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**ELECTRONICALLY
FILED**
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CIVIL COMPLEX CENTER

Jun 09 2005

ALAN SLATER, Clerk of the Court
by M. STOCKS

6 Attorneys for Plaintiff, for himself,
7 on behalf of all others similarly situated

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF ORANGE**

10
11 MARTIN HOKE, an individual for
12 himself, and on behalf of all others
similarly situated; MINNE C.
13 BENNET, an individual for himself,
and on behalf of all others similarly
14 situated; ADRIAN ARIAS, an
individual for himself, and on behalf
15 of all others similarly situated;
CECELIA A. BARRIERE, an
16 individual for himself, and on behalf
of all others similarly situated; JUAN
17 C. SALAS, an individual for himself,
and on behalf of all others similarly
18 situated; CONNIE CROWDER, an
individual for himself, and on behalf
19 of all others similarly situated;
MINNE C. BENNET, an individual
20 for himself, and on behalf of all others
similarly situated; EMMA S.
21 CUEVAS, an individual for himself,
and on behalf of all others similarly
22 situated; ARTHUR COVINGTON,
an individual for himself, and on
23 behalf of all others similarly situated;
DAVEY L. DAVIS, an individual for
24 himself, and on behalf of all others
similarly situated; DIANE DICKSON,
25 an individual for himself, and on
behalf of all others similarly situated;
26 MITCHELL P. EDWARDS, an
individual for himself, and on behalf
27 of all others similarly situated;

CASE NO. 05CC 00062

**FIRST AMENDED
COMPLAINT; DEMAND FOR
JURY TRIAL**

1. **Violation of 29 USC § 207
*et seq.***
2. **Violation of California
Business & Professional
Code § 17200.**
3. **Breach of Contract**
4. **Breach of Covenant of Good
Faith and Fair Dealing**

[CLASS ACTION PURSUANT TO
CODE OF CIVIL PROCEDURE,
§382]

Summons Issued

1 MARLA ESKRIDGE, an individual
2 for himself, and on behalf of all
3 others similarly situated;
4 CHRISTINE FLEMING, an
5 individual for himself, and on behalf
6 of all others similarly situated;
7 ROGELIO M. GARDOCE, an
8 individual for himself, and on behalf
9 of all others similarly situated;
10 CHARLES M. GRAY, JR., an
11 individual for himself, and on behalf
12 of all others similarly situated;
13 DEBORAH A. GUNN, an individual
14 for himself, and on behalf of all
15 others similarly situated; MARY A.
16 JACK, an individual for himself, and
17 on behalf of all others similarly
18 situated; BOM LE, an individual for
19 himself, and on behalf of all others
20 similarly situated; JEAN-LOUIS B.
21 MBUMBU, an individual for
22 himself, and on behalf of all others
23 similarly situated;
24 ANDREW MILES, an individual for
25 himself, and on behalf of all others
26 similarly situated; RAYMOND L.
27 NELDNER, an individual for
28 himself, and on behalf of all others
similarly situated; ANGELA
MICHELLE NICKENS, an
individual for himself, and on behalf
of all others similarly situated;
ESPENCER REVOLUS, an
individual for himself, and on behalf
of all others similarly situated;
BRYAN M. ROBINSON, an
individual for himself, and on behalf
of all others similarly situated;
FRANCISCO RUIZ, an individual
for himself, and on behalf of all
others similarly situated; LETITA
PIERCE, an individual for himself,
and on behalf of all others similarly
situated; MARILYN SMITH, an
individual for himself, and on behalf
of all others similarly situated;
VANESSA SPENCER, an individual
for himself, and on behalf of all
others similarly situated; NAIMA F.
THOMAS, an individual for himself,
and on behalf of all others similarly
situated; MIKE THOMPSON, an
individual for himself, and on behalf
of all others similarly situated;

1 SHERRI THOMPSON, an individual
2 for himself, and on behalf of all
3 others similarly situated; JESUS P.
4 VELASQUEZ, an individual for
5 himself, and on behalf of all others
6 similarly situated; RICHARD
7 WYATT, an individual for himself,
8 and on behalf of all others similarly
9 situated; RENEE C. YOUNG, an
10 individual for himself, and on behalf
11 of all others similarly situated;
12 JOSEPH AYODELE, an individual
13 for himself, and on behalf of all
14 others similarly situated; RONALD
15 BETS, an individual for himself, and
16 on behalf of all others similarly
17 situated; DEANNA BRADFORD, an
18 individual for himself, and on behalf
19 of all others similarly situated;
20 ADAN CANO, an individual for
21 himself, and on behalf of all others
22 similarly situated; TANISHA
23 CRAWFORD, an individual for
24 himself, and on behalf of all others
25 similarly situated; ANDREW DART,
26 an individual for himself, and on
27 behalf of all others similarly situated;
28 EMMANUEL EMEH, an individual
for himself, and on behalf of all
others similarly situated; OTHA L.
EVANS, an individual for himself,
and on behalf of all others similarly
situated; GARETT GRAAVES, an
individual for himself, and on behalf
of all others similarly situated;
JAMES D. HARLEY, III, an
individual for himself, and on behalf
of all others similarly situated;
CHRISTOPHER M. HENDERSON,
an individual for himself, and on
behalf of all others similarly situated;
CLARENCE Y. HENDERSON, an
individual for himself, and on behalf
of all others similarly situated;
BENNY G.HOSKIN, an individual
for himself, and on behalf himself,
and on behalf of all others similarly
situated; STEVIE JANRHETT, an
individual for himself, and on behalf
of all others similarly situated;
TROY L. MATTHEWS, an
individual for himself, and on behalf
of all others similarly situated;
HARACHEO JONES, an individual
for himself, and on behalf of all

1 others similarly situated; DESHAWN
2 R.MCDONANIEL, an individual for
3 himself, and on behalf of all others
4 similarly situated; IAN SHIN, an
5 individual for himself, and on behalf
6 of all others similarly situated;
7 DUPRI K. TANG, an individual for
8 himself, and on behalf of all others
9 similarly situated; FRANK
10 TRZASKI, an individual for himself,
11 and on behalf of all others similarly
12 situated; JUAN JOSE VILLEGAS,
13 an individual for himself, and on
14 behalf of all others similarly situated;
15 ALVIN WARE, an individual for
16 himself, and on behalf of all others
17 similarly situated;
18 ELFEGO WENCE, an individual for
19 himself, and on behalf of all others
20 similarly situated; ALEXIS
21 ADAMES, an individual for himself,
22 and on behalf of all others similarly
23 situated; MICHELLE M.
24 ASEMOTA, an individual for
25 himself, and on behalf of all others
26 similarly situated; ABDUILA I.
27 BAHADARI, an individual for
28 himself, and on behalf of all others
similarly situated; RANDALL
BREWSTER, an individual for himself,
and on behalf of all others similarly
situated; SEAN CLUFF, an
individual for himself, and on behalf
of all others similarly situated; RISE
R. COCHRAN, an individual for
himself, and on behalf of all others
similarly situated; BARBARA
COMO EDWARDS, an individual
for himself, and on behalf of all
others similarly situated; JULIO
ESPEJO, an individual for himself,
and on behalf of all others similarly
situated; QUENNEL FERGUSON,
an individual for himself, and on
behalf of all others similarly situated;
JAIME GUIROLA, an individual for
himself, and on behalf of all others
similarly situated; EVELYN A.
KELLOG, an individual for himself,
and on behalf of all others similarly
situated; JIMMIE LEE KING, an
individual for himself, and on behalf
of all others similarly situated;
ROBIN LINCOLN, an individual for
himself, and on behalf of all others

