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11 Plaintiff's Counsel

12 **SUPERIOR COURT OF CALIFORNIA**  
13 **COUNTY OF SANTA CLARA**  
14 **CIVIL - UNLIMITED JURISDICTION**

16 SARAH BRAZIER, individually and on  
17 behalf of other members of the general  
18 public similarly situated,

19 Plaintiff,

20 vs.

21 TRIP ACTIONS, Inc. and DOES 1 to 10,

22 Defendants.

Case No. 19CV361041

**COMPLAINT**

**[CLASS ACTION]**

1. Labor Code §§ 510, 1194 (Cal. Wages)
2. B&P § 17200 (Cal. Wages)
3. Labor Code § 203 (Waiting Time Penalties)
4. Labor Code § 2699 (PAGA Penalties)

27 Plaintiff Sarah Brazier (hereinafter "Plaintiff"), on behalf of herself and all others similarly  
28 situated, alleges as follows:

**INTRODUCTION**

1  
2 1. This is a class action, under California Code of Civil Procedure § 382, seeking  
3 damages, restitution, declaratory relief, equitable relief, penalties, and reasonable attorneys’ fees and  
4 costs, on behalf of Plaintiff and all other individuals who are or have been employed as Sales  
5 Development Representatives, Account Executives, or the functional equivalent for defendant  
6 TripActions, Inc. (hereafter “Defendant”), in California during the four years prior to the filing of  
7 this action. Plaintiff brings this complaint on behalf of similarly situated employees who were (a) not  
8 paid overtime compensation and other wages; and (b) not timely and properly paid all their wages at  
9 time of separation.

10 2. The “Class Period” is designated as the period from four years prior to the filing of  
11 this Complaint through the time the Court certifies this case as a class action. The violations of  
12 California’s wage and hour laws, as described more fully below, have been ongoing for at least four  
13 years prior to the filing of this action, are continuing at present, and will continue unless and until  
14 enjoined by the Court.

**JURISDICTION AND VENUE**

15  
16 3. This Court has jurisdiction over the claims brought under the California Labor Code  
17 and California’s Unfair Competition Law, Business & Professions Code § 17200 *et seq.*

18 4. Venue is proper in this Court pursuant to Code of Civil Procedure § 395.5. Defendant  
19 conducts business within this judicial district and the harms complained of herein occurred within  
20 this judicial district.

21 5. The class consists of less than 100 members and all of the parties and class members  
22 are California citizens.

**PARTIES**

23  
24 6. During the Class Period, Plaintiff was employed by Defendant as a Sales  
25 Development Representative. Plaintiff trained in Defendant’s Palo Alto location and worked in  
26 Defendant’s San Francisco location.

27 7. Plaintiff brings this action as a California-only Class on behalf of all of Defendant’s  
28 employees with the job titles of Sales Development Representatives or Account Executives, or the

1 functional equivalent, employed within the State of California during the last four years through the  
2 time this case is certified as a class, alleging that they have been denied overtime compensation and  
3 other wages.

4 8. Plaintiff also brings this action as a California-only Waiting Time Penalties Sub-  
5 Class on behalf of all of Defendant's employees with the job titles of Sales Development  
6 Representatives or Account Executives, or the functional equivalent, employed within the State of  
7 California during the last four years through the time this case is certified as a class who were not  
8 timely and properly paid their final wages at time of termination in violation of California Labor  
9 Code §§ 201-203.

10 9. Plaintiff is informed and believes, and on that basis alleges, that Defendant is a  
11 business entity registered in the State of Delaware, with its principal place of business in the City of  
12 Palo Alto, County of Santa Clara, State of California. During the Class Period, Defendant was and is  
13 a technology based corporate travel management company.

14 10. The true names and capacities of persons or entities, whether individual, corporate,  
15 associate, or otherwise, sued herein as DOES 1 through 10, inclusive, are currently unknown to  
16 Plaintiff, who therefore sues such defendants by fictitious names under Code of Civil Procedure §  
17 474. Plaintiff is informed and believes, and based thereon alleges, that each of the defendants  
18 designated herein as a DOE is legally responsible in some manner for the unlawful acts referred to  
19 herein. Plaintiff will seek leave of court to amend this Complaint to reflect the true names and  
20 capacities of the defendants designated hereinafter as DOES when such identities become known.

21 11. All of Plaintiff's claims stated herein are asserted against Defendant and DOES 1  
22 through 10 and any of their owners, predecessors, successors, subsidiaries, and/or assigns.

23 **FACTUAL ALLEGATIONS**

24 12. In or about May 2018, Defendant hired Plaintiff as a Sales Development  
25 Representative. Defendant paid Plaintiff a base salary, plus variable commissions. Plaintiff's duties  
26 included calling on potential customers and qualifying marketing-generated leads, discussing  
27 Defendant's product with potential customers, generating new business opportunities, and selling  
28 Defendant's technology based corporate travel management platform to businesses.



who did not timely receive all of their wages at time of separation.

