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SUPERIOR COURT OF CALIFORNIA FOR
COUNTY OF SANTA CLARA

ELIOT JOHNSON, individually, and on behalf of
the general public,

Plaintiff,

vs.

MICRON TECHNOLOGY, INC. and DOES 1
through 100, inclusive,

Defendants.

Case No.: 21CV383681

CLASS ACTION

FIRST AMENDED COMPLAINT FOR
DAMAGES

1. FAILURE TO REIMBURSE EXPENSES
(Individual and Class Claims);
2. VIOLATION OF BUSINESS
PROFESSIONS CODE §§ 17200 ET SEQ.;
and
3. FAILURE TO REIMBURSE BUSINESS
RELATED EXPENSES (LABOR CODE §
2802 - PAGA)

JURY TRIAL DEMAND

Plaintiff Eliot Johnson brings this action against MICRON TECHNOLOGY, INC. and DOES
1 through 100, for reimbursement of expenses, injunctive relief, civil penalties, attorneys' fees, costs,
and interest, resulting from Defendants' unlawful and tortious conduct.

PARTIES

1. Plaintiff Eliot Johnson (“Plaintiff”) was at all times relevant herein employed in San Jose, California and was an “employee” as defined by California Government Code Section 12926, the applicable Wage Order(s) of the Industrial Welfare Commission (“IWC”), and the California Labor Code.

2. Defendant MICRON TECHNOLOGY, INC. (“MICRON” or “Defendant”) is a corporation headquartered in the state of Idaho. MICRON produces computer memory and computer data storage including but not limited to USB flash drives. MICRON is an employer as defined by the California Labor Code and the applicable IWC Wage Order(s).

3. MICRON and Does 1-50 are collectively referred to as Defendants. Plaintiff is not aware of the true names and capacities of the Defendants sued herein as Does 1 through 50, whether individual, corporate, associate, or otherwise, and therefore sues such Defendants by these fictitious names. Plaintiff will amend this complaint to allege their true names and capacities when ascertained. Plaintiff is informed and believes, and on that basis alleges, that each of the fictitiously named Defendants is responsible in some manner for the occurrences herein alleged and that Plaintiff's injuries and damages herein alleged were legally caused by such Defendants. Unless otherwise indicated, each Defendant was acting within the course and scope of said agency and/or employment, with the knowledge and/or consent of said co-Defendants.

4. All references to “Defendant,” “Defendants,” “DEFENDANT,” “DEFENDANTS,” “company,” “employer” or any similar language, whether singular or plural, will mean “Defendants MICRON; and Does 1 through 100, inclusive, and each of them, when used throughout this complaint.

VENUE & TRIAL DEMAND

1 5. Venue in this judicial district is proper under California Code of Civil Procedure §
2 395(a) because Plaintiff's former place of employment with MICRON is located within Santa Clara
3 County. Plaintiff, on his own behalf and in his capacity as a proxy or agent of the California Labor
4 and Workforce Development Agency ("LWDA"), demands a jury trial.
5

6 **GENERAL ALLEGATIONS**

7 6. Plaintiff was employed by Defendants from May 26, 2020 through May 3, 2021 as
8 Director of Digital Marketing in San Jose, California. As part of Plaintiff's duties with Defendants,
9 Plaintiff supervised approximately five employees as well as approximately five contractors. Because
10 Plaintiff's employment was during the COVID19 pandemic, he telecommuted and worked out of his
11 home in California.
12

13 7. During Plaintiff's employment, Plaintiff was not reimbursed for the use of his Internet
14 and/or the cost of Wi-Fi that he was required to use during his employment with Defendants.
15 Defendants failed to reimburse Plaintiff and Class Members for all expenses in violation of California
16 Labor Code § 2802 even though they knew or had reason to know that Plaintiff and Class Members
17 incurred the expenses. Because Mr. Johnson and Class Members were required to work at home, it
18 was obvious that they needed to use the Internet and/or needed Wi-Fi to perform their duties.
19 Additionally, Plaintiff is informed and believes that MICRON failed to reimburse other exempt and
20 non-exempt employees for phone usage even though they knew or had reason to know that the
21 employees incurred the expenses. Defendants did not have a policy to reimburse California
22 employees for the use of their phone, Internet and/or the cost of Wi-Fi. These violations were
23 committed against current and other former employees of MICRON in California. Mr. Johnson on
24 behalf of himself and other aggrieved parties seek reimbursement of expenses and civil penalties
25 pursuant to the California Labor Code.
26
27
28

CLASS ACTION ALLEGATIONS

8. Plaintiff sues, on behalf of himself and all others similarly situated, as a class action under section 382 of the Code of Civil Procedure. The classes which Plaintiff seeks to represent are:

a. All employees of Defendants, in the State of California who were not reimbursed for all expenses within four years preceding filing the complaint to the time of final judgment.

9. Plaintiff reserves the right under Rule 3.765, California Rules of Court, to amend or modify the class descriptions with greater specificity or further division into subclasses or limitation to particular issues.

10. The classes of persons within the State of California are so numerous that joinder of all members is impracticable, and the disposition of their claims in a class action is a benefit to the parties and to the Court. Plaintiff is informed and believes, and based thereon alleges, that Defendants employ and employed in California no less than 300 persons who satisfy at least one of the class definitions. Although the exact number and identity of these putative class members is not known, they can be identified in Defendants' records through coordinated discovery under this class action.

11. This action may be maintained as a class under Code of Civil Procedure section 382 because the questions of law and fact which are common to class members predominate over questions affecting only individual members and because a class action is superior to other available methods for adjudicating the controversy.

12. There are numerous common questions of law and fact arising out of Defendants' conduct.

1 13. Common questions of law and fact predominate over questions affecting only
2 individual members of the class. The predominating common or class-wide questions of law and fact
3 include:

- 4 a. Whether Defendants failed to reimburse Plaintiff and Class Members for expenses;
5
6 b. Whether Defendants engaged in unfair business practices in violation of California
7 Business & Professions Code Sections 17200 *et seq* for unreimbursed business
8 expenses.

9 14. Plaintiff's claims are typical of the claims of the members of the class all of whom
10 have sustained and/or will sustain damage and injury as a proximate and/or legal result of
11 Defendants' violations of Labor Code section 2802. Plaintiff's claims are typical of those of the class
12 because Defendants subjected Plaintiff and each member of the class to the same Labor Code and
13 Business and Profession Code violations alleged.

14 15. The defenses of Defendants, if such defenses apply, are applicable to the whole class
15 and are not distinguishable as to the proposed class members.
16

17 16. Plaintiff will fairly and adequately protect the interests of all members of the classes,
18 and has retained attorneys with extensive experience in employment litigation, including class and
19 other representative actions. Plaintiff has no interests that conflict with those of the classes. Plaintiff
20 can fairly and adequately protect the interests of all members of the class because it is in her best
21 interest to prosecute the claims alleged to obtain the full compensation due to them.
22

23 17. A class action is superior to any other method available for fairly and efficiently
24 adjudicating the controversy because:
25

- 26 a. Joinder of individual class members is not practical;
27
28



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