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10 Attorney for Plaintiff
11 Kyle Roberts

12 SUPERIOR COURT OF CALIFORNIA
13 COUNTY OF TEHAMA

14 KYLE ROBERTS, on his own behalf and all	) NO. 23CI-000324
15 similarly situated individuals,	) CLASS ACTION
16)
17 Plaintiff,	) SECOND AMENDED COMPLAINT
18 v.	) 1. Minimum Wage Violations
19	) 2. Overtime Violations
20 PROPAK LOGISTICS, LLC, and DOES 1 to 100,	) 3. Meal Period Violations
21	) 4. Rest Period Violations
22 Defendants.	) 5. Wage Statement Penalties
23	) 6. Waiting Time Penalties
24	) 7. Failure to Pay Timely Wages
25	) 8. Work Expenditure Reimbursements
26	) 9. Violation of Unfair Competition Law
27	) 10. PAGA Penalties
28)

29 PRELIMINARY ALLEGATIONS

- 30 1. Plaintiff Kyle Roberts is a resident of Tehama County.
- 31 2. Defendant Propak Logistics, LLC is an Arkansas corporation that is authorized to do
32 business in California.
- 33 3. Plaintiff does not know the true names and capacities of Does 1 to 100 and therefore use
34 fictitious names. Plaintiff will amend the complaint pursuant to Code of Civil Procedure section
35 474 to allege the true names and capacities when ascertained.
- 36 4. The named and Doe defendants are collectively referred to as Defendants.
- 37 5. Plaintiffs are informed and believe that each of the Defendants was the agent or employee
38 of the other defendants and acted in the scope of agency or employment.

1 6. Defendants provide logistics and transportation services.

2 7. Plaintiff's work for Defendants took place at the Walmart Distribution Center in Red Bluff,
3 therefore venue is proper in Tehama County.

4 8. Defendants employed Plaintiff and the class members as nonexempt workers; Plaintiff
5 worked performing event services and parking management.

6 9. Plaintiff worked for Defendants from April 2022 to August 2023

7 10. Defendants were joint employers of the class members since all Defendants exercise control
8 over the class members' working conditions.

9 11. Plaintiff and the class members were not exempt since they did not customarily and
10 regularly exercise discretion and independent judgment.

11 12. Throughout Plaintiff's and the class members' employment, they did not receive compliant
12 meal and rest periods since they were interrupted and had to remain on premises.

13 13. Further, Plaintiff and the class members were not paid for work performed off the clock
14 since they had to go through unpaid security checkpoints.

15 14. On November 28, 2023 Plaintiff sent a PAGA letter to Propak Logistics, LLC and uploaded
16 the letter to the LWDA website. On May 14, 2025 an amended PAGA letter was sent and
17 uploaded. Since it has been more than 65 days, Plaintiff may now include PAGA allegations.

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CLASS ACTION ALLEGATIONS

20 15. The class is defined as the following: "All non-exempt employees who worked for
21 Defendants in California as from four years prior to filing the case to the date of certification or
22 judgment, whichever is earlier."

23 16. There is a well-defined community of interest, and the proposed class is ascertainable from
24 Defendants' employment records. Further, the following apply to show the viability of a class
25 action pursuant to Code of Civil Procedure section 382:

26 a. Numerosity: The members of the class as defined are so numerous that joinder
27 of all class members is impracticable.

28 b. Commonality: This action involves common questions of law and fact to the

1 class because the action focuses on Defendants' systematic course of conduct
2 with respect to violating the Labor Code and IWC Wage Order.

3 c. Typicality: The claims are typical of the claims of the class. Plaintiff was
4 subjected to the same violations and seeks the same types of damages,
5 restitution, and other relief on the same as those of the members of the class.

6 d. Adequacy of Representation: Plaintiff will fairly and adequately represent and
7 protect the interests of the class. Plaintiff understands the obligations as a class
8 representative and is willing and able to fulfill them. Plaintiff's counsel is
9 competent and experienced in litigating large employment class actions and
10 complex litigation matters, including wage and hour cases like this.

11 e. Superiority of Class Action: A class action is superior to other available means
12 for efficient adjudication. Class action treatment will allow similarly situated
13 persons to pursue the claims in a manner that is most efficient and economical.

14 17. There are common questions of law and fact including but not limited to:

15 a. Whether Defendants did not pay overtime at the correct regular rate in violation
16 of Labor code sections 510 and 1194;

17 b. Whether Defendants violated Labor Code sections 510 and 1194 for not paying
18 at least the minimum wage for work off the clock;

19 c. Whether Defendants violated Labor Code section 512 and the applicable Wage
20 Order by not providing meal breaks;

21 d. Whether Defendants violated the applicable Wage Order for not providing rest
22 breaks;

23 e. Whether Defendants violated Labor Code section 226 by providing inaccurate
24 wage statements;

25 f. Whether Defendants violated Labor Code section 226.7 by not paying premium
26 pay for missed meal and rest breaks;

27 g. Whether waiting time penalties apply;

28 h. Whether Defendants engaged in unfair competition; and

1 i. The amount of damages, wages, and penalties owed.

