

1 Jonathan M. Lebe (State Bar No. 284605)  
Jon@lebelaw.com  
2 Shigufa Saleheen (State Bar No. 341013)  
Shigufa@lebelaw.com  
3 Brielle D. Edborg (State Bar No. 347579)  
Brielle@lebelaw.com  
4 **Lebe Law, APLC**  
777 S. Alameda Street, Second Floor  
5 Los Angeles, CA 90021  
Telephone: (213) 444-1973  
6 Facsimile: (213) 457-3092

7 Attorneys for Tammy Spears,  
As a Private Attorney General on behalf of the State of California,  
8

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

10 **FOR THE COUNTY OF ALAMEDA**

11  
12 Tammy Spears, as a Private Attorney  
General on behalf of the State of  
13 California,

14 Plaintiff,

15 v.

16 Tesla, Inc. and Does 1 through 20,  
inclusive,

17 Defendants.  
18  
19  
20  
21

Case No.: **23CV027902**

**REPRESENTATIVE ACTION  
COMPLAINT FOR:**

1. PAGA Civil Penalties for Violations of Labor Code § 1197.5(b) for Failure to Provide Equal Pay on the Basis of Gender/Sex; and
2. PAGA Civil Penalties for Violations of Labor Code § 1197.5(b) for Failure to Provide Equal Pay on the Basis of Race/Ethnicity.

**Jury Trial Demanded**

**ELECTRONICALLY FILED**  
Superior Court of California,  
County of Alameda  
**02/15/2023 at 08:38:24 AM**  
By: Angela Linhares,  
Deputy Clerk

1 Plaintiff Tammy Spears, as a Private Attorney General on behalf of the State of  
2 California, alleges as follows:

3 **INTRODUCTION**

4 1. Plaintiff Tammy Spears (“Plaintiff”) brings this representative action against  
5 Defendants Tesla, Inc. (“Defendant Tesla”) and Does 1 through 20, inclusive (collectively,  
6 “Defendants”), asserting violations of the California Labor Code against “aggrieved  
7 employees” (defined as all current and former employees employed by Defendants subject to  
8 the same wage and hour violations and losses alleged herein) throughout California during  
9 the “Relevant Time Period” (defined as one year before Plaintiff gave notice of these claims  
10 to the California Labor and Workforce Development Agency (“LWDA”) up to and including  
11 the date of the commencement of trial).

12 2. On December 1, 2022, Plaintiff gave notice of these claims to the LWDA and  
13 to the agent for service of process for Defendants. Plaintiff has not received any response from  
14 the LWDA indicating that it intends to investigate these claims. Accordingly, Plaintiff has  
15 exhausted all notice requirements under the PAGA.

16 3. Through this action, Plaintiff alleges that Defendants have engaged in a  
17 systematic pattern of wage violations under the California Labor Code and Industrial Welfare  
18 Commission (“IWC”) Wage Orders, all of which contribute to Defendants’ deliberate unfair  
19 competition.

20 4. Plaintiff asserts claims for civil penalties as a representative of the State of  
21 California, as authorized by the Private Attorneys General Act of 2004 (“PAGA”), and to the  
22 extent permitted by law, on behalf of aggrieved employees who held the positions identified  
23 herein and suffered one or more of the violations alleged. Labor Code §§ 2698, *et seq.*

24 5. Plaintiff is informed and believes, and thereon alleges, that Defendants have  
25 increased their profits by violating state wage and hour laws by, among other things:

- 26 (a) Failing to pay employees of each gender/sex the same wages for  
27 substantially similar work; and
- 28 (b) Failing to pay employees of all races and ethnicities the same wages for

1 substantially similar work.

2 6. Plaintiff brings this lawsuit seeking monetary relief against Defendants to  
3 recover, among other things, civil penalties, attorneys' fees, costs and expenses, and any other  
4 appropriate relief pursuant to the Labor Code.

5 **JURISDICTION AND VENUE**

6 7. This is a representative action, pursuant to California Code of Civil Procedure  
7 § 382. The relief sought by Plaintiff exceeds the minimal jurisdictional limits of the Superior  
8 Court and will be established according to proof at trial.

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

13 9. Based on information and belief, Plaintiff alleges that this entire action arises  
14 solely under the laws of the State of California and applicable regulations of the health, safety  
15 and wages of the employees residing in the State of California. Plaintiff alleges, on  
16 information and belief, that no federal question is raised. Moreover, PAGA civil penalty  
17 actions are not subject to federal jurisdiction.

18 10. This Court has jurisdiction over all Defendants because, upon information and  
19 belief, they are citizens of California, have sufficient minimum contacts in California or  
20 otherwise intentionally avail themselves of the California market so as to render the exercise  
21 of jurisdiction over them by the California courts consistent with traditional notions of fair  
22 play and substantial justice.

