

1 JULIAN HAMMOND (SBN 268489)
jhammond@hammondlawpc.com
2 POLINA BRANDLER (SBN 269086)
pbrandler@hammondlawpc.com
3 ARI CHERNIAK (SBN 290071)
acherniak@hammondlawpc.com
4 HAMMONDLAW, P.C.
11780 W Sample Rd Suite 103
5 Coral Springs, FL 33065
(310) 601-6766
6 (310) 295-2385 (Fax)

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County of Riverside
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7 *Attorneys for Plaintiff and the Putative Classes*

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

10 **COUNTY OF RIVERSIDE**

11 **CVRI2000104**

12 **DEAN PARSONS**, individually and on behalf of
all others similarly situated,

13 Plaintiff,

14 vs.

16 **LA SIERRA UNIVERSITY**, a California Non-
17 Profit Corporation,

18 Defendant.

CASE NO. ~~CVRI2000104~~

**SECOND AMENDED CLASS AND
REPRESENTATIVE ACTION COMPLAINT
FOR:**

- (1) Failure to Pay Wages for All Hours Worked (Cal. Labor Code §§ 226.2, 1194, 1194.2; IWC Wage Order No. 4-2001, § 4);
- (2) Failure to Authorize and Permit Paid Rest Breaks and Pay Premium Pay (Cal. Labor Code §§ 226.2, 226.7; IWC Wage Order No. 4-2001, §§ 4, 12);
- (3) Failure to Authorize and Permit Meal Breaks, and Failure to pay Premium Pay (Cal. Labor Code § 226.7, 512; IWC Wage Order No. 4-2001, §§ 4, 11);
- (4) Failure to Issue Accurate Itemized Wage Statements (Cal. Labor Code §§ 226(a) and (e); 226.2);
- (5) Failure to Pay Compensation Due Upon Discharge From Employment (Cal. Labor Code §§ 201-203);
- (6) Failure to Reimburse for Business-Related Expenses (Cal. Labor Code § 2802); and
- (7) Unfair, Unlawful, and/or Fraudulent Business Practices (Cal. Bus. & Prof. Code § 17200 *et seq.*);
- (8) Civil Penalties under Private Attorneys General Act (Cal. Labor Code § 2699)

DEMAND FOR JURY TRIAL

1 Plaintiff Dean Parsons (“Plaintiff”), on behalf of himself and all others similarly situated,
2 complains and alleges the following:

3 **INTRODUCTION**

4 1. This is a class action under California Code of Civil Procedure § 382 seeking damages for
5 unpaid wages, unreimbursed business expenses, unpaid premium pay, statutory penalties, interest, and
6 other equitable and injunctive relief, and reasonable attorneys’ fees and costs under California Labor Code
7 (“Labor Code”) §§ 226.2, 1194, 1194.2, 226.7, 512, 226(e), 201-203, 2802, and IWC Wage Order (“Wage
8 Order”) No. 4-2001 §§ 4, 12, and restitution under California’s Unfair Competition Law (“UCL”),
9 Business & Professions Code §§ 17200 *et seq.*

10 2. Plaintiff brings this action on behalf of himself and all other similarly situated individuals
11 currently and formerly employed in California by La Sierra University (“Defendant”) as adjunct
12 instructors or in a similar capacity (“Adjunct Class Members” or “Class Members”) from November 12,
13 2016 through to the trial date (“Class Period”). Defendant’s violations of California’s wage and hour laws,
14 as described more fully below, have been ongoing for at least the past four years, and are continuing at
15 present.

16 3. During the Class Period, Plaintiff and Class Members were non-exempt employees
17 because they did not earn the monthly equivalent of at least two times the state minimum wage for full-
18 time employment as required by Labor Code § 515(a) and Wage Order No. 4-2001 § 1, and were paid on
19 a piece-rate basis or “Course Rate” – a set amount for each course taught during an academic quarter.
20 However, Defendant failed to pay Class Members at least minimum wage for non-productive work
21 performed prior to the start of classes each academic term in violation of Labor Code §§ 226.2 and 1194,
22 and Wage Order No. 4-2001, § 4. In addition, upon information and belief, Defendant calculated the
23 Course Rate based on a formula that estimated Class Members worked 2.25 hours for each credit hour.
24 However, Class Members routinely worked more than 2.25 hours for each credit hour, and as such
25 performed uncompensated work.

26 4. During the Class Period, Defendant failed to pay Class Members for their rest breaks
27 separately and apart from the Course Rate and failed to pay premium pay, in violation of Labor Code §§
28 226.2, 226.7 and Wage Order No. 4-2001 § 12.

5. Even if not piece rate workers, as non-exempt employees, Class Members were entitled to
be permitted and authorized to take off-duty rest breaks under Labor Code § 226.7 and Wage Order No.
4-2001 § 12. However, Defendant failed to authorize and permit Class Members to take off-duty rest