1 similarly situated; MARY C. LUNA,)
2 an individual for himself, and on)
3 behalf of all others similarly situated;)
4 ALEXANDER NUON, an individual)
5 for himself, and on behalf of all)
6 others similarly situated; BARBARA)
7 OLIVER, an individual for himself,)
8 and on behalf of all others similarly)
9 situated; WILLIAM R. ORTEGA,)
10 an individual for himself, and on)
11 behalf of all others similarly situated;)
12 VINCENT G. OYARZO, an)
13 individual for himself, and on behalf)
14 of all others similarly situated;)
15 SHIRLEY Y. ROSAS, an individual)
16 for himself, and on behalf of all)
17 others similarly situated; ROBERT)
18 SMITH, SR., an individual for)
19 himself, and on behalf of all others)
20 similarly situated; GADOFREDO M.)
21 UNTALAN, an individual for)
22 himself, and on behalf of all others)
23 similarly situated; OSWAR)
24 WINDHAM, an individual for)
25 himself, and on behalf of all others)
26 similarly situated; DUDJIE YASAY,)
27 an individual for himself, and on)
28 behalf of all others similarly situated;)
JOSEPH BERNARD, an individual)
for himself, and on behalf of all)
others similarly situated;)
NICHOLAS BROOKS, an individual)
for himself, and on behalf of all)
others similarly situated; OLAFEMI)
M. CALHOUN, an individual for)
himself, and on behalf of all others)
similarly situated; JACKIE COMBS,)
an individual for himself, and on)
behalf of all others similarly situated;)
JESSICA EDWARDS, an individual)
for himself, and on behalf of all)
others similarly situated; DARNELL)
GILLASPIE, an individual for)
himself, and on behalf of all others)
similarly situated; MICHAEL R.)
HAYES, an individual for himself,)
and on behalf of all others similarly)
situated; JOSE L. LEON, an)
individual for himself, and on behalf)
of all others similarly situated;)
EDUARDO G. MANDRAGON, an)
individual for himself, and on behalf)
of all others similarly situated;)
MARCUS M. NEVINE, an)
individual for himself, and on behalf)

1 of all others similarly situated;
2 AMEH OLATUNJI, an individual
3 for himself, and on behalf of all
4 others similarly situated; LARRY B.
5 PITTMAN, an individual for himself,
6 and on behalf of all others similarly
7 situated; JERRY PITTMAN, an
8 individual for himself, and on behalf
9 of all others similarly situated;
10 MARLEN REYNALDOS, an
11 individual for himself, and on behalf
12 of all others similarly situated;
13 DONALD G. ROBERTS, an
14 individual for himself, and on behalf
15 of all others similarly situated;
16 LOUIE ROBINSON, an individual
17 for himself, and on behalf of all
18 others similarly situated; MIGUEL
19 C. ROSALEZ, an individual for
20 himself, and on behalf of all others
21 similarly situated; CHARLES M.
22 RUDOLPH, an individual for
23 himself, and on behalf of all others
24 similarly situated; MICHAEL L.
25 SATTERWHITE, an individual for
26 himself, and on behalf of all others
27 similarly situated; RONALD W.
28 TODD, an individual for himself, and
on behalf of all others similarly
situated; LARRY WHEAT, an
individual for himself, and on behalf
of all others similarly situated;

Plaintiffs,

vs.

CONSTRUCTION PROTECTIVE
SERVICES; and DOES 1 through
10, inclusive,

Defendants.

Plaintiffs MARTIN HOKE, et. al., individuals and all others similarly situated,
complain and allege as follows:

JURISDICTION

1. This Court has subject matter jurisdiction over this action in that this
Court has general jurisdiction pursuant to California Constitution, Article VI, Section

1 4. This action is filed as a class action. The aggregate amount in controversy exceeds
2 \$25,000.

3 2. The Court has subject matter jurisdiction over this action pursuant to the
4 Class Action Fairness Act of 2005. The matter in controversy in this action “exceeds
5 \$5,000,000, exclusive of interest and costs, and is a class action in which any member
6 of the class of plaintiffs is a citizen of a State different from any defendant; any
7 member of the class of plaintiffs is a foreign state or a citizen or subject of a foreign
8 state and any defendant is a citizen of a State; or any member of a class of plaintiffs
9 is a citizen of a State and any defendant is a foreign state or a citizen or subject of a
10 foreign state.” Less than one-third of the members of the proposed class are citizens
11 of California, and greater than two-thirds of the members of all proposed class
12 members are out of state citizens.

13 VENUE

14 3. Venue is proper in Orange County Superior Court because a substantial
15 part of the acts, events, or omissions giving rise to the action occurred in this County,
16 and the named Plaintiff Hoke lives, and was employed by Defendant within Orange
17 County, California.

18 PARTIES

19 4. Plaintiff, MARTIN HOKE (hereinafter “Hoke” or “Plaintiff Hoke”) is a
20 resident of the City of Fullerton, County of Orange, State of California.

21 5. Plaintiff, ADRIAN ARIAS (hereinafter “Arias” or “Plaintiff Arias”) is
22 a resident of the City of Hiabald, State of Florida.

23 6. Plaintiff, CECELIA A. BARRIERRE (hereinafter “Barriere” or “Plaintiff
24 Barriere”) is a resident of the City of San Antonio, State of Texas.

25 7. Plaintiff, MINNIE C. BENNETT (hereinafter “Bennett” or “Plaintiff
26 Bennett”) is a resident of the City of Los Angeles, County of Los Angeles, State of
27 California.

28 8. Plaintiff, JUAN C. SALAS (hereinafter “Salas” or “Plaintiff Salas”) is a

1 resident of the City of Dallas, State of Texas.

