operations, management, and control no longer exist.  
24 Plaintiff is informed and believes that defendants, and each of them, took an active part,  
25 authorized, tolerated, and/or ratified the wrongful conduct alleged herein. Plaintiffs are further  
26 informed and believe that defendants Robinson, Loyd, and Williams have ultimate control over  
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1 said defendant alter egos RLW, Inc. and RLLW, Inc. at all relevant times hereto and used these  
2 alter egos knowingly or in reckless disregard with the purpose or effect to violate the applicable  
3 law discussed herein for their own personal gain.  
4

5 Plaintiffs are informed and believe, and thereon allege, that defendants Robinson, Loyd  
6 and Williams created, closed or terminated the operations of businesses and channels and/or  
7 diverted business from one entity to another to prejudice creditors and to avoid negative  
8 publicity and potential criminal and/or civil penalties. Defendants have in bad faith dominated  
9 and controlled defendants RLW, Inc. and RLLW, Inc. for their own personal use, commingled  
10 funds and other assets for their own convenience, diverted funds and other assets for their own  
11 personal use; diverted assets to themselves to the detriment of Plaintiffs and creditors, failed to  
12 maintain proper corporate minutes and have used the above-mentioned corporations, including  
13 but not limited to RLW, Inc. and RLLW, Inc., as a mere shell, instrumentality, or conduit to  
14 unfairly profit from business in California. Failure to recognize that defendants RLLW, Inc.  
15 and RLW, Inc., are the alter egos of defendants Jackie Robinson, Michael Loyd, and Flintie  
16 Ray Williams and Does 1 thru 10, inclusive, would sanction a fraud and promote injustice.  
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19 **4.**  
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21 At all times herein mentioned Plaintiffs and the class identified herein worked for  
22 Defendants as salaried restaurant employees. The salaried restaurant positions are not positions  
23 which involve work which falls within any exception to the above-referenced Labor Code  
24 sections and/or California Industrial Welfare Commission orders applicable to Defendants'  
25 business. Plaintiffs Michael Brown and Michael Lannen are former employees of Defendants,  
26 and each of them. Michael Brown and Michael Lannen worked in Defendants' restaurants as  
27 salaried restaurant employees.  
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**5.**

Plaintiffs do not know the true names or capacities, whether individual, partner or corporate, of the Defendants sued herein as DOES 1 through 50, inclusive, and for that reason, said Defendants are sued under such fictitious names, and Plaintiffs pray leave to amend this complaint when the true names and capacities are known. Plaintiffs are informed and believe and thereon allege that each of said fictitious Defendants was responsible in some way for the matters alleged herein and proximately caused Plaintiffs and members of the general public and the class to be subject to the illegal employment practices, wrongs and injuries complained of herein.

**6.**

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

**7.**

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

**8.**

At all times herein mentioned, the acts and omissions of various Defendants, and each of them, concurred and contributed to the various acts and omissions of each and all of the other Defendants in proximately causing the injuries and damages as herein alleged.

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**9.**

At all times herein mentioned, Defendants, and each of them, ratified each and every act or omission complained of herein. At all times herein mentioned, the Defendants, and each of them, aided and abetted the acts and omissions of each and all of the other Defendants in proximately causing the damages as herein alleged. Further, at all times mentioned herein, the wage and hour related compensation policies of restaurants in California are and were dictated by, controlled by, and ratified by the Defendants herein and each of them.

**FACTUAL ALLEGATIONS**

**10.**

Plaintiffs and all members of the class identified herein were regularly scheduled as a matter of uniform company policy to work and in fact worked as salaried restaurant employees in excess of eight hours per workday and/or in excess of forty hours per workweek without receiving straight time or overtime compensation for such overtime hours worked in violation of California Labor Code section 1194 and the applicable California Industrial Welfare Commission wage order(s). Plaintiffs and the other members of the class were improperly and illegally misclassified by Defendants as "exempt" managerial employees when, in fact, they were "non-exempt," non-managerial employees according to California law. Plaintiffs and the other members of the class have the right to be compensated by Defendants at the appropriate compensatory wage rate for said work heretofore performed, consisting of the straight time rate plus the appropriate overtime premium as mandated by California law.