2
3 FIRST CAUSE OF ACTION

4 Minimum Wage Violations

5 Against All Defendants

6 18. Plaintiff incorporates by reference paragraphs 1 to 17 of the complaint.

7 19. Plaintiff and the class members were not paid for all hours worked.

8 20. Therefore Plaintiff and the class members are owed payment for unpaid wages and interest.

9 21. Also, statutory attorney fees apply.

10 22. The applicable statutes are Labor Code 223, 510, 1194, 1197, 1198, and paragraphs 3 and 4
11 of the Wage Orders.

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13 SECOND CAUSE OF ACTION

14 Overtime Violations

15 Against All Defendants

16 23. Plaintiff incorporates by reference paragraphs 1 to 17 of the complaint.

17 24. Plaintiff and the class members were required to work over eight hours in a day and/or 40
18 hours in a week without being compensated for all overtime in violation of Labor Code 510.

19 25. Plaintiff and the class members should have received overtime at the correct regular rate of
20 pay for the overtime work but were not paid overtime at the correct regular rate of pay, since
21 Defendants did not include earned bonuses in the regular rate.

22 26. The remedy for the overtime violations is payment of the unpaid overtime at the correct
23 regular rate of pay, plus interest and attorney fees, pursuant to Labor Code section 1194.

24 27. The applicable statutes are Labor Code 223, 510, 1194, 1197, 1198, and paragraphs 3 and 4
25 of the Wage Orders.

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1 THIRD CAUSE OF ACTION

2 Meal Period Violations

3 Against All Defendants

4 27. Plaintiff incorporates by reference paragraphs 1 to 17 of the complaint.

5 28. Pursuant to the applicable Wage Order, every employer shall authorize and permit
6 employees to take meal periods of thirty minutes for every five hours worked.

7 29. Pursuant to Labor Code section 226.7(c) and IWC Wage Order 4, when the employer does
8 not provide an employee with the required meal period, the employer shall pay the employee one
9 hour of pay at the employee's regular rate of compensation for each workday that a rest period is
10 not provided.

11 30. Plaintiff and the class members were denied meal periods as meal periods were either not
12 provided or were on-duty.

13 31. As a result of Defendants' meal period violations, Plaintiff and the class members are
14 entitled to premium pay which is one additional hour of compensation for each missed break at the
15 correct regular rate.

16 32. The applicable statutes are Labor Code sections 204, 223, 226.7, 512, 1198, 1194, 1197,
17 and paragraph 11 of the Wage Orders.

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19 FOURTH CAUSE OF ACTION

20 Rest Period Violations

21 Against All Defendants

22 33. Plaintiff incorporates by reference paragraphs 1 to 17 of the complaint.

23 34. Pursuant to the applicable Wage Order every employer shall authorize and permit
24 employees to take rest periods of ten minutes for every four hours worked.

25 35. Pursuant to Labor Code section 226.7(c) and the applicable Wage Order, when the
26 employer does not provide an employee with the required rest period, the employer shall pay the
27 employee one hour of pay at the employee's regular rate of compensation.

28 36. Plaintiff and the class members were denied rest periods as rest periods were not provided

1 or were on-duty.

2 37. As a result of Defendants' rest period violations, Plaintiff and the class members are
3 entitled to premium pay which is one additional hour of compensation for each missed break at the
4 correct regular rate.

5 38. The applicable statutes are Labor Code sections 204, 223, 226.7, 512, 1198, and paragraph
6 12 of the Wage Orders.

7 FIFTH CAUSE OF ACTION

8 Wage Statement Penalties

9 Against All Defendants

10 38. Plaintiff incorporates by reference paragraphs 1 to 17 of the complaint.

11 39. Defendants' wage statements issued to Plaintiff and the class members violated Labor Code
12 section 226 since they intentionally did not list premium pay for missed breaks at the regular rate
13 and overtime at the correct regular rate.

14 40. As a result, Plaintiff and the class members are entitled to wage statement penalties up to
15 \$4,000 each and attorney fees.

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17 SIXTH CAUSE OF ACTION

18 Waiting Time Penalties

19 Against All Defendants

20 41. Plaintiff incorporates by reference paragraphs 1 to 17 of the complaint.

21 42. Plaintiff and the class members who no longer work for Defendants were willfully not paid
22 wages that were still owed after they stopped working for Defendants.

23 43. Therefore Plaintiff and the class members who no longer work for Defendants are owed
24 waiting time penalties under Labor Code section 203, which are 30 days of wages each.

25 44. The applicable statutes are Labor Code sections 201-203.

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SEVENTH CAUSE OF ACTION

Failure to Pay Timely Wages

Against All Defendants

45. Plaintiff incorporates by reference paragraphs 1 to 17 of the complaint.

46. Labor Code section 204 provides labor performed between the 1st and 15th days of any calendar month shall be paid for between the 16th and the 26th day of the month during which the labor was performed, and labor performed between the 16th and the last day of any calendar month, shall be paid for between the 1st and 10th day of the following month.

