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14 **CALIFORNIA SUPERIOR COURT**
15 **COUNTY OF SANTA CLARA**

16 STEVEN ALVARADO, an individual
17 California resident, and the proposed
18 class,

19 Plaintiff

20 v.

21 AMAZON.COM, INC., a Delaware
22 corporation; and DOES 1 THROUGH
23 10, inclusive,

24 Defendants.

Case No.: **20CV369687**

CLASS ACTION COMPLAINT FOR:

1. **FAILURE TO PAY MINIMUM WAGES**
2. **FAILURE TO PAY OVERTIME WAGES**
3. **FAILURE TO PROVIDE REST BREAKS**
4. **FAILURE TO PROVIDE MEAL PERIODS**
5. **WAGE STATEMENT VIOLATIONS**
6. **UNFAIR BUSINESS PRACTICES (BUS. & PROF. CODE §§ 17200-17208)**
7. **VIOLATION OF THE PRIVATE ATTORNEYS GENERAL ACT (Labor Code Section 2698 et seq.)**
8. **FAILURE TO PAY WAGES TO TERMINATED AND RESIGNED EMPLOYEES (Labor Code Section 203)**

25 Plaintiff Steven Alvarado, (hereinafter "Plaintiff") on behalf of himself and the proposed
26 class, brings the following causes of action against Defendants.
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I. JURISDICTION

1. Plaintiff alleges the amount in controversy in this class action does not exceed \$5 million. There is no federal diversity jurisdiction over this matter under the Class Action Fairness Act of 2005 (“CAFA”).

II. THE PARTIES

A. Plaintiff

2. Plaintiff Steven Alvarado (“Plaintiff”) is a California resident. At all relevant times alleged herein, Plaintiff was employed by Defendant Amazon.com, Inc. as an IT support technician.

B. Defendants

3. Defendant Amazon.com, Inc. (“Amazon” or “Defendant”) is a Delaware corporation located in Seattle Washington. Amazon has multiple offices in California, and regularly and systematically does business in Los Angeles County.

4. The true names and capacities, whether individual, corporate, associate, or otherwise, of Defendants sued here in as DOES 1 through 10, inclusive, are currently unknown to Plaintiff, who therefore sues such Defendant by such fictitious names. Plaintiff is informed and believes, and based thereon alleges, that Defendants designated herein as a DOE are legally responsible in some manner for the unlawful acts referred to herein. Plaintiff will seek leave of court to amend this complaint to reflect the true names and capacities of the Defendants designated hereinafter as DOES when such identities become known.

III. GENERAL ALLEGATIONS

5. Plaintiff worked as an exempt IT support technician for Defendant from April of 2019 to September of 2019.

1 6. Plaintiff seeks to represent a proposed class of all salaried / exempt IT workers
2 who worked for Amazon in California in the last four (4) years (the “Liability Period”.)
3 Plaintiff alleges, among other things, that he and the proposed class were misclassified as
4 exempt and were not paid an hourly wage or overtime pay during the Liability Period.
5

6 7. Plaintiff alleges he and the proposed class did not qualify for any exemption
7 from overtime pay under California law, including the IT professional exemption under Labor
8 Code section 515.5.

9 8. Plaintiff reported directly to his supervisor for all work instructions. Plaintiff’s
10 supervisor oversaw, directed, and supervised Plaintiff’s team, which was composed of IT
11 employees who were each also misclassified. Plaintiff had little to no discretion regarding his
12 job duties and responsibilities.
13

14 9. Plaintiff alleges Defendant engaged in, and continues to engage in, a uniform and
15 unlawful misclassification policy toward its IT employees resulting in violation of Labor Code
16 §§ 201, 202, 203, 204, 226, 226.7, 510, 1194, and 2750.5.
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18 10. Plaintiff also alleges that he and the proposed class were entitled to and were not
19 provided the opportunity to take timely and uncontrolled meal periods and rest breaks under
20 California law, and that Defendant’s corporate policies and procedures were / are such that
21 Plaintiff and the class he seeks to represent were / are not able to, or permitted to, take legal rest
22 and meal breaks pursuant to the California Labor Code, Industrial Welfare Commission Wage
23 Order 5-2001, and other applicable Wage Orders.
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25 11. Plaintiff alleges that Defendant knew or should have known that Defendant’s
26 company-wide policies and procedures prevented Plaintiff and the proposed class from taking
27 timely, uninterrupted, and uncontrolled rest and meal breaks.
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2 12. Plaintiff alleges restitution is owed by Defendant to Plaintiff and the proposed
3 class for unpaid wages due to untimely, unprovided, unrecorded and / or interrupted meal and
4 rest periods.

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6 13. Defendant's pay policies as alleged herein resulted in a failure to pay all wages
7 due for compensable work time while Plaintiff and the proposed class remained subject to
8 Defendant's control. Plaintiff alleges this policy and practice violates California Labor Code
9 sections 200-202, 510 and 1194, and California Industrial Wage Commission (IWC) Wage
10 Order 4-2001.

11
12 14. As a result of the Defendant's unlawful pay policies as alleged herein,
13 Defendants failed to provide accurate and itemized wage statements to Plaintiff and the
14 proposed class as required by Labor Code section 226.

15 15. On June 13, 2020, Plaintiff filed a Private Attorney General Act (PAGA)
16 complaint with California's Labor Workforce Development Agency (LWDA) alleging
17 Defendant had violated Labor Code sections 201, 202, 203, 226, 226.7, 226.8, 510, 512, 1174,
18 1175, 1182.12, 1194, 1197, 1197.1, 1198, 1199, and 2802. Thereafter, Plaintiff served a copy
19 of this PAGA complaint on Amazon.com by certified mail.
20

21 **IV. CLASS ALLEGATIONS**

22 16. Plaintiff seeks to represent the following class pursuant to Federal Rule of Civil
23 Procedure Rule 23:

24 **All persons who have worked for Amazon.com in California as an exempt**
25 **IT worker in the last four (4) years and continuing.**

26 Plaintiff reserves the right to amend this class definition.
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2 17. **Numerosity.** The members of the proposed class are so numerous that individual
3 joinder is impracticable. Plaintiff is informed and believes, and on that basis alleges, that the
4 proposed class contains hundreds of thousands of members. The precise number of proposed
5 class members is unknown to Plaintiff. The true number of the proposed class is known by the
6 Defendant, however, and thus, may be notified of the pendency of this action by first class mail,
7 electronic mail, and by published notice.
8

9 18. **Existence and Predominance of Common Questions of Law and**
10 **Fact.** Common questions of law and fact exist as to all members of the proposed class and
11 predominate over any questions affecting only individual proposed class members. There are
12 common legal and factual questions regarding, among other things, whether Plaintiff and the
13 class they seek to represent are owed unpaid wages and unpaid overtime, and how much
14 Defendant owe Plaintiff and the proposed class.
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16 19. **Typicality.** Plaintiff's claims are typical of the claims of the proposed class.
17

18 20. **Adequacy of Representation.** Plaintiff will fairly and adequately protect the
19 interests of the members of the proposed class. Plaintiff has retained counsel experienced in
20 complex class action litigation. Plaintiff intends to prosecute this action vigorously. Plaintiff has
21 no adverse or antagonistic interests to those of the proposed class.

22 21. **Superiority.** A class action is superior to all other available means for the fair and
23 efficient adjudication of this controversy. The damages or other financial detriment suffered by
24 individual proposed class members is relatively small compared to the burden and expense that
25 would be entailed by individual litigation of their claims against the defendant. It would thus be
26 virtually impossible for the class, on an individual basis, to obtain effective redress for the
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