**11.**

This complaint is brought by Plaintiffs pursuant to California Code of Civil Procedure section 382 on behalf of a class. All claims alleged herein arise under California law for which

1 Plaintiffs seek relief authorized under California law. The class is comprised of, and defined  
2 as: All current and former California based salaried restaurant employees who worked  
3 overtime for Defendants within the four years preceding the filing of the original complaint in  
4 this action up to the time the class is certified, yet were not paid overtime. The members of the  
5 class are so numerous that joinder of all members would be impractical, if not impossible. The  
6 members of the class are readily ascertainable by a review of Defendants' records. Further, the  
7 subject matter of this action both as to factual matters and as to matters of law, are such that  
8 there are questions of law and fact common to the class which predominate over questions  
9 affecting only individual members including, among other things, the following:

12 a. Statistically, one hundred percent of the class members were paid on a salary  
13 basis with no overtime compensation paid for work accomplished in excess of forty hours per  
14 week, or eight hours per day. Plaintiffs are informed and believe and based thereon allege that  
15 Defendants and each of them have failed to meet the requirements for establishing the  
16 exemption because all class members (1) regularly spent more than 50% of their time  
17 performing non-exempt work, (2) did not customarily and regularly exercise discretion and  
18 independent judgment, (3) did not have the authority to hire or fire or make meaningful  
19 recommendations regarding same, or, (4) did not customarily and regularly supervise at least  
20 two employees or the equivalent. In primarily engaging in non-exempt work, Plaintiffs and the  
21 class, at all times relevant, met the realistic expectations of Defendants and each of them.  
22 Thus, Plaintiffs and the class members were not exempt from the overtime requirements of  
23 California law for these reasons.

26 b. Defendants uniformly administered a uniform policy concerning both staffing  
27 levels and duties and responsibilities of the class members which required that the class  
28

1 members both work overtime without pay and regularly spend more than 50% of their time  
2 performing non-exempt tasks. This included a uniform pattern and practice of allocating and  
3 authorizing inadequate staffing levels at the individual restaurants. This uniform conduct had  
4 the effect of placing customer service, production, cleaning and maintenance, and clerical "non-  
5 management" duties and responsibilities onto the shoulders of the class members who were  
6 customarily and regularly caused to work far in excess of forty hours in a week and/or eight  
7 hours in a day without pay. Thus, Plaintiffs and all other members of the class routinely,  
8 regularly and customarily (i.e., well in excess of 50% of their work time) performed non-  
9 exempt, non-managerial work and work that did not regularly involve discretion and  
10 independent judgment. Therefore, such employees are entitled to overtime compensation under  
11 California law.

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13  
14 c. The duties and responsibilities of the salaried restaurant positions at Defendants'  
15 restaurants were virtually identical from restaurant to restaurant, and, employee to employee.  
16 Further, any variations in job activities between the different individuals in these positions are  
17 legally insignificant to the issues presented by this action since the central facts remain, to wit:

18  
19 1) The class members performed non-exempt work in excess of 50% of the time  
20 in their workday

21  
22 2) The class members did not regularly exercise discretion and independent  
23 judgment and;

24 3) The class members' work routinely included work in excess of 40 hours per  
25 week and/or 8 hours per day and they were not, and have never been, paid overtime  
26 compensation for their work.  
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**12.**

Plaintiffs and members of the class identified herein were discharged by Defendants or voluntarily quit, and did not have a written contract for employment. The Defendants, and each of them, in violation of California Labor Code sections 201 and 202, et seq., respectively, had a consistent and uniform policy, practice and procedure of willfully failing to pay the earned and unpaid wages of all such former employees. The Defendants and each of them have willfully failed to pay the earned and unpaid wages of such individuals, including, but not limited to, regular time, overtime, vacation time, and other wages earned and remaining uncompensated according to amendment, or proof. Plaintiffs and other members of the class did not secret or absent themselves from Defendants nor refuse to accept the earned and unpaid wages from Defendants. Accordingly, Defendants are liable for waiting time penalties for the unpaid wages pursuant to California Labor Code section 203.

**13.**

Plaintiffs and members of the class identified herein were discharged by Defendants or voluntarily quit, and did not have a written contract for employment. Defendants, and each of them, had a policy providing for paid vacations and a policy of paying vested vacation time in the form of wages immediately upon termination of employment. Plaintiffs and members of the class similarly situated were not paid and have not been paid their vested vacation time in the form of wages at the time of the termination of their employment with Defendants in violation of California Labor Code section 227.3. As a proximate cause of the denial of their vested vacation pay, Plaintiffs and other members of the class similarly situated have been injured thereby.