2 9. Plaintiff, ARTHUR L. COVINGTON (hereinafter "Covington" or
3 "Plaintiff Covington") is a resident of the City of Hayward, County of Santa Clara,
4 State of California.

5 10. Plaintiff, CONNIE CROWDER (hereinafter "Crowder" or "Plaintiff
6 Crowder") is a resident of the City of North Las Vegas, State of Nevada.

7 11. Plaintiff, EMMA SUAREZ CUEVAS (hereinafter "Cuevas" or "Plaintiff
8 Cuevas") is a resident of the City of Miami, State of Florida.

9 12. Plaintiff, DAVEY L. DAVIS (hereinafter "Davis" or "Plaintiff Davis")
10 is a resident of the City of Goose Creek, State of South Carolina.

11 13. Plaintiff, DIANNE DICKSON (hereinafter "Dickson" or "Plaintiff
12 Dickson") is a resident of the City of Long Beach, County of Long Beach, State of
13 California.

14 14. Plaintiff, MITCHELL P. EDWARDS (hereinafter "Edwards" or "Plaintiff
15 Edwards") is a resident of the City of Dallas, State of Texas.

16 15. Plaintiff, MARLANA ESKRIDGE (hereinafter "Eskridge" or "Plaintiff
17 Eskridge") is a resident of the City of Las Vegas, State of Nevada.

18 16. Plaintiff, CHRISTINE FLEMING (hereinafter "Fleming" or "Plaintiff
19 Fleming") is a resident of the City of Riverside, County of Riverside, State of
20 California.

21 17. Plaintiff, ROGELIO M. GARDOCE (hereinafter "Gardoce" or "Plaintiff
22 Gardoce") is a resident of the City of Los Angeles, County of Los Angeles, State of
23 California.

24 18. Plaintiff, CHARLES M. GRAY, Jr. (hereinafter "Gray" or "Plaintiff
25 Gray") is a resident of the City of Dallas, State of Texas.

26 19. Plaintiff, DEBORAH A. GUNN (hereinafter "Gunn" or "Plaintiff Gunn")
27 is a resident of the City of Wilmer, State of Texas.

28 20. Plaintiff, MARY A. JACK (hereinafter "Jack" or "Plaintiff Jack") is a

1 resident of the City of North Las Vegas, State of Nevada.

2 21. Plaintiff, JEAN-LOUIS B. MBUMBU (hereinafter "Mbumbu" or
3 "Plaintiff Mbumbu") is a resident of the City of Hurst, State of Texas.

4 22. Plaintiff, BOM LE (hereinafter "Le" or "Plaintiff Le") is a resident of the
5 City of Oakland, County of Contra Costa, State of California.

6 23. Plaintiff, ANDREW MILES (hereinafter "Miles" or "Plaintiff Miles") is
7 a resident of the City of Los Angeles, County of Los Angeles, State of California.

8 24. Plaintiff, RAYMOND L. NELDNER (hereinafter "Neldner" or "Plaintiff
9 Neldner") is a resident of the City of Tonopah, State of Arizona.

10 25. Plaintiff, ANGELA MICHELLE NICKENS (hereinafter "Nickens" or
11 "Plaintiff Nickens") is a resident of the City of San Diego, County of San Diego, State
12 of California.

13 26. Plaintiff, LETITIA PIERCE (hereinafter "Pierce" or "Plaintiff Pierce")
14 is a resident of the City of Oakland, County of Contra Costa, State of California.

15 27. Plaintiff, ESPENCER REVOLUS (hereinafter "Revolus" or "Plaintiff
16 Revolus") is a resident of the City of Winter Park, State of Florida.

17 28. Plaintiff, BRYAN M. ROBINSON (hereinafter "Robinson" or "Plaintiff
18 Robinson") is a resident of the City of Maxwell, State of Texas.

19 29. Plaintiff, FRANCISCO RUIZ (hereinafter "Ruiz" or "Plaintiff Ruiz") is
20 a resident of the City of Glendale, State of Arizona.

21 30. Plaintiff, MARILYN SMITH (hereinafter "Smith" or "Plaintiff Smith")
22 is a resident of the City of Hayward, County of Santa Clara, State of California.

23 31. Plaintiff, VANESSA SPENCER (hereinafter "Spencer" or "Plaintiff
24 Spencer") is a resident of the City of Vallejo, County of Solano, State of California.

25 32. Plaintiff, NAIMA F. THOMAS (hereinafter "Thomas" or "Plaintiff
26 Thomas") is a resident of the City of Hayward, County of Santa Clara, State of
27 California.

28 33. Plaintiff, MIKE THOMPSON (hereinafter "Thompson" or "Plaintiff

1 Thompson”) is a resident of the City of Bakersfield, County of Kern, State of
2 California.

3 34. Plaintiff, SHERRI THOMPSON (hereinafter “Thompson” or “Plaintiff
4 Thompson”) is a resident of the City of Miami, State of Florida.

5 35. Plaintiff, JESUS P. VELASQUEZ (hereinafter “Velasquez” or “Plaintiff
6 Velasquez”) is a resident of the City of San Leandro, County of Alameda, State of
7 California.

8 36. Plaintiff, RICHARD WYATT (hereinafter “Wyatt” or “Plaintiff Wyatt”)
9 is a resident of the City of Phoenix, State of Arizona.

10 37. Plaintiff, RENEE C. YOUNG (hereinafter “Young” or “Plaintiff Young”)
11 is a resident of the City of Los Angeles, County of Los Angeles, State of California.

12 38. Plaintiff, JOSEPH AYODELE (hereinafter “Ayodele” or “Plaintiff
13 Ayodele”) is a resident of the City of Sacramento, County of Sacramento, State of
14 California.

15 39. Plaintiff, RONALD BETS (hereinafter “Bets” or “Plaintiff Bets”) is a
16 resident of the City of Fremont, County of Alameda, State of California.

17 40. Plaintiff, DEANNA BRADFORD (hereinafter “Bradford” or “Plaintiff
18 Bradford”) is a resident of the City of Vallejo, County of Solano, State of California.

19 41. Plaintiff, ADAN CANO (hereinafter “Cano” or “Plaintiff Cano”) is a
20 resident of the City of Las Vegas, State of Nevada.

21 42. Plaintiff, TANISHA CRAWFORD (hereinafter “Crawford” or “Plaintiff
22 Crawford”) is a resident of the City of Los Angeles, County of Los Angeles, State of
23 California.

24 43. Plaintiff, ANDREW DART (hereinafter “Dart” or “Plaintiff Dart”) is a
25 resident of the City of Pasadena, County of Los Angeles, State of California.

26 44. Plaintiff, EMMANUEL EMEH (hereinafter “Emeh” or “Plaintiff Emeh”)
27 is a resident of the City of Hawthorne, County of Los Angeles, State of California.