23 11. Venue is proper in this Court because, upon information and belief, Defendants  
24 reside, transact business or have offices in this county and the acts and omissions alleged  
25 herein took place in this county.

26 ///

27 ///

28 ///

1 **THE PARTIES**

2 **Plaintiff**

3 12. Plaintiff Tammy Spears is a citizen of California. Plaintiff was employed by  
4 Defendants during the Relevant Time Period in California.

5 **Defendants**

6 13. Defendant Tesla is a Delaware corporation that provides employment in  
7 California.

8 14. Plaintiff is unaware of the true names or capacities of the defendants sued as  
9 Does 1 through 20 but will seek leave of this Court to amend this Complaint and serve such  
10 fictitiously named defendants once their names and capacities become known.

11 15. Plaintiff is informed and believes, and thereon alleges, that Defendants at all  
12 times hereinafter mentioned, were and are employers as defined in and subject to the Labor  
13 Code and IWC Wage Orders, whose employees were and are engaged throughout this county  
14 and the State of California.

15 16. Plaintiff is informed and believes, and thereon alleges, that each Defendant  
16 acted in all respects pertinent to this action as the agent of the other Defendants, carried out a  
17 joint scheme, business plan or policy in all respects pertinent hereto, and the acts of each  
18 Defendants are legally attributable to the other Defendants. Furthermore, Defendants in all  
19 respects acted as the employer and/or joint employer of Plaintiff and the other aggrieved  
20 employees.

21 17. Plaintiff is informed and believes, and thereon alleges, that each and all of the  
22 acts and omissions alleged herein were performed by, or are attributable to, Defendants and/or  
23 DOES 1 through 20, acting as the agent or alter ego for the other, with legal authority to act  
24 on the other's behalf. The acts of any and all Defendants were in accordance with, and  
25 represent, the official policy of Defendants.

26 18. At all relevant times, Defendants, and each of them, acted within the scope of  
27 such agency or employment, or ratified each and every act or omission complained of herein.  
28 At all relevant times, Defendants, and each of them, aided and abetted the acts and omissions

1 of each and all the other Defendants in proximately causing the damages herein alleged.

2 19. Plaintiff is informed and believes, and thereon alleges, that each of said  
3 Defendants are in some manner intentionally, negligently or otherwise responsible for the  
4 acts, omissions, occurrences and transactions alleged herein.

5 **GENERAL ALLEGATIONS**

6 20. At all relevant times mentioned herein, Defendants employed Plaintiff and  
7 other aggrieved employees.

8 21. Plaintiff was employed by Defendants.

9 22. Defendants continue to employ employees throughout California.

10 23. Plaintiff is informed and believes, and thereon alleges, that at all times herein  
11 mentioned, Defendants were advised by skilled lawyers, employees and other professionals  
12 who were knowledgeable about California's wage and hour laws, employment and personnel  
13 practices and the requirements of California law.

14 24. Plaintiff is informed and believes, and thereon alleges, that Defendants knew  
15 or should have known that Plaintiff and other aggrieved employees were entitled to wage rates  
16 not less than the rates paid to employees of the opposite sex for substantially similar work and  
17 that they were not receiving equal wage rates as employees of the opposite sex for  
18 substantially similar work. In violation of the Labor Code, Plaintiff and other aggrieved  
19 employees were not paid equal wages for substantially similar work, when viewed as a  
20 composite of skill, effort, and responsibility, and performed under similar working conditions.  
21 Upon information and belief, there is no wage differential based on a seniority system, merit  
22 system, system that measures earnings by quantity or quality of production, or bona fide factor  
23 other than sex, such as education, training, or experience.

24 25. Plaintiff is informed and believes, and thereon alleges, that Defendants knew  
25 or should have known that Plaintiff and other aggrieved employees were entitled to wage rates  
26 not less than the rates paid to employees of another race or ethnicity for substantially similar  
27 work and that they were not receiving equal wage rates as employees of another race or  
28 ethnicity for substantially similar work. In violation of the Labor Code, Plaintiff and other

1 aggrieved employees were not paid equal wages for substantially similar work, when viewed  
2 as a composite of skill, effort, and responsibility, and performed under similar working  
3 conditions. Upon information and belief, there is no wage differential based on a seniority  
4 system, merit system, system that measures earnings by quantity or quality of production, or  
5 bona fide factor other than race or ethnicity, such as education, training, or experience.

6 26. Plaintiff is informed and believes, and thereon alleges, that Defendants knew  
7 or should have known they had a duty to compensate Plaintiff and other aggrieved employees  
8 equally to those of a different sex and to those of another race or ethnicity for performing  
9 substantially similar work, and Defendants had the financial ability to pay such compensation  
10 but willfully, knowingly, and intentionally failed to do so all in order to increase Defendants'  
11 profits.