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**14.**

As a pattern and practice, in violation of the aforementioned labor laws and wage orders, Defendants knowingly and intentionally did not maintain any records or furnish any records to the class pertaining to when Plaintiffs and the members of the class began and ended each work period, meal period, the total daily hours worked, and the total hours worked per pay period and applicable rates of pay in violation of California Labor Code sections 226 and 1174 thereby causing injury to the class. Accordingly, Defendants and each of them are liable for civil penalties to Plaintiffs and the class pursuant to Labor Code sections 226 and 1174.5.

**15.**

There are predominant common questions of law and fact and a community of interest amongst Plaintiffs and the claims of the absent class members concerning whether Defendants' regular business custom and practice of requiring substantial "overtime" work and not paying for said work according to the overtime mandates of California law is, and at all times herein mentioned was, in violation of California Labor Code sections 1194, et seq., the Unfair Practices Act and the applicable California Industrial Welfare Commission Wage orders applicable to Defendants' business. Defendants' employment policies and practices wrongfully and illegally failed to compensate salaried restaurant employees for substantial overtime compensation earned as required by California law. For instance, questions of fact and/or law common to the members of the class, predominating over questions which may affect only individual members, include, but are not limited to:

a. Whether Defendants' salaried restaurant employees were classified as "exempt" in violation of California law;

1           b.       Whether Defendants uniformly failed to pay overtime wages to its salaried  
2 restaurant employees by virtue of Defendants’ unlawful class wide designation of such  
3 employees as "exempt" in violation of California law;  
4

5           c.       Whether Defendants’ job description, equally applicable to all class members,  
6 sets for the realistic expectations of the position;

7           d.       Whether Plaintiffs and the class could waive the wage and hour laws designed  
8 for their benefit under California law and whether such waivers were voluntary, knowing and  
9 valid;  
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11           e.       Whether Defendants' conduct constituted an illegal, or unfair, business practice  
12 in violation of California law;

13           f.       Whether Plaintiffs and the class are entitled to compensatory damages pursuant  
14 to the California Labor Code;

15           g.       Whether Plaintiffs and the class are entitled to injunctive relief, including  
16 restitution and/or disgorgement of profits pursuant to California law.  
17

18           h.       What the correct computation formula for the payment of overtime in California  
19 is;

20           i.       What work is customarily and regularly performed by members of the class and  
21 what exemption category does that work properly fall into;

22           j.       Whether Defendants, and each of them, have the burden of proof to establish the  
23 exemption;  
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25           k.       Whether Defendants, and each of them, can rely on the “sole charge” or  
26 “primary duty” exemption standard as opposed to the quantitative test;  
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**17.**

The California Labor Code and wage order provisions upon which Plaintiffs assert these claims are broadly remedial in nature. These laws and labor standards serve an important public interest in establishing minimum working conditions and standards in California. These laws and labor standards protect the average working employee from exploitation by employers who may seek to take advantage of superior economic and bargaining power in setting onerous terms and conditions of employment. The nature of this action and the format of laws available to Plaintiffs and members of the class identified herein make the class action format a particularly efficient and appropriate procedure to redress the wrongs alleged herein. If each employee were required to file an individual lawsuit, the corporate and individual Defendants would necessarily gain an unconscionable advantage since they would be able to exploit and overwhelm the limited resources of each individual Plaintiff with their vastly superior financial and legal resources. Requiring each class member to pursue an individual remedy would also discourage the assertion of lawful claims by employees who would be disinclined to file an action against their former employer for real and justifiable fear of retaliation and permanent damage to their careers at subsequent employment.

**18.**

The prosecution of separate actions by the individual class members, even if possible, would create a substantial risk of (1) inconsistent or varying adjudications with respect to individual class members against the Defendants and which would establish potentially incompatible standards of conduct for the Defendants, and/or (2) adjudications with respect to individual class members which would, as a practical matter, be dispositive of the interests of the other class members not parties to the adjudications or which would substantially impair or

1 impede the ability of the class members to protect their interests. Further, the claims of the  
2 individual members of the class are not sufficiently large to warrant vigorous individual  
3 prosecution considering all of the concomitant costs and expenses.  
4

5 **19.**

6 Such a pattern, practice and uniform administration of corporate policy regarding illegal  
7 employee compensation, as described herein, is unlawful and creates an entitlement to recovery  
8 by the Plaintiffs and the class identified herein, in a civil action, for the unpaid balance of the  
9 full amount of the straight time compensation and overtime premiums owing, including interest  
10 thereon, willful penalties, reasonable attorneys fees, and costs of suit according to the mandate  
11 of California Labor Code Section 1194, et seq.  
12

