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ORIGINAL FILED  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES**

**APR 16 2014**

Sherri R. Carter, Executive Officer/Clerk  
By: Trudi Massarotti, Deputy

**VIA FAX**

**SUPERIOR COURT OF CALIFORNIA  
BY AND FOR THE COUNTY OF LOS ANGELES**

DAVID HARRINGTON, an individual, on behalf of himself and those similarly situated and on behalf of the general public,

Plaintiff,

v.

PROFESSIONAL SECURITY CONSULTANTS, a California corporation authorized to do business in the state of California, and DOES 1-1000,

Defendants.

CASE NO. BC538101

**CLASS ACTION**

**FIRST AMENDED COMPLAINT FOR DAMAGES, RESTITUTION AND INJUNCTIVE RELIEF:**

- (1) **FAILURE TO PAY WAGES OWED IN VIOLATION OF CAL. LAB. CODE § 204;**
- (2) **UNFAIR COMPETITION IN VIOLATION OF CAL. BUS. AND PROF. CODE § 17200;**
- (3) **PENALTIES PURSUANT TO THE PRIVATE ATTORNEY GENERAL ACT OF 2004 (LAB. CODE § 2699, et seq.)**

**DEMAND FOR JURY TRIAL**

Comes now David Harrington (hereinafter "PLAINTIFF"), on behalf of himself and all

1 persons similarly situated:

2 This class action is brought on behalf of all present and former security guards of  
3 Professional Security Consultants (hereinafter “PSC”), in California. All allegations in this  
4 Complaint are based upon information and belief except for those allegations which pertain to the  
5 PLAINTIFF named herein and his counsel. Each allegation in this Complaint has evidentiary  
6 support or is likely to have evidentiary support after a reasonable opportunity for further  
7 investigation and discovery.  
8

9 **JURISDICTION AND VENUE**

10 1. This Court has jurisdiction over this action pursuant to Cal. Civ. Proc. Code §  
11 410.10. The action is brought pursuant to Cal. Civ. Proc. Code § 382 and Bus. and Prof Code  
12 §17203. PLAINTIFF brings this action on his own behalf, and on behalf of all persons within the  
13 class defined.  
14

15 2. Venue is proper in this Court pursuant to Cal. Civ. Proc. Code §§ 395 and 395.5  
16 because PLAINTIFF is informed and believes that DEFENDANT advertises and conducts business  
17 in this county currently and at all relevant times.  
18

19 **CLASS DEFINITION**

20 3. The PLAINTIFF CLASS consists of all persons who are current and former  
21 employees of DEFENDANT who held the position of security guard while employed in California  
22 by DEFENDANT and who were paid less than twice the minimum wage and who incurred  
23 expenses necessary for the performance of their job duties, including purchasing tools, duty belts,  
24 pepper spray, tasers, handcuffs, or other equipment necessary for performing their duties as  
25 security guards, paying fees for state licenses, maintaining their uniforms as required, and other  
26 expenses during the period commencing on the date that is within four years prior to the filing of  
27 this complaint and through the present date (the “Class Period”), and who were not fully  
28

1 reimbursed pursuant to the applicable California Labor Code Sections. To the extent equitable  
2 tolling operates to toll claims by the Class against DEFENDANT, the Class Period should be  
3 adjusted accordingly. The Class includes all such persons whether or not they were paid by  
4 commission, by salary, or by part commission and part salary.

#### 5 **CLASS ALLEGATIONS**

6  
7 4. PLAINTIFF David Harrington, at all material times mentioned herein is:

- 8 (a) An individual who resides in the City of San Francisco, California;
- 9 (b) Was employed as a security guard for DEFENDANT in the City of San  
10 Francisco, California;
- 11 (c) Was paid less than twice the minimum wage;
- 12 (d) Was required incur expenses to perform his duties;
- 13 (e) Was not reimbursed for those expenses;
- 14 (f) Is a member of the CLASS as defined in paragraph 3.

15  
16 5. This class action meets the statutory prerequisites for the maintenance of a class  
17 action as set forth in the California Code of Civil Procedure section 382, in that:

- 18 (a) The persons who comprise the CLASS are so numerous that the joinder of  
19 all such persons is impracticable and the disposition of their claims as a class will  
20 benefit the parties and the Court;
- 21 (b) Nearly all factual, legal, statutory, declaratory and injunctive relief issues  
22 that are raised in this Complaint are common to the CLASS and will apply  
23 uniformly to every member of the CLASS, and as a practical matter be dispositive  
24 of interests of the other members not party to the adjudication or substantially  
25 impair or impede their ability to protect their interests.
- 26 (c) The parties opposing the CLASS have acted or refuse to act on grounds  
27 generally applicable to the CLASS, thereby making appropriate final injunctive  
28

1 relief or corresponding declaratory relief with respect to the CLASS as a whole; and  
2 (d) Common questions of law and fact exist as to the members of the CLASS  
3 and predominate over any question affecting only individual members, and a Class  
4 Action is superior to other available methods for the fair and efficient adjudication  
5 of the controversy, including consideration of:

- 6 i. The interests of the members of the CLASS in individually  
7 controlling the prosecution or defense of separate actions;
- 8 ii. The extent and nature of any litigation concerning the controversy  
9 already commenced by or against members of the CLASS;
- 10 iii. The desirability or undesirability of concentrating the litigation of the  
11 claims in the particular forum; and
- 12 iv. The difficulties likely to be encountered in the management of a  
13 Class Action.  
14

15  
16 6. This Court should permit this action to be maintained as a Class Action pursuant to  
17 California Code of Civil Procedure § 382 because:

- 18 (a) The questions of law and fact common to the CLASS predominate over any  
19 question affecting only individual members;
- 20 (b) A Class Action is superior to any other available method for the fair and  
21 efficient adjudication of the claims of the members of the CLASS;
- 22 (c) The members of the CLASS are so numerous that it is impractical to bring  
23 all members of the CLASS before the Court;
- 24 (d) PLAINTIFFS, and the other CLASS members, will not be able to obtain  
25 effective and economic legal redress unless the action is maintained as a Class  
26 Action;  
27
- 28 (e) There is a community of interest in obtaining appropriate legal and equitable

1 relief for the common law and statutory violations and other improprieties, and in  
2 obtaining adequate compensation for the damages and injuries which  
3 DEFENDANT's actions have inflicted upon the CLASS;

4 (f) There is a community of interest in ensuring that the combined assets and  
5 available insurance of DEFENDANT are sufficient to adequately compensate the  
6 members of the CLASS for the injuries sustained;

7  
8 7. DEFENDANT has acted or refused to act on grounds generally applicable to the  
9 CLASS, thereby making final injunctive relief appropriate with respect to the CLASS as a whole.

10 **DEFENDANT**

11 8. PLAINTIFF is informed and believes thereupon allege that at all times mentioned  
12 herein that Defendant PSC is a corporation licensed to do business and actually doing business in  
13 the State of California. PSC is a California corporation with is principal place of business in  
14 located at 11454 San Vicente Blvd., Los Angeles, California 90049.

15  
16 9. According to its website ([www.pscsite.com](http://www.pscsite.com)), DEFENDANT provides security  
17 consulting and services to businesses such as shopping centers, and operates in more than 40 states  
18 and with over 3000 employees throughout the United States.

19 10. DEFENDANT is subject to California Labor Code section 2802 *et seq.*, California  
20 Business and Professions Code section 17200 *et seq.*, and the applicable wage order(s) issued by  
21 the Industrial Welfare Commission of the State of California because: (i) the company is situated in  
22 Los Angeles, California; (ii) it operates in locations in and throughout Los Angeles County; and  
23 (iii) PLAINTIFF David Harrington worked for the DEFENDANT in the State of California.

24 **THE CONDUCT**

25  
26 11. PLAINTIFF worked for DEFENDANT as a security officer between the dates of  
27 November 18, 2011 and October 25, 2013, in San Francisco, California.

28 12. At all relevant times during his employment, DEFENDANT paid PLAINTIFF an

1 hourly wage of \$12.75. PLAINTIFF was paid bi-weekly.

2 13. For his employment, PLAINTIFF was made by DEFENDANT to purchase his own  
3 “duty belt” at a cost of approximately \$30 and pay for a state license (“Guard Card”). PLAINTIFF  
4 was also made by DEFENDANT to pay for the maintenance of his uniform, substantially every  
5 week between the dates of November 18, 2011 and October 25, 2013.

6  
7 14. Despite knowing of these costs and requiring PLAINTIFF to incur such costs,  
8 DEFENDANT never reimbursed PLAINTIFF for those costs. Therefore, PLAINTIFF suffered  
9 and continues to suffer harm do to the failure of the DEFENDANT to reimburse PLAINTIFF for  
10 those costs.

11  
12 **CAUSES OF ACTION**

13 **FIRST COUNT**

14 **FOR FAILURE TO REIMBURSE EMPLOYEE FOR BUSINESS EXPENSES**

15 **[Cal. Lab. Code § 2802]**

16 **(By PLAINTIFF and the Class and against Defendant PSC)**

17 15. PLAINTIFF, and the other members of the CLASS, reallege and incorporate by this  
18 reference, as though fully set forth herein, the proceeding paragraphs of this Complaint.

19 16. Cal. Lab. Code § 2802 and the Industrial Welfare Commission Wage Order No. 4  
20 provide that employers shall reimburse employees earning less than twice the minimum wage for  
21 all expenses incurred in the performance of their duties.

22 17. PLAINTIFF, and the other members of the CLASS, earn less than twice the  
23 minimum wage.

24 18. PLAINTIFF, and the other members of the CLASS, regularly incurred expenses in  
25 their performance of their duties for DEFENDANT.

26 19. Defendant PSC intentionally and consistently failed to reimburse PLAINTIFF, and  
27  
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1 Bus. and Prof. Code § 17200 *et seq.*, and has thereby deprived PLAINTIFF, and the other members  
2 of the CLASS, of fundamental rights and privileges owed to them by law.

