

EXHIBIT B

1 Ryan Stygar (SBN 332764)
CENTURION TRIAL ATTORNEYS
2 8880 Rio San Diego Drive, Suite 800
San Diego, California 92108
3 Telephone: (858) 206-8833
Email: ryan@centurionta.com
4

ELECTRONICALLY FILED
Superior Court of California,
County of San Diego
01/13/2022 at 08:59:22 AM
Clerk of the Superior Court
By Malka Manneh, Deputy Clerk

5 Robert A. Waller, Jr. (SBN 169604)
LAW OFFICE OF ROBERT A. WALLER, JR.
P.O. Box 999
6 Cardiff-by-the-Sea, California 92007
Telephone: (760) 753-3118
7 Facsimile: (760) 753-3206
Email: robert@robertwallerlaw.com
8

9 Attorneys for Plaintiff BRIANA GALLARDO, Individually and on behalf of all other
employees similarly situated
10

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **IN AND FOR THE COUNTY OF SAN DIEGO**

13 BRIANA GALLARDO, Individually and
on behalf of all employees similarly
14 situated,

CASE NO. 37-2022-00001593-CU-OE-CTL

15 Plaintiffs,

CLASS ACTION COMPLAINT FOR
DAMAGES

16 v.

17 AMAZON.COM SERVICES, LLC, A
Delaware Limited Liability Company
18 f.k.a. AMAZON.COM SERVICES, INC.;
and DOES 1 through 25, inclusive,
19

DEMAND FOR JURY

20 Defendants.

21 Plaintiff BRIANA GALLARDO ("Plaintiff"), for herself and all others similarly
22 situated, alleges as follows:

23 1. Plaintiff is an individual and is now and at all times referenced mentioned
24 in this complaint was a resident of San Diego County, California. At all times herein
25 mentioned Plaintiff was employed by Defendant AMAZON.COM SERVICES LLC.

26 2. Defendant AMAZON.COM SERVICES, LLC is and at all times mentioned
27 herein was a Delaware limited liability company organized, existing, and conducting
28 business in California under and by virtue of the laws of California (Entity Number

1 202001010303). Defendant AMAZON was formerly known as AMAZON.COM SERVICES,
2 INC. (California Secretary of State Entity Number C3678136) before reorganizing itself in
3 January 2020. Because the claims asserted herein pre-date the reorganization both the LLC
4 and INC entities are referred to herein as "Defendant AMAZON."

5 3. Plaintiff is unaware of the true identities and/or capacities of those
6 defendants sued herein as "DOES 1 through 25, inclusive," and are for that reason sued by
7 such fictitious names. Plaintiff will amend this complaint to allege the true names,
8 capacities and identities of such "DOE" defendants if, and when, ascertained. Plaintiff is
9 informed, believes and thereon alleges that each of the fictitiously named defendant(s)
10 is/are thereon responsible in some manner for the occurrences herein alleged, and that
11 Plaintiffs' injuries as herein alleged were proximately caused by such acts.

12 4. Plaintiff is informed, believes and thereon alleges that at all times mentioned
13 herein, each of the defendants was the agent, employee, servant, partner and/or
14 representative of each of the remaining defendants, and in doing the things hereinafter
15 alleged, was acting within the course and scope of such agency, employment, servitude,
16 partnership and/or other relationship and with the consent of each other.

17 **I.**

18 **FACTUAL BACKGROUND AND GENERAL ALLEGATIONS**

19 5. Plaintiff was employed by Defendant AMAZON in a position titled "Area
20 Manager." Plaintiff was hired by AMAZON in January 2021.

21 6. In the position of "Area Manager" Plaintiff and all other similarly situated
22 employees were designated and categorized by Defendant AMAZON as exempt from
23 receiving overtime compensation for hours worked in excess of eight (8) hours in a day or
24 forty (40) hours in a workweek. Defendant AMAZON stated on Plaintiff's wage
25 statements/pay stubs, as well as those of all other similarly situated employees, that their
26 "Basis of Pay" was "salary." Throughout Plaintiff's employment she was paid \$28.00 per
27 hour.