1  
2 17. The members of the classes are so numerous that joinder of all members is  
3 impracticable. The exact number of the members of the classes can be determined by reviewing  
4 Defendant's records.

5 18. Plaintiff will fairly and adequately protect the interests of the Class and has retained  
6 counsel that is experienced and competent in class action and employment litigation. Plaintiff has  
7 no interests that are contrary to, or in conflict with, members of the Class.

8 19. A class action suit, such as the instant one, is superior to other available means for  
9 fair and efficient adjudication of this lawsuit. The damages suffered by individual members of the  
10 Class may be relatively small when compared to the expense and burden of litigation, making it  
11 virtually impossible for members of the Class to individually seek redress for the wrongs done to  
12 them.

13 20. A class action is, therefore, superior to other available methods for the fair and  
14 efficient adjudication of the controversy. Absent these actions, the members of the Class likely will  
15 not obtain redress of their injuries and Defendant will retain the proceeds of its violations of  
16 California law.

17 21. Even if any member of the Class could afford individual litigation against Defendant,  
18 it would be unduly burdensome to the judicial system. Concentrating this litigation in one forum  
19 will promote judicial economy and parity among the claims of individual members of the Class and  
20 provide for judicial consistency.

21 **FIRST CAUSE OF ACTION**

22 **(Labor Code §§ 510, 1194)**

23 **(Claim on behalf of the class)**

24 22. Plaintiff incorporates the allegations contained in the previous paragraphs of this  
25 Complaint as if fully set forth herein.

26 23. California Labor Code § 510 states that an employee must be paid overtime, equal to  
27 1.5 times the employee's regular rate of pay, for all hours worked in excess of 40 per week and/or 8  
28 per day.



1 Complaint as if fully set forth herein.

2 32. Plaintiff was discharged by Defendant or voluntarily quit, and did not have a written  
3 contract for employment. Defendant, in violation of California Labor Code §§ 201 and 202 *et seq.*  
4 had a consistent and uniform policy, practice and procedure of willfully failing to pay the earned and  
5 unpaid wages of all such former employees. Defendant has willfully failed to pay the earned and  
6 unpaid wages of such individuals, including, but not limited to, straight time and overtime  
7 compensation according to proof. Plaintiff did not secret or absent herself from Defendant nor  
8 refuse to accept the earned and unpaid wages from Defendant. Accordingly, Defendant is liable for  
9 waiting time penalties for the unpaid wages pursuant to California Labor Code § 203.

10 **FOURTH CAUSE OF ACTION**

11 **(Labor Code § 2699 et seq.)**

12 **(Claim on behalf of the class)**

13 33. Plaintiff incorporates the allegations contained in the previous paragraphs of this  
14 Complaint as if fully set forth herein.

15 34. As alleged above, Defendant failed to comply with the California Labor Code. As  
16 such, Plaintiff is an “aggrieved employees” as defined in Labor Code § 2699(a). Pursuant to Labor  
17 Code § 2699, the Labor Code Private Attorneys General Act of 2004, Plaintiff brings this action on  
18 behalf of herself and other current and former employees against Defendant and seeks recovery of  
19 applicable civil penalties as follows:

- 20 a. where civil penalties are specifically provided in the Labor Code for each of the  
21 violations alleged herein, Plaintiff seeks recovery of such penalties;
- 22 b. where civil penalties are not established in the Labor Code for each of the  
23 violations alleged herein, Plaintiff seeks recovery of the penalties established in  
24 § 2699(e) of the Labor Code Private Attorneys General Act of 2004, and in  
25 accordance with § 200.5 of the Labor Code.

26 35. On October 24, 2019, Plaintiff filed and served the Labor and Workforce  
27 Development Agency with a written notice of her intent to file a lawsuit against defendant  
28 TripActions, Inc. pursuant to Labor Code § 2699 *et seq.* Plaintiff served defendant TripActions, Inc.

1 with a written notice via certified mail of her intent to file a lawsuit pursuant to Labor Code § 2699 *et*  
2 *seq.*

3 36. The LWDA did not respond to the notices within the time provided by Labor Code §  
4 2699.3.

5 **PRAYER FOR RELIEF**

6 WHEREFORE, Plaintiff, on her own behalf and on behalf of the members of all classes,  
7 prays for judgment as follows:

8 1. For an order certifying the claims brought under California law and for an order  
9 directing notice be send to all members of the Class;

10 3. For damages, restitution, penalties, attorney fees and costs; and,

11 4. For prejudgment interest.

12  
13 Dated: December 31, 2019

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