28 45. Plaintiff, ORTHA LEE EVANS (hereinafter “Evans” or “Plaintiff

1 Evans”) is a resident of the City of Gardena, County of Los Angeles, State of
2 California.

3 46. Plaintiff, GARETT GRAVES (hereinafter “Graves” or “Plaintiff Graves”)
4 is a resident of the City of North Las Vegas, State of Nevada.

5 47. Plaintiff, JAMES D. HARLEY, III (hereinafter “Harley” or “Plaintiff
6 Harley”) is a resident of the City of Los Angeles, County of Los Angeles, State of
7 California.

8 48. Plaintiff, CHRISTOPHER M. HENDERSON (hereinafter “Henderson”
9 or “Plaintiff Henderson”) is a resident of the City of San Pedro, County of Los
10 Angeles, State of California.

11 49. Plaintiff, CLARENCE Y. HENDERSON (hereinafter “Henderson” or
12 “Plaintiff Henderson”) is a resident of the City of San Pedro, County of Los Angeles,
13 State of California.

14 50. Plaintiff, BENNY G. HOSKIN (hereinafter “Hoskin” or “Plaintiff
15 Hoskin”) is a resident of the City of Los Angeles, County of Los Angeles, State of
16 California.

17 51. Plaintiff, STEVIE JANRHETT (hereinafter “Janrhett” or “Plaintiff
18 Janrhett”) is a resident of the City of Inglewood, County of Los Angeles, State of
19 California.

20 52. Plaintiff, HARACHEO JONES (hereinafter “Jones” or “Plaintiff Jones”)
21 is a resident of the City of Los Angeles, County of Los Angeles, State of California.

22 53. Plaintiff, TROY L. MATTHEWS (hereinafter “Matthews” or “Plaintiff
23 Matthews”) is a resident of the City of Crosby, State of Texas.

24 54. Plaintiff, DESHAWN R. McDANIEL (hereinafter “McDaniel” or
25 “Plaintiff McDaniel”) is a resident of the City of Inglewood, County of Los Angeles,
26 State of California.

27 55. Plaintiff, IAN SHIN (hereinafter “Shin” or “Plaintiff Shin”) is a resident
28 of the City of Downey, County of Los Angeles, State of California.

1 56. Plaintiff, DUPRI K. TANG (hereinafter “Tang” or “Plaintiff Tang”) is a
2 resident of the City of Elk Grove, County of Sacramento, State of California.

3 57. Plaintiff, FRANK TRZASKI (hereinafter “Trzaski” or “Plaintiff Trzaski”)
4 is a resident of the City of Rancho Cordova, County of Sacramento, State of
5 California.

6 58. Plaintiff, JUAN JOSE VILLEGAS (hereinafter “Villegas” or “Plaintiff
7 Villegas”) is a resident of the City of Moreno Valley, County of Riverside, State of
8 California.

9 59. Plaintiff, ALVIN WARE (hereinafter “Ware” or “Plaintiff Ware”) is a
10 resident of the City of Los Angeles, County of Los Angeles, State of California.

11 60. Plaintiff, ELFEGO WENCES (hereinafter “Wences” or “Plaintiff
12 Wences”) is a resident of the City of Austin, State of Texas.

13 61. Plaintiff, ALEXIS ADAMES (hereinafter “Adames” or “Plaintiff
14 Adames”) is a resident of the City of Huntington Park, County of Los Angeles, State
15 of California.

16 62. Plaintiff, MICHELLE M. ASEMOTA (hereinafter “Asemota” or
17 “Plaintiff Asemota”) is a resident of the City of Gardena, County of Los Angeles,
18 State of California.

19 63. Plaintiff ABDUILA I. BAHADARI, (hereinafter “Bahadari” or “Plaintiff
20 Bahadari”) is a resident of the City of San Diego, County of San Diego, State of
21 California.

22 64. Plaintiff RANDALL BREWER, (hereinafter “Brewer” or “Plaintiff
23 Brewer”) is a resident of the City of West Sacramento, County of Yolo, State of
24 California.

25 65. Plaintiff, SEAN CLUFF (hereinafter “Cluff” or “Plaintiff Cluff”) is a
26 resident of the City of Woodland, County of Yolo, State of California.

27 66. Plaintiff, RISE R. COCHRAN (hereinafter “Cochran” or “Plaintiff
28 Cochran”) is a resident of the City of Los Angeles, County of Los Angeles, State of

1 California.

2 67. Plaintiff, BARBARA COMO EDWARDS (hereinafter “Como
3 Edwards” or “Como Edwards”) is a resident of the City of Los Angeles, County of
4 Los Angeles, State of California.

5 68. Plaintiff, JULIO ESPEJO (hereinafter “Espejo” or “Plaintiff Espejo”)
6 is a resident of the City of Los Angeles, County of Los Angeles, State of
7 California.

8 69. Plaintiff QUENNEL FERGUSON, (hereinafter “Ferguson” or
9 “Plaintiff Ferguson”) is a resident of the City of Sacramento, County of
10 Sacramento, State of California.

11 70. Plaintiff, JAIME GUIROLA (hereinafter “Guirola” or “Plaintiff
12 Guirola”) is a resident of the City of Westminster, County of Orange, State of
13 California.

14 71. Plaintiff EVELYN A. KELLOG, (hereinafter “Kellog” or “Plaintiff
15 Kellog”) is a resident of the City of Spring Valley, County of San Diego, State of
16 California.

17 72. Plaintiff JIMMIE LEE KING, (hereinafter “King” or “Plaintiff King”)
18 is a resident of the City of Long Beach, County of Los Angeles, State of California.

19 73. Plaintiff, ROBIN LINCOLN (hereinafter “Lincoln” or “Plaintiff
20 Lincoln”) is a resident of the City of Madera, County of Madera, State of
21 California.

22 74. Plaintiff MARY C. LUNA, (hereinafter “Luna” or “Plaintiff Luna”) is
23 a resident of the City of Imperial Beach, County of San Diego, State of California.

24 75. Plaintiff, ALEXANDER NUON (hereinafter “Nuon” or “Plaintiff
25 Nuon”) is a resident of the City of Oakland, County of Alameda, State of
26 California.

27 76. Plaintiff, BARBARA OLIVER (hereinafter “Oliver” or “Plaintiff
28 Oliver”) is a resident of the City of Oakland, County of Alameda, State of

1 California.

2 77. Plaintiff, WILLIAM R. ORTEGA (hereinafter "Ortega" or "Plaintiff
3 Ortega") is a resident of the City of Salida, County of Stanislaus, State of
4 California.

