

EXHIBIT A

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individually and on behalf of all others similarly situated

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

FEB 13 2020

BY DM
DEBRA PEDROSA, DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO

AARON COLONELLI and DAVID
MANCERA, individually and on behalf of
all others similarly situated,

Plaintiff,

vs.

PANASONIC AVIONICS
CORPORATION; and **DOES 1-100**,
inclusive,

Defendants.

Case No. **CIV DS 2004284**

CLASS ACTION COMPLAINT FOR:

1. Failure to Pay Minimum Wages;
2. Failure to Pay Overtime Wages;
3. Failure to Provide Meal Periods;
4. Failure to Permit Rest Breaks;
5. Failure to Pay Wages Upon Separation of Employment and Within the Required Time;
6. Failure to Furnish Accurate Wage Statements; and
7. Violation of California Business and Professions Code §§ 17200, *et seq.*

DEMAND FOR JURY TRIAL

FILED

1 Plaintiffs Aaron Colonelli and David Mancera, individually and on behalf of all others
2 similarly situated, alleges as follows:

3 **NATURE OF ACTION AND INTRODUCTORY STATEMENT**

4 1. Plaintiffs Aaron Colonelli and David Mancera (collectively "Plaintiffs") bring this
5 putative class action against Panasonic Avionics Corporation and Does 1 through 100, inclusive
6 (collectively "Defendants" or "Panasonic"), on behalf of themselves individually and on behalf of a
7 class of California citizens who worked for Panasonic and were classified as non-exempt
8 employees or misclassified as exempt employees.

9 2. Defendants develop inflight entertainment and communications, among other
10 avionics-related products and services.

11 3. Through this action, Plaintiffs are alleging that Defendants have engaged in a
12 systematic pattern of wage and hour violations under the California Labor Code ("Labor Code"), all
13 of which contribute to Defendants' deliberate unfair competition.

14 4. Plaintiffs are informed and believes, and thereon alleges, during the relevant time
15 period, Defendants had a consistent policy of violating state wage and hour laws by, among other
16 things:

- 17 (a) Misclassifying Plaintiffs and other employees as exempt employees;
- 18 (b) Failing to pay at least minimum wages for all hours worked
- 19 (c) Failing to pay overtime compensation for all overtime hours and at the
20 correct overtime rate;
- 21 (d) Failing to provide meal periods or compensation in lieu thereof,
- 22 (e) Failing to authorize or permit rest breaks or provide compensation in lieu
23 thereof;
- 24 (f) Willfully failing to provide accurate semi-monthly itemized wage
25 statements; and
- 26 (g) Failing to pay all wages due upon separation of employment.

27 5. Plaintiffs bring this lawsuit seeking monetary relief against Defendants on behalf of
28 themselves and all others similarly situated to recover, among other things, unpaid wages and

1 benefits, interest, attorney's fees, costs and expenses and penalties pursuant to Labor Code §§ 201-
2 203, 210, 226, 226.7, 510, 512, 1182.12, 1194, 1194.2, 1197, and 1198, and Code of California
3 Civil Procedure § 1021.5.

4 6. Plaintiffs, on behalf of themselves and all class members, pursuant to Business and
5 Professions Code sections 17200, *et seq*, also seeks injunctive relief and restitution for the unfair,
6 unlawful, or fraudulent practices alleged in this Complaint

7 **JURISDICTION AND VENUE**

8 7. This is a class action, pursuant to California Code of Civil Procedure § 382. The
9 monetary damages and restitution sought by Plaintiffs exceed the minimal jurisdictional limits of
10 the Superior Court and will be established according to proof at trial

11 8. This Court has jurisdiction over this action pursuant to the California Constitution,
12 Article VI, § 10, which grants the Superior Court original jurisdiction in all cases except those
13 given by statutes to other courts. The statutes under which this action is brought do not specify any
14 other basis for jurisdiction.

15 9. This Court has jurisdiction over all Defendants because, upon information and
16 belief, Defendants have sufficient minimum contacts in California or otherwise intentionally avail
17 themselves of the California market so as to render the exercise of jurisdiction over them by the
18 California courts consistent with traditional notions of fair play and substantial justice.

19 10. Venue is proper in this Court because, upon information and belief, Defendants
20 transact business or have at least one facility in this county and the acts and omissions alleged
21 herein took place in this county.

22 **THE PARTIES**

23 11. Plaintiffs Aaron Colonelli and David Mancera are residents of California. Plaintiffs
24 were employed by Defendants during the relevant time period in California as alleged herein.
25 Plaintiffs were misclassified as exempt employees and later reclassified as non-exempt employees
26 while working for Defendants.

27 12. Plaintiffs are informed and believe, and thereon alleges, that Defendants at all times
28 hereinafter mentioned, were and are employers as defined in and subject to the Labor Code and

1 IWC Wage Orders, whose employees were and are engaged throughout this county and the State of
2 California.

3 13. Plaintiffs are unaware of the true names or capacities of the defendants sued herein
4 under the fictitious names DOES 1 through 100, but will seek leave of this Court to amend this
5 Complaint and serve such fictitiously named defendants once their names and capacities become
6 known.

7 14. Plaintiffs are informed and believe, and thereon alleges, that each defendant acted in
8 all respects pertinent to this action as the agent of the other defendant, carried out a joint scheme,
9 business plan or policy in all respects pertinent hereto, and the acts of each defendant are legally
10 attributable to the other defendant. Furthermore, defendants in all respects acted as the employer
11 and/or joint employer of Plaintiffs and the class members.

12 15. Plaintiffs are informed and believe, and thereon allege, that each and all of the acts
13 and omissions alleged herein were performed by, or are attributable to, Defendants and/or DOES 1
14 through 100, acting as the agent or alter ego for the other, with legal authority to act on the other's
15 behalf. The acts of any and all Defendants were in accordance with, and represent, the official
16 policy of Defendants.

17 16. At all relevant times, Defendants, and each of them, acted within the scope of such
18 agency or employment, or ratified each and every act or omission complained of herein. At all
19 relevant times, Defendants, and each of them, aided and abetted the acts and omissions of each and
20 all the other Defendants in proximately causing the damages herein alleged.

21 17. Plaintiffs are informed and believe, and thereon allege, that each of said Defendants
22 is in some manner intentionally, negligently or otherwise responsible for the acts, omissions,
23 occurrences and transactions alleged herein.

24 **CLASS ACTION ALLEGATIONS**

25 18. Plaintiffs bring this action under Code of Civil Procedure § 382 on behalf of
26 themselves and all other members of the general public similarly situated who were affected by
27 Defendants' Labor Code, Business and Professions Code §§ 17200 and IWC Wage Order
28 violations.

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