EIGHTH CAUSE OF ACTION

Work Expenditure Reimbursements

Against All Defendants

47. Plaintiff incorporates by reference paragraphs 1 to 17 of the complaint.

48. Labor Code 2802 provides an employer must reimburse employees for all work-related expenditures. The applicable statutes are Labor Code sections 2800-2802.

NINTH CAUSE OF ACTION

Violation of Unfair Competition Law

Against All Defendants

49. Plaintiff incorporates by reference paragraphs 1 to 17 of the complaint.

50. The Unfair Competition Law prohibits unfair, unlawful, and fraudulent business practices.

51. This claim is being brought under the unlawful prong of the UCL.

52. Defendants violated the Labor Code and IWC Wage Order by not paying all wages due, including overtime and premium pay at the correct regular rate.

53. Plaintiff and the class members are entitled to restitution for the above.

54. Under Code of Civil Procedure section 1021.5, Plaintiff is entitled to attorney fees. ///

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1 TENTH CAUSE OF ACTION

2 PAGA Penalties

3 Against All Parties

4 55. Plaintiff incorporates by reference paragraphs 1 to 17 of the complaint.

5 56. The PAGA allegations relate to work off the clock, meal and rest break violations, wage
6 statement violations, and waiting time penalty violations.

7 57. The PAGA penalties for the minimum wage violations are contained in Labor Code 1197.1.

8 58. The PAGA penalties for overtime violations are contained in Labor Code 558 and 2699.

9 59. The PAGA penalties for meal break violations are contained in Labor Code 558 and 2699.

10 60. The PAGA penalties for rest break violations are contained in Labor Code 2699.

11 61. The PAGA penalties for the wage statement violations are contained in Labor Code 226.3.

12 62. The PAGA penalties for waiting time penalty violations are in Labor Code 210 and 2699.

13 63. The work expenditure PAGA penalties are contained in Labor Code 2699.

14 64. The timely payment of wages PAGA penalties are contained in Labor Code 2699.

15 65. Further, attorney fees and costs apply under Labor Code section 2699.

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17 PRAYER

18 For All Causes of Action

19 1. That the court determine that this action may be maintained as a class action

20 2. That Plaintiff serves as representative of the class

21 3. That Counsel for Plaintiff is appointed as class counsel

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23 First Cause of Action

24 1. Payment of all unpaid wages

25 2. Interest

26 3. Attorney fees

27 4. Other relief the court deems proper

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1 Second Cause of Action

- 2 1. Payment of overtime
- 3 2. Interest
- 4 3. Attorney fees
- 5 4. Other relief the court deems proper

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7 Third Cause of Action

- 8 1. Premium pay at the correct regular rate of pay plus interest
- 9 2. Other relief the court deems proper

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11 Fourth Cause of Action

- 12 1. Premium pay at the correct regular rate of pay plus interest
- 13 2. Other relief the court deems proper

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15 Fifth Cause of Action

- 16 1. Wage statement penalties
- 17 2. Attorney fees and costs
- 18 3. Other relief the court deems proper

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20 Sixth Cause of Action

- 21 1. Waiting time penalties

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23 Seventh Cause of Action

- 24 1. All unpaid wages

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26 Eighth Cause of Action

- 27 1. Reimbursement of work-related expenditures
- 28 2. Attorney fees and costs

1 Ninth Cause of Action

- 2 1. Restitution of unpaid wages and premium pay
3 2. Attorney fees
4 3. Other relief the court deems proper

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6 Tenth Cause of Action

- 7 1. All applicable PAGA penalties
8 2. Attorney fees and costs
9 3. Other relief the court deems proper

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11 Date: August 21, 2025

FRONTIER LAW CENTER

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/s/ Adam Rose
Attorney for Plaintiff
Kyle Roberts

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1 PROOF OF SERVICE

2 My eservice address is adam@frontierlawcenter.com. My business address is 6200 Canoga
3 Ave., Suite 470, Woodland Hills, CA 91367.

4 On August 21, 2025, I electronically served the foregoing document(s) described as set
5 forth below on the interested parties in this action, as follows:

6 Document(s) Served: **Second amended complaint**

7 Person(s) Served: Rebecca Aragon
8 raragon@littler.com
9 Littler Mendelson
633 W. Fifth St., 63rd Fl.
Los Angeles, CA 90071

10 Nate Jenkins
11 njenkins@littler.com
12 Littler Mendelson
500 Capitol Mall, Suite 2000
13 Sacramento, CA 95814

14 _____ (BY MAIL) I enclosed a true copy of the above document(s) in a sealed envelope and
15 placed said envelope in the mail at Calabasas, California. The envelope was addressed as above
with postage thereon fully prepaid.

16 _____ (BY PERSONAL SERVICE) I personally delivered by hand to the offices of the
17 addressee(s).

18 X (BY ELECTRONIC MAIL) I emailed the above documents to the email address(es)
listed above.

19 X (STATE) I declare under penalty of perjury under the laws of the State of California
20 that the above is true and correct.

21 _____ (FEDERAL) I declare that I am employed in the office of a member of the bar of this
22 court, at whose direction the service was made.

23 Date: August 21, 2025

/s/ Adam Rose