5 78. Plaintiff, VINCENT G. OYARZO (hereinafter "Oyarzo" or "Plaintiff
6 Oyarzo") is a resident of the City of South Pasadena, County of Los Angeles, State
7 of California.

8 79. Plaintiff, SHIRLEY Y. ROSAS (hereinafter "Rosas" or "Plaintiff
9 Rosas") is a resident of the City of Santa Rosa, County of Sonoma, State of
10 California.

11 80. Plaintiff, ROBERT SMITH, SR., (hereinafter "R. Smith." or "Plaintiff
12 R. Smith") is a resident of the City of Compton, County of Los Angeles, State of
13 California.

14 81. Plaintiff, GADOFREDO M. UNTALAN, (hereinafter "Untalan" or
15 "Plaintiff Untalan") is a resident of the City of Sunnyvale, County of Santa Clara,
16 State of California.

17 82. Plaintiff, OSWAR WINDHAM, (hereinafter "Windham" or "Plaintiff
18 Windham") is a resident of the City of Oakland, County of Alameda, State of
19 California.

20 83. Plaintiff, DUDJIE YASAY, (hereinafter "Yasay" or "Plaintiff Yasay")
21 is a resident of the City of Vallejo, County of Solano, State of California.

22 84. Plaintiff, JOSEPH BERNARD (hereinafter "Bernard" or "Plaintiff
23 Bernard") is a resident of the City of Austin, State of Texas.

24 85. Plaintiff, NICHOLAS BROOKS (hereinafter "Bernard" or "Plaintiff
25 Bernard") is a resident of the City of Chandler, State of Arizona.

26 86. Plaintiff, OLAFEMI M. CALHOUN (hereinafter "Calhoun" or
27 "Plaintiff Calhoun") is a resident of the City of Dallas, State of Texas.

28 87. Plaintiff, JACKIE COMBS (hereinafter "Combs" or "Plaintiff

1 Combs”) is a resident of the City of Houston, State of Texas.

2 88. Plaintiff, JESSICA EDWARDS (hereinafter “Edwards” or “Plaintiff
3 Edwards”) is a resident of the City of Dallas, State of Texas.

4 89. Plaintiff, DARNELL GILLASPIE (hereinafter “Gillaspie” or
5 “Plaintiff Gillaspie”) is a resident of the City of Dallas, State of Texas.

6 90. Plaintiff, MICHAEL R. HAYES, (hereinafter “Hayes” or “Plaintiff
7 Hayes”) is a resident of the City of Lake Dallas, State of Texas.

8 91. Plaintiff, JOSE L. LEON, (hereinafter “Leon” or “Plaintiff Leon”) is a
9 resident of the City of Hialeah, State of Florida.

10 92. Plaintiff, EDUARDO G. MANDRAGON, (hereinafter “Mandragon”
11 or “Plaintiff Mandragon”) is a resident of the City of Phoenix, State of Arizona.

12 93. Plaintiff, MARCUS M. NEVINE (hereinafter “Nevine” or “Plaintiff
13 Nevine”) is a resident of the City of El Mirage, State of Arizona.

14 94. Plaintiff, AMEH OLATUNJI (hereinafter “Olatunji” or “Plaintiff
15 Olatunji”) is a resident of the City of Rowlett, State of Arizona.

16 95. Plaintiff, LARRY B. PITTMAN (hereinafter “Pittman” or “Plaintiff
17 Pittman”) is a resident of the City of Arlington, State of Arizona.

18 96. Plaintiff, JERRY PITTMAN (hereinafter “J. Pittman” or “Plaintiff J.
19 Pittman”) is a resident of the City of Dallas, State of Arizona.

20 97. Plaintiff, MARLEN REYNALDOS (hereinafter “Reynaldos” or
21 “Plaintiff Reynaldos”) is a resident of the City of Kialeah, State of Florida.

22 98. Plaintiff, DONALD G. ROBERTS (hereinafter “Roberts” or “Plaintiff
23 Roberts”) is a resident of the City of Bendbrook Tarrany County, State of Texas.

24 99. Plaintiff, LOUIE ROBINSON (hereinafter “Robinson” or “Plaintiff
25 Robinson”) is a resident of the City of N. Highlands, State of California.

26 100. Plaintiff, MIGUEL C. ROSALEZ (hereinafter “Rosalez” or “Plaintiff
27 Rosalez”) is a resident of the City of McKinney, State of Texas.

28 101. Plaintiff, CHARLES M. RUDOLPH (hereinafter “Rudolph” or

1 "Plaintiff Rudolph") is a resident of the City of Bedford, State of Texas.

2 102. Plaintiff, MICHAEL L. SATTERWHITE (hereinafter "Satterwhite" or
3 "Plaintiff Satterwhite") is a resident of the City of Apache Jct., State of Arizona.

4 103. Plaintiff, RONALD W. TODD (hereinafter "Todd" or "Plaintiff
5 Todd") is a resident of the City of Dallas, State of Texas.

6 104. Plaintiff, LARRY WHEAT (hereinafter "Wheat" or "Plaintiff Wheat")
7 is a resident of the City of Dallas, State of Texas.

8 105. Defendant CONSTRUCTION PROTECTIVE SERVICES, INC.,
9 (hereinafter "CPS"), is and was at all times relevant a California corporation
10 doing business under and by virtue of the laws of the State of California,
11 and at all times relevant was engaged in commerce within California, and
12 throughout the various States of the United States of America.

13 106. Plaintiff Hoke was employed by CPS as a security guard to work
14 at various locations throughout the County of Orange, State of California,
15 including but not limited to the City of Orange, County of Orange, State of
16 California, and the City of Fullerton, County of Orange, State of California.

17 107. Plaintiff Hoke, et. al. as individuals and on behalf of all others
18 similarly situated, are collectively "Plaintiffs."

19 108. Plaintiffs were employed by CPS as security guards working out
20 various CPS facilities located throughout the State of California.

21 109. Each of the DOES 1 through 100, inclusive, is so named because
22 the true names and/or capacities are unknown to Plaintiffs at this time.
23 Plaintiffs will seek leave of Court to amend this Complaint when the true
24 names and capacities of the defendants designated herein as DOES 1 through
25 100 have been ascertained. Each of the fictitiously named defendants is
26 responsible in some manner for the occurrences herein alleged, and Plaintiffs'
27 injuries as herein alleged were proximately caused by such defendants.

28 110. Plaintiffs are informed and believe and thereon alleges that each

1 defendant was an agent, employee, partner, and/or alter ego of each of the
2 other remaining defendants, and in doing the things herein alleged was acting
3 within the scope and course of such agency and/or employment.

4 111. Defendants, and each of them, save and except the corporate
5 defendants which are sued as corporate entities, are sued in their individual
6 and official capacities.