13 **20.**

14 Proof of a common business practice or factual pattern, of which the named Plaintiffs'  
15 experiences are representative, will establish the right of each member of the plaintiff class to  
16 recovery on the causes of action alleged herein.  
17

18 **21.**

19 The plaintiff class is entitled in common to a specific fund with respect to the overtime  
20 compensation monies illegally and unfairly retained by Defendants. The plaintiff class is  
21 entitled in common to restitution and disgorgement of those funds being improperly withheld  
22 by Defendants. This action is brought for the benefit of the entire class and will result in the  
23 creation of a common fund.  
24

25 WHEREFORE, Plaintiffs on their own behalf and on behalf of the members of the  
26 class, pray for judgment as hereinafter set forth.  
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1 **SECOND CAUSE OF ACTION**

2 **(Unfair Business Practices Act)**

3 COME NOW, Plaintiffs, individually and on behalf of both the class and the general  
4 public and as a second, separate and distinct cause of action against Defendants, and each of  
5 them, alleges as follows:  
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7 **22.**

8 Plaintiffs herein repeat and re-allege as though fully set forth at length each and every  
9 paragraph of this Complaint, excepting those paragraphs which are inconsistent with this cause  
10 of action for relief regarding Defendants' violations of California Business and Professions  
11 Code 17200 et seq. (Unfair Practices Act).  
12

13 **23.**

14 At all times herein mentioned defendants RLLW, Inc., RLW, Inc, Jackie Robinson,  
15 Michael Loyd, and Flintie Ray Williams and Does 1 thru 10, inclusive, acting as the employer,  
16 individually or through officers, directors, agents or employees of another have (1) required or  
17 caused Plaintiffs and the class to work for longer hours than those fixed or under conditions  
18 prohibited by Industrial Welfare Commission orders applicable to Defendants' business, (2)  
19 paid or caused to be paid to Plaintiffs and the class less than the minimum fixed by an  
20 Industrial Welfare Commission order applicable to Defendants' business, and (3) violated,  
21 refused, or neglected to comply with any provision of Part 4, Chapter 1 of the Labor Code  
22 beginning at section 1171 or any order or ruling of the Industrial Welfare Commission. As a  
23 result of the foregoing and the acts complained of herein, defendants RLLW, Inc., RLW, Inc.,  
24 Jackie Robinson, Michael Loyd, and Flintie Ray Williams and Does 1 thru 10, inclusive are  
25 guilty of violating Labor Code section 1199. In addition to the other violations of the law set  
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1 forth in the first cause of action, Defendants' violation of California Labor Code section 1199  
2 serves as a further basis for Defendants' liability under California Business & Professions Code  
3 section 17200, et seq.  
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5 **24.**

6 Defendants, and each of them, have engaged in unfair business practices in California  
7 by practicing, employing and utilizing the employment practices outlined in Paragraphs 10  
8 through 15, inclusive, to wit, by requiring their salaried restaurant employees to perform the  
9 labor services complained of herein without overtime compensation to avoid paying all lawful  
10 wages owed and to avoid paying all applicable payroll taxes incurred thereby as required by  
11 law. Defendants' utilization of such unfair business practices constitutes unfair competition and  
12 provides an unfair advantage over Defendants' competitors. Plaintiffs, and other similarly  
13 situated members of the general public, seek full restitution and disgorgement of monies, as  
14 necessary and according to proof, to restore any and all monies withheld, acquired and/or  
15 converted by the Defendants by means of the unfair practices complained of herein. Plaintiffs  
16 seek, on their own behalf and on behalf of the general public, the appointment of a receiver, as  
17 necessary. The acts complained of herein occurred, at least in part, within the last four (4)  
18 years preceding the filing of the original complaint in this action.  
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22 **25.**

23 Plaintiffs are informed and believe and on that basis allege that at all times herein  
24 mentioned Defendants have engaged in unlawful, deceptive and unfair business practices, as  
25 proscribed by California Business and Professions Code section 17200 et seq., including those  
26 set forth in Paragraphs 10 through 15, inclusive, thereby depriving Plaintiffs and other  
27 members of the general public the minimum working condition standards and conditions due to  
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1 them under the California labor laws and Industrial Welfare Commission wage orders as  
2 specifically described herein.