3 26. By and through the unfair and unlawful business practices described herein, PSC  
4 has obtained valuable property, money, and services from the PLAINTIFF, and the other members  
5 of the CLASS, and has deprived them of valuable rights and benefits guaranteed by law, all to their  
6 detriment.  
7

8 27. All the acts described herein as violations of, among other things, the Cal. Lab.  
9 Code and Industrial Welfare Commission Wage Orders, are unlawful and in violation of public  
10 policy; and in addition are immoral, unethical, oppressive, and unscrupulous, and thereby  
11 constitute unfair and unlawful business practices in violation of Cal. Bus. and Prof. Code § 17200  
12 *et seq.*  
13

14 28. PLAINTIFF, and the other members of the CLASS, are entitled to, and do, seek  
15 such relief as may be necessary to restore to them the money and property which DEFENDANT  
16 has acquired, or of which PLAINTIFF, and the other members of the CLASS, have been deprived,  
17 by means of the above described unfair and unlawful business acts and practices.

18 29. PLAINTIFF, and the other members of the CLASS, are further entitled to, and do,  
19 seek a declaration that the above described business practices are unfair and unlawful and that  
20 injunctive relief should be issued restraining PSC from engaging in any of the above described  
21 unfair and unlawful practices in the future.  
22

23 30. PLAINTIFF, and the other members of the CLASS, have no plain, speedy, and/or  
24 adequate remedy at law to redress the injuries which they have suffered as a consequence of the  
25 unfair and unlawful business practices of PSC. As a result of the unfair and unlawful business  
26 practices described above, PLAINTIFF, and the other members of the CLASS, have suffered and  
27 will continue to suffer irreparable harm unless PSC is restrained from continuing to engage in these  
28 unfair and unlawful business practices. In addition, PSC should be required to disgorge the unpaid



1 moneys to PLAINTIFF, and the other members of the CLASS.

2 **THIRD COUNT**

3 **FOR PENALTIES PURSUANT TO THE PRIVATE ATTORNEY GENERAL ACT OF 2004**

4 **[Cal. Lab. Code §§ 2699 *et seq.*]**

5 **(By PLAINTIFF and the CLASS and against Defendant PSC)**

6  
7 31. Plaintiff, as an aggrieved employee acting on behalf of himself and all other current  
8 and former employees, realleges and incorporates by references, as though fully set forth herein,  
9 the preceding paragraphs of this complaint.

10 32. The California Labor Code Private Attorney General Act of 2004 (“PAGA”) states  
11 at Cal. Lab. Code § 2699(a) that where a provision of the Labor Code allows a civil penalty to be  
12 assessed and collected by the Labor and Workforce Development Agency (“LWDA”), the same  
13 penalty may be recovered through a civil action brought by an aggrieved employee on behalf of  
14 himself or herself and other current or former employees pursuant to the procedures specified in  
15 Cal. Lab. Code § 2699.3.

16  
17 33. Plaintiff is an aggrieved employee with respect to the employer PSC, within the  
18 meaning of Cal. Lab. Code § 2699(c).

19 34. Plaintiff has complied with the procedures specified in Cal. Lab. Code § 2699.3. A  
20 letter was sent to the LWDA by certified mail on March 5, 2014 giving notice of this PAGA Claim,  
21 and a copy was simultaneously sent by certified mail to PSC through its agent for service of  
22 process.

23  
24 35. As of April 7, 2014, no notice has been provided by the LWDA in response to the  
25 March 5, 2014 correspondence. Thus, the LWDA has been provided with notice pursuant to Cal.  
26 Lab. Code § 2699.3 and has not responded within 33 days as required. As such, Plaintiff has the  
27 right under Cal. Lab. Code § 2699.3 to pursue his claims under PAGA on behalf of himself and all  
28 others similarly situated.



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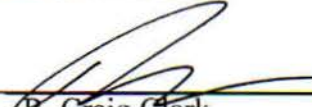
- 1. For all penalties as provided by Cal. Lab. Code §§ 2699(a) and 2699(f), 210, 226.3 and 558;
- 2. For reasonable attorney's fees and costs as provided by Cal. Lab. Code § 2699(g)(1);

**ON ALL CAUSES OF ACTION**

- 1. An Order certifying the CLASS, approving PLAINTIFF as the Representative of the CLASS, and permitting this case to proceed as a class action; and,
- 2. For such other and further relief as the Court deems just and proper.

Dated: April 15, 2014

**CLARK & TREGLIO**


By:   
 R. Craig Clark  
 James M. Treglio  
 Sarah E. Christenson  
 Tessa R. Lessner  
 Attorney for Plaintiffs

**DEMAND FOR JURY TRIAL**

PLAINTIFF demands jury trial on issues triable to a jury.

Dated: April 15, 2014

**CLARK & TREGLIO**

By:   
 R. Craig Clark  
 James M. Treglio  
 Sarah E. Christenson  
 Tessa R. Lessner  
 Attorney for Plaintiffs