7 112. The acts of defendants were in accordance with, and represent
8 the official policies of CPS, or those whose edicts or acts may fairly be said
9 to represent said official policies.

10 113. Each defendant herein willfully committed, ordered, directed,
11 supervised, allowed, planned, ratified, concealed, organized or otherwise
12 participated in the unlawful acts complained of herein.

13 114. All defendants conspired to commit the acts and omissions
14 alleged herein with each other co-defendant.

15 **CLASS ACTION ALLEGATIONS**

16 115. Plaintiffs herein file this action on behalf of themselves and on
17 behalf of all other persons similarly situated within the State of California,
18 and thus seeks class certification under California Code of Civil Procedure
19 section 382. The persons in the class are so numerous (consisting of over
20 900 individuals) that the joinder of all such persons is impracticable and that
21 the disposition of their claims in a class action rather than in individual
22 actions will benefit the parties and the Court.

23 116. The class consists of all current and former employees of CPS,
24 who are either now, or have in the past four years worked in excess of 8
25 hours in a workday and/or in excess of 40 hours in a workweek and/or in
26 excess of 6 days in a workweek and were not compensated with the lawful
27 overtime premium. Plaintiffs are informed and believe that several hundred
28 of such persons reside or resided in California during their employment with

1 CPS, and are currently located in all parts of the United States; and therefore
2 are so numerous as to make it impracticable to bring them all before the
3 Court. The right which is the subject of this action is common to all of the
4 current and former employees who worked for defendants. There are
5 questions of law and fact presented herein which are common to the entire
6 class of persons represented by Plaintiffs, and Plaintiffs' claims, as hereinafter
7 set forth, are typical of the claims of all class members. Plaintiffs are
8 qualified to, and will, fairly and adequately protect the interests of each class
9 member.

10 117. There is a well defined community of interest in the litigation
11 and the class is easily ascertainable:

12 a. Numerosity: The Plaintiff class is so numerous that the
13 individual joinder of all members is impractical under the circumstances of
14 this case. While the exact number of class members is unknown to Plaintiffs
15 at this time, Plaintiffs are informed and believe and thereon alleges that
16 several hundred current and former employees resided in California during
17 their employment by CPS, and were subject to California state law and the
18 Fair Labor Standards Act 29 U.S.C. §§201 et. al. Such persons were paid at
19 an hourly rate and not paid overtime compensation for their work during the
20 period covered by this action;

21 b. Common questions predominate: The right which is the
22 subject of this action is common to all of the current and former employees
23 who worked for defendant CPS. There are questions of law and fact
24 presented herein which are common to the entire class of persons represented
25 by Plaintiff, and Plaintiffs' claims, as hereinafter set forth, are typical of the
26 claims of all class members including, but not limited to:

27 i) Whether defendants' practice of not paying
28 overtime pay to employees who share common

1 classifications, duties, and responsibilities, was
2 unlawful; and

3 *ii)* Whether defendants unlawfully failed to pay
4 overtime wages to the class members.

5 c. Typicality: Plaintiffs' claims are typical of the claims of the
6 class members. Plaintiffs and the members of the class sustained damages
7 arising out of defendants' common practice of failing to pay overtime
8 compensation. Plaintiff, like the other class members, routinely worked more
9 than 40 hours per workweek, and more than 8 hours per workday and more
10 than 6 days in a workweek, during the period covered by this action and were
11 routinely denied their rightfully earned overtime pay. Plaintiffs performed the
12 same duties and had the same responsibilities as the other class members.

13 d. Adequacy: Plaintiffs are qualified to, and will, fairly and
14 adequately protect the interests of each class member. Plaintiffs have no
15 interest that is adverse to the interests of the other class members.

16 e. Superiority: Class action adjudication is superior to other
17 available methods because class action will achieve economies of time, effort,
18 and expense as compared to separate lawsuits, and avoid inconsistent
19 outcomes, because the same issues can be adjudicated in the same manner for
20 the entire class. Plaintiffs are currently unaware of any pending litigation
21 commenced by any class member involving the same issues in this Complaint.

22 f. Public Policy Consideration: The courts have long
23 recognized that wage and hours laws concern not only the health and welfare
24 of the workers themselves, but also the public health and general welfare.
25 Also, the California Legislature's decision to criminalize certain employer
26 violations of the overtime wage laws (Lab. Code, §§ 1174, 1175, 1199)
27 reflects a determination that the conduct affects a broad public interest.
28 Employers throughout the United States as well as California violate wage and

1 | hour laws every day. Current employees are often afraid to assert their rights
2 | out of fear of direct or indirect retaliation. Former employees are fearful of
3 | bringing actions because they perceive their former employers can damage
4 | their future endeavors through negative references and other means. Class
5 | actions provide the class members who are not named in the complaint with a
6 | type of anonymity that allows for the vindication of their rights.

7 | 118. Plaintiffs requests that absent class members be notified by the
8 | best notice practicable under the circumstances, including individual notice to
9 | all members who can be identified through reasonable effort.

10 | 119. Plaintiffs are a member of the class he represents, and the class
11 | includes all employees subjected to the Labor Code violations as alleged
12 | herein, within four (4) years last past, while employed by Defendant, within
13 | the State of California.

14 | **STATEMENT OF THE FACTS**

15 | 120. This action is brought under the Fair Labor Standards Act of 1938
16 | and a breach of contract theory to recover unpaid overtime compensation
17 | wrongfully withheld by defendants, as well as other penalties.

18 | 121. At all times herein relevant, defendants were employers within the
19 | definition of California labor law and Fair Labor Standards Act, and Plaintiffs
20 | was at all times herein relevant an employee of defendant within the definition
21 | of California labor law and the Fair Labor Standards Act..

22 | 122. At all times herein relevant, defendants' annual gross volume of
23 | business done is not less than \$500,000.

24 | 123. Defendants employ Plaintiffs in non-exempt work as a security
25 | guard.

26 | 124. Plaintiffs was not paid overtime compensation when such hours
27 | worked resulted in a workday in excess of 8 hours, or a workweek in excess
28 | of 40 hours. Plaintiffs consistently worked overtime hours per workday and

1 per workweek. Plaintiffs are informed and believe and thereon alleges that the
2 other persons employed by CPS as security guards worked and continue to
3 work under the same conditions.

4 125. Plaintiffs was paid unlawful rates for his work. Plaintiffs are
5 informed and believes and thereon alleges that the other persons employed by
6 CPS worked under the same conditions.

7 126. Plaintiffs was never paid his overtime premium for work periods
8 exceeding 8 in a workday, 40 hours in a workweek or 6 days in a workweek.
9 Plaintiffs was also deprived of his lawful meal and rest breaks. Defendants
10 also failed to provide lawful itemized wage statements.