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4 **26.**

5 Plaintiffs, and all persons similarly situated, are further entitled to and do seek a both a  
6 declaration that the above-described business practices are unfair, unlawful and/or fraudulent  
7 and injunctive relief restraining Defendants from engaging in any of such business practices in  
8 the future. Such misconduct by Defendants, unless and until enjoined and restrained by order  
9 of this Court, will cause great and irreparable injury to all members of the class in that the  
10 Defendants will continue to violate California law, represented by labor statutes and IWC  
11 Wage Orders, unless specifically ordered to comply with same. This expectation of future  
12 violations will require current and future employees to repeatedly and continuously seek legal  
13 redress in order to gain compensation to which they are entitled under California law. Plaintiffs  
14 have no other adequate remedy at law to insure future compliance with the California labor  
15 laws and wage orders alleged to have been violated herein.

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18 **THIRD CAUSE OF ACTION**

19 **(Conversion)**

20 COME NOW, Plaintiffs, individually and on behalf of a class and as a third, separate  
21 and distinct cause of action against Defendants, and each of them, alleges as follows:

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23 **27.**

24 Plaintiffs herein repeat and re-allege as though fully set forth at length each and every  
25 paragraph of this Complaint, excepting those paragraphs which are inconsistent with this cause  
26 of action for conversion.  
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1 **28.**

2 At the time Defendants refused to pay the wages due to Plaintiffs and the class, as  
3 alleged herein, Plaintiffs owned and had the right to possess the withheld wages. Defendants  
4 willfully and without legal justification interfered with Plaintiffs' right to own and possess their  
5 wages. The exact amount of those wages is capable of being made certain from a review of  
6 either the information of Plaintiffs and class members, or from the records of Defendants.  
7

8 **29.**

9 In refusing to pay wages to Plaintiffs and the class, Defendants unlawfully and  
10 intentionally took and converted the property of Plaintiffs and the class to their own use. At the  
11 time the conversion took place Plaintiffs and the class were entitled to immediate possession of  
12 the amounts of wages payable. This conversion was oppressive, malicious and fraudulent.  
13 This conversion was concealed by the Defendants from Plaintiffs and the class.  
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15 **30.**

16 Plaintiffs and the class have been injured by this conversion and are entitled to: (1) all  
17 monies converted by the Defendants with interest thereon; (2) any and all profits whether direct  
18 or indirect, the Defendants acquired by their conversion; (3) punitive and exemplary damages.  
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21 WHEREFORE, Plaintiffs on their own behalf and on behalf of the members of the class  
22 and the general public, pray for judgment as follows:  
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- 24 1. For an order certifying the proposed class;  
25 2. Upon the First Cause of Action, for consequential damages according to proof  
26 as set forth in California Labor Code section 1194, et seq. (and the applicable California  
27 Industrial Welfare Commission wage orders) related to overtime wages due and owing;  
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1           3.       Upon the First Cause of Action, for waiting time penalties according to proof  
2 pursuant to California Labor Code section 203;

3           4.       Upon the First Cause of Action, for civil penalties according to proof pursuant to  
4 California Labor Code sections 226 and 1174.5;

5           5.       Upon the Second Cause of Action, that Defendants be ordered to show cause  
6 why they should not be enjoined and ordered to comply with the applicable California  
7 Industrial Welfare Commission wage orders and applicable Labor Code statutes related to  
8 payment of overtime compensation and record keeping for Defendants' salaried restaurant  
9 personnel who are primarily engaged in non-exempt work and work more than 40 hours per  
10 week or 8 hours per day; and for an order enjoining and restraining Defendants and their  
11 agents, servants and employees related thereto;

12           6.       Upon the Second Cause of Action, for a declaratory judgment and a decree  
13 adjudging and decreeing that Plaintiffs and the members of the class have regularly worked  
14 compensable overtime; further, that the work performed and to be performed by Plaintiffs and  
15 the members of the class are subject to overtime compensation requirements and/or is in excess  
16 of 40 hours per week and/or 8 hours a day, and that Plaintiffs and the members of the class are  
17 entitled to overtime compensation for said work;

18           7.       Upon the Second Cause of Action, for restitution to Plaintiffs and other similarly  
19 effected members of the general public (and disgorgement from Defendants) of all funds  
20 unlawfully acquired by Defendants by means of any acts or practices declared by this Court to  
21 be violative of the mandate established by California Business and Professions Code section  
22 17200 et seq.;