28

1 7. Plaintiff alleges based on the job duties and/or responsibilities of an “Area
2 Manager” she and all other similarly situated employees did not meet the criteria of any
3 recognized test in California for being exempt from receiving overtime compensation.
4 Plaintiff alleges neither she nor any similarly situated “Area Managers” met the criteria for
5 Executive Exemption, Administrative Exemption, and/or Professional Exemption
6 regardless of whether she/they were/are paid an hourly rate equivalent to two times the
7 applicable minimum wage.

8 8. Plaintiff alleges that at no time during her and all other “Area Manager”
9 employees’ employment by Defendant AMAZON were they paid overtime wages at the
10 statutory rate of one and one-half (1½) times their regular rate of pay when they were
11 employed for more than eight (8) hours any workday or in excess of forty (40) hours in a
12 workweek.

13 9. Plaintiff alleges throughout her and all similarly situated employees’
14 employment Defendant AMAZON stated on their wage statements/pay stubs that they
15 were paid, at most, eighty (80) hours per two-week pay period without regard to the actual
16 number of hours Plaintiff and all other similarly situated employees were employed in a
17 given day or workweek.

18 10. Plaintiff alleges not only did Defendant AMAZON fail to pay overtime
19 wages, but Defendant AMAZON also failed to pay minimum wage to Plaintiff and all
20 others similarly situated for all hours they worked and were employed in excess of eighty
21 (80) in any given pay period.

22 11. Plaintiff alleges Defendant AMAZON failed to maintain records of hours
23 worked by Plaintiff and all other similarly situated employees including but not limited
24 to all hours worked beyond eighty (80) in a two week pay period.

25 12. Plaintiff alleges Defendant AMAZON stated on her and all other similarly
26 situated employees’ wage statements/pay stubs that she/they performed work in
27 categories identified as “Regular Hours”, “Personal Time”, and/or “Vacation Pay” for
28 which they were compensated at their regular hourly rate of pay. Plaintiff alleges that, to

1 her knowledge and understanding, she did not perform work which would be properly
2 and accurately categorized as “Personal Time” for which she and all other similarly
3 situated employees would be compensated in their pay checks.

4 13. Plaintiff alleges that, to her knowledge and understanding, she did not
5 perform work which would be properly and accurately categorized as “Vacation Pay” for
6 which she and all other similarly situated employees would be compensated in her pay
7 check.

8 14. Plaintiff alleges “Personal Time” is an employment benefit offered by
9 Defendant AMAZON which accrues incrementally during the course of employment
10 which can be used by the employee for situations such as when they have a last minute
11 absence and want to be paid for that time and preserve other benefits such as Unpaid Time
12 Off and/or Vacation Time. Plaintiff alleges “Personal Time” is not a category of labor or
13 services for which an employee would be compensated, as opposed to accruing the benefit
14 for later use, during any given pay period. Plaintiff and all other similarly situated
15 employees are therefore unable to readily ascertain from their wage statement/pay stubs
16 the information about why they are paid “Personal Time” without reference to other
17 documents or information and they are unable to identify what labor or services they
18 performed in the “Personal Time” category which is separate and apart from their Regular
19 Hours worked as identified on their wage statements/pay stubs.

20 15. Plaintiff alleges “Vacation Pay” is an employment benefit offered by
21 Defendant AMAZON which accrues incrementally during the course of employment and
22 which can be used by the employee for situations such as a preplanned vacation. Plaintiff
23 alleges “Vacation Pay” is not a category of labor or services for which an employee would
24 be compensated, as opposed to accruing the benefit for later use, during any given pay
25 period. Plaintiff and all other similarly situated employees are therefore unable to readily
26 ascertain the information about why they are paid “Vacation Pay” without reference to
27 other documents or information and they are unable to identify what labor or services they
28 performed in the “Vacation Pay” category which is separate and apart from their Regular

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