11 127. Plaintiffs are informed and believes and thereupon alleges that
12 Defendant were advised by skilled lawyers and other professionals, and
13 therefore were aware of their legal obligations to furnish and maintain
14 uniforms and to reimburse the employees for expenses incurred in acquiring
15 and maintaining uniforms. Therefore, Plaintiffs alleges that Defendant wilfully
16 and intentionally failed to comply with the legal requirements respecting the
17 costs of furnishing and maintaining uniforms.

18 128. A representative action pursuant to California Business and
19 Profession Code §17200, et seq. on behalf of the general public is appropriate
20 and necessary because as a general practice Defendant did not, and do not,
21 reimburse their employees for all necessary expenditures incurred by the
22 employees in direct consequence of the discharge of their duties, or of their
23 obedience to the directions of Defendant.

24 **FIRST CAUSE OF ACTION**

25 **FOR WILLFUL VIOLATION OF 29 U.S.C. § 207**

26 **(Against All Defendants)**

27 129. Plaintiffs reassert and reallege paragraphs 1 through 128, inclusive,
28 as though fully set forth herein and incorporate said paragraphs herein by

1 reference.

2 130. Although defendants had been apprized of the law regarding the
3 payment of hours covered by the FLSA, defendants failed to pay Plaintiffs for
4 all of his actual hours worked. Defendants knew or should have known that
5 Plaintiffs was working more than 40 hours in a workweek because, among
6 other things, they knew the requirements of the job.

7 131. Defendants further demonstrated their knowledge of the overtime
8 requirements when they “averaged” Plaintiffs’ workweeks in order to
9 unlawfully avoid payment of overtime premiums. Notwithstanding such
10 knowledge, defendants failed to compensate Plaintiffs at the rate of one and
11 one-half times his regular rate of pay for all hours worked in excess of 40
12 hours in a workweek. Defendants, and each of them, have either recklessly or
13 knowingly and intentionally failed to properly compensate Plaintiffs for the all
14 of the overtime hours Plaintiffs worked.

15 132. Plaintiffs are informed and believe and thereon alleges that
16 defendants similarly failed to pay overtime compensation at the proper rate of
17 one and one-half times the regular rate to all other persons similarly employed
18 by CPS throughout the United States.

19 133. In doing all the things described and alleged, defendants, and each
20 of them, deprived Plaintiffs, and other similarly situated employees, of their
21 rights, privileges and immunities secured to them by federal law which clearly
22 sets forth that they were entitled to be paid at the rate of one and one-half
23 times the regular rate of pay for all overtime hours worked. Defendants knew,
24 or should have known, that their reckless and/or willful and intentional failure
25 to pay Plaintiffs’ overtime violates these rights, privileges and immunities.

26 134. As a direct and proximate result of defendants’ actions and
27 inactions, Plaintiffs and other similarly situated employees have been damaged,
28 and are entitled to compensatory and/or liquidated damages in an amount

1 according to proof at trial including, but not limited to, a sum equivalent to
2 and in addition to their unpaid compensation for the three years preceding the
3 filing of this complaint as required by 29 U.S.C. § 216(b), as well as attorney
4 fees and costs.

5 **SECOND CAUSE OF ACTION**
6 **FOR WILLFUL VIOLATION OF § 207(a)**
7 **OF THE FAIR LABOR STANDARDS ACT**

8 **(Against All Defendants for the Late Payment of Overtime)**

9 135. Plaintiffs reassert and reallege paragraphs 1 through 134, above,
10 inclusive, as though fully set forth herein and incorporate said paragraphs
11 herein by reference.

12 136. Defendants, and each of them, have either recklessly or knowingly
13 and intentionally failed and refused to compensate Plaintiffs and all other
14 similarly situated persons for overtime compensation earned in a particular
15 work period by the regular pay day for the period in which the work ended.

16 137. Defendants, and each of them, have delayed the payment of
17 overtime for a period longer than is reasonably necessary for them to compute
18 and arrange for payments of the amounts due. As set forth above, defendants
19 knew or should have known that Plaintiffs and other security guards were
20 working in non-exempt jobs in excess of 40 hours per workweek without
21 overtime compensation. Notwithstanding such knowledge, defendants, and
22 each of them, failed to pay Plaintiffs for his overtime hours worked in a
23 timely manner as required under the FLSA.

24 138. Although defendants have been apprized of the law regarding the
25 payment of hours covered by the FLSA, defendants routinely failed to
26 compensate Plaintiffs for his overtime in a timely manner.

27 139. In doing all the things described and alleged, defendants, and each
28 of them, deprived Plaintiffs and similarly situated persons of their rights,

1 | privileges and immunities secured to them by federal law which clearly sets
2 | forth that Plaintiffs are entitled to be paid for overtime hours worked in a
3 | workweek by the regular pay day for the period in which such workweek
4 | ended. Defendants knew or should have known that their reckless and/or
5 | willful and intentional failure and refusal to pay in a timely manner for the
6 | overtime worked by Plaintiffs and others violates these rights, privileges and
7 | immunities.

8 | 140. As a direct and proximate result of defendants' actions and
9 | inactions, Plaintiffs and other similarly situated persons have been damaged,
10 | and are entitled to compensatory and/or liquidated damages in an amount
11 | according to proof including, but not limited to, a sum equivalent to and in
12 | addition to their overtime compensation which was paid late for the three
13 | years preceding the date of their opt-in into the present action as required by
14 | 29 U.S.C. § 216(b), plus attorney fees and costs.

15 | **THIRD CAUSE OF ACTION**

16 | **FOR VIOLATION OF BUSINESS & PROFESSION CODE § 17200**
17 | **(AGAINST ALL DEFENDANTS)**

18 | 141. Plaintiffs reassert and reallege paragraphs 1 through 140 and
19 | incorporate said paragraphs by this reference as though they were fully set
20 | forth herein in their entirety.

21 | 142. Plaintiffs are suing Defendant pursuant to Business and Professions
22 | Code §§ 17200, et seq., on behalf of himself as an individual, and on behalf
23 | of all Plaintiffs similarly situated..

24 | 143. By violating the statutes and regulations as alleged herein,
25 | Defendant's acts constitute unlawful business practices under California
26 | Business and Professions Code §§ 17200, et seq.

27 | 144. Defendant's violation of the statutes and regulations as alleged
28 | herein are business practices done repeatedly over a significant period of time

1 throughout California, and is done in a systematic manner to the detriment of
2 Plaintiff.

3 145. The harm to Plaintiffs outweighs any utility of Defendant's
4 policies and practices, as alleged herein, and consequently constitute unfair
5 business acts or practices within the meaning of the Business and Professions
6 Code §§ 17200, *et seq.*

7 146. As a direct and proximate result of the aforementioned acts by
8 Defendant, Defendant wrongfully retained and continues to retain funds earned
9 by each putative class Plaintiffs according to proof from each plaintiff.

10 147. The unfair and unlawful business acts and practices described
11 herein present a continuing threat to Plaintiff. Plaintiffs are informed and
12 believes that Defendant has engaged in such practices over a number of years
13 and has failed to indicated, in any way, that it plans to cease such activities
14 any time in the future.

15 148. For the four years preceding the filing of this action, Plaintiffs and
16 the class members they represent have suffered damages and requests damages
17 and/or restitution of all monies and profits to be disgorged from Defendant in
18 an amount according to proof at time of trial, but in excess of the Court's
19 jurisdiction requirement.

20 149. Pursuant to Business and Professions Code §§ 17200, *et seq.*, and
21 pursuant to the equitable powers of this Court, Defendant should be
22 preliminarily and permanently enjoined from its unfair and unlawful business
23 acts and practices.

24 150. Pursuant to Business and Professions Code §§ 17200, *et seq.*, and
25 pursuant to the equitable powers of this Court, Defendant should be ordered to
26 restore to Plaintiffs all funds Defendant retained by means of the unfair and
27 unlawful business acts and practices alleged herein.

28 / / /

1 were fully set forth herein in their entirety.

2 157. By virtue of the implied employment contract between Plaintiffs
3 and Defendant, Defendant owed certain duties to Plaintiffs which included, a
4 duty to comply with the covenant of Good Faith and Fair Dealing. Defendant
5 breached this duty by Defendant willfully and purposefully refused to fully
6 compensate Plaintiffs for all overtime hours worked by Plaintiff. In doing so,
7 Defendant deliberately deprived Plaintiffs of the benefits of the employment
8 agreement.

9 158. As a direct and proximate result of Defendant's actions and
10 omissions, Plaintiffs and all those similarly situated current and former
11 employees of Defendant have been damaged, and are entitled to compensatory
12 and/or other damages, as applicable, for the relevant statutory period, in the
13 amounts according to proof at trial.

14 **PRAYER FOR RELIEF**

15 WHEREFORE, Plaintiffs prays, on behalf of themselves and all other
16 similarly situated persons, for relief and judgment against Defendants, jointly
17 and severally, as follows:

18 **Class Certification**

- 19 1. That this action be certified as a class action;
20 2. That Plaintiffs be appointed as the representative of the class; and
21 3. That Counsel for Plaintiffs be appointed as class counsel.

22 **As to the First and Second Causes of Action**

- 23 1. All actual, consequential, liquidated and incidental losses and
24 damages, according to proof at trial;
25 2. Such other damages as may be allowed in accordance with 29
26 U.S.C. § 216(b) according to proof at trial;
27 3. Liquidated damages, attorney fees, and costs pursuant to 29 U.S.C.
28 § 216(b); and

1 4. Any and all other relief, including equitable relief, as the Court
2 may deem just and proper.

3 As to the Third Cause of Action

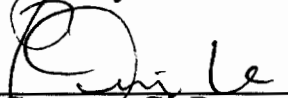
- 4 1. All actual, consequential, liquidated and incidental losses and
5 damages, according to proof;
6 2. All reasonable attorney's fees and costs pursuant to Code of Civil
7 Procedure § 1021.5; and
8 3. Any and all other relief, including equitable relief as the Court
9 may deem just and proper.

10 As to the Fourth and Fifth Causes of Action

- 11 1. All actual, compensatory and incidental losses and damages,
12 according to proof;
13 2. Any and all other relief, including equitable relief as the Court
14 may deem just and proper.

15 Dated: June 8, 2005

CASTLE, PETERSEN & KRAUSE LLP
Attorneys at Law

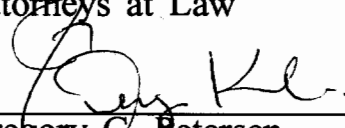
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18 _____
19 Gregory G. Petersen
Tuyet-Van T. Tran
Fenja Klaus
Attorneys for Plaintiffs

DEMAND FOR JURY TRIAL

1
2 Plaintiffs hereby demands a trial by jury as provided by California Code
3 of Civil Procedure, section 592.

4 Dated: June 8, 2005

CASTLE, PETERSEN & KRAUSE LLP
Attorneys at Law

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7 _____
8 Gregory G. Petersen
9 Tuyet-Van T. Tran
10 Fenja Klaus
11 Attorneys for Plaintiffs

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1 **HOKE v. CONSTRUCTION PROTECTIVE SERVICES**
2 **Orange County Superior Court Case No. 05CC 00062**

3 **PROOF OF SERVICE**

4 STATE OF CALIFORNIA)
5 COUNTY OF ORANGE) ss.

6 I am employed in the county of Orange, state of California. I am over
7 the age of eighteen and not a party to the within action; my business address
is: 4675 MacArthur Court, Suite 1250, Newport Beach, California 92660.

8 On June 8, 2005, I served the within **FIRST AMENDED**
9 **COMPLAINT FOR DAMAGES; DEMAND FOR JURY TRIAL**, by placing
the original / X a true copy thereof enclosed in a sealed envelope(s)
10 addressed as follows:

11 KNEE, ROSS & SILVERMAN LLP
12 Howard M. Knee, Esq.
13 Jim D. Newman, Esq.
14 2049 Century Park East, Suite 2050
Los Angeles, CA 90067
Phone: (310) 551-0909
Fax (310) 551-2049

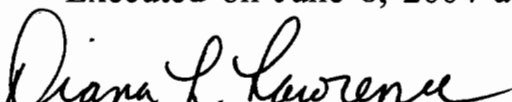
Attorneys for Defendant,
Construction Protective Services, Inc.

15 (X) **BY MAIL:** I am "readily familiar" with this firm's practice of
16 collection, processing, and depositing mail, with postage fully prepaid, with the
17 U.S. Postal Service on the same day in the ordinary course of business. I am
18 aware that, on motion of party served, service is presumed invalid if the postal
cancellation date or postage meter date is more than one day after date of
deposit for mailing as stated in the affidavit.

19 (X) **BY FACSIMILE:** In addition to the above service by mail, hand
20 delivery, or Federal Express, I caused said document(s) to be transmitted by
facsimile to the addressee(s) marked with a ^^^.

21 (X) **STATE:** I declare under penalty of perjury under the laws of the State
of California that the foregoing is true and correct.

22 Executed on June 8, 2004 at Newport Beach, California.

23 
24 Diana L. Lawrence