12 27. Plaintiff suffered losses as detailed above as a result of these practices and is  
13 therefore an aggrieved employee under Labor Code section 2699(c). Plaintiff is informed and  
14 believes that because the Defendants used identical procedures for all employees, there are  
15 many other aggrieved employees who suffered the above violations including failing to pay  
16 employees of each gender/sex the same wages for substantially similar work and failing to  
17 pay employees of all races and ethnicities the same wages for substantially similar work, for  
18 which recovery under PAGA is owed.

19 **FIRST CAUSE OF ACTION**

20 **FAILURE TO PAY THE SAME WAGE AS EMPLOYEES OF THE OPPOSITE SEX**

21 **(Violation of Cal. Labor Code §§ 1197.5(a))**

22 28. Plaintiff hereby re-alleges and incorporates by reference all paragraphs above  
23 as though fully set forth herein.

24 29. Cal. Labor Code Section 1197.5(a) provides that it is unlawful for an employer  
25 to pay any of its employees at wage rates less than the rates paid to employees of the opposite  
26 sex for substantially similar work, when viewed as a composite of skill, effort, and  
27 responsibility, and performed under similar working conditions.

28 ///

1           30.     During the Relevant Time Period, Defendants paid Plaintiff and other female  
2 aggrieved employees less than employees of the opposite sex for substantially similar work,  
3 when viewed as a composite of skill, effort, and responsibility, and performed under similar  
4 working conditions.

5           31.     During the Relevant Time Period, Defendants regularly failed to pay Plaintiff  
6 and other female aggrieved employees' wages at least equal wages to employees of the  
7 opposite sex performing substantially similar work pursuant to Cal. Labor Code Section  
8 1197.5(a).

9           32.     Defendants' failure to pay Plaintiff and other female aggrieved employees the  
10 required equal wages violate Labor Code 1197.5. Pursuant to this section, Plaintiff and other  
11 aggrieved employees are entitled to recover the unpaid balance of their wage compensation  
12 as well as interest, costs and attorneys' fees.

13           33.     Pursuant to Labor Code Section 1197.5, Plaintiff and other aggrieved  
14 employees are entitled to recover liquidated damages as an additional amount equal to the  
15 amount of wages, with interest, that the employees were deprived of by reason of the violation.

16   **SECOND CAUSE OF ACTION**

17                                   **FAILURE TO PAY THE SAME WAGE AS EMPLOYEES OF ANOTHER RACE**

18   **OR ETHNICITY**

19   **(Violation of Cal. Labor Code §§ 1197.5(b))**

20           34.     Plaintiff hereby re-alleges and incorporates by reference all paragraphs above  
21 as though fully set forth herein.

22           35.     Cal. Labor Code Section 1197.5(b) provides that it is unlawful for an employer  
23 to pay any of its employees at wage rates less than the rates paid to employees of another race  
24 or ethnicity for substantially similar work, when viewed as a composite of skill, effort, and  
25 responsibility, and performed under similar working conditions.

26           36.     During the Relevant Time Period, Defendants paid Plaintiff and other  
27 aggrieved employees less than employees of another race or ethnicity for substantially similar

28 ///

1 work, when viewed as a composite of skill, effort, and responsibility, and performed under  
2 similar working conditions.

3 37. During the Relevant Time Period, Defendants regularly failed to pay Plaintiff  
4 and other aggrieved employees' wages at least equal wages to employees of another race or  
5 ethnicity performing substantially similar work pursuant to Cal. Labor Code Section  
6 1197.5(b).

7 38. Defendants' failure to pay Plaintiff and other aggrieved employees the  
8 required equal wages violate Labor Code 1197.5. Pursuant to this section, Plaintiff and other  
9 aggrieved employees are entitled to recover the unpaid balance of their wage compensation  
10 as well as interest, costs and attorneys' fees.

11 39. Pursuant to Labor Code Section 1197.5, Plaintiff and other aggrieved  
12 employees are entitled to recover liquidated damages as an additional amount equal to the  
13 amount of wages, with interest, that the employees were deprived of by reason of the violation.

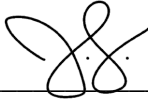
14 **PRAYER FOR RELIEF**

15 Plaintiff, on her own behalf and on behalf of all other aggrieved employees, prays for  
16 relief and judgment against Defendants, jointly and severally, as follows:

- 17 1. For civil penalties against Defendants on behalf of all aggrieved employees  
18 and the State of California;
- 19 2. For reasonable attorneys' fees, costs of suit, and interest to the extent permitted  
20 by law, including pursuant to California Labor Code § 2699(g) and California Code of Civil  
21 Procedure § 1021.5;
- 22 3. For such other relief as the Court deems just and proper.

23  
24 DATED: February 14, 2023

**Lebe Law, APLC**

25  
26 By:   
27 Jonathan M. Lebe  
28 Shigufa Saleheen  
Brielle D. Edborg



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28


Attorneys for Plaintiff Tammy Spears,  
As a Private Attorney General on behalf of the  
State of California

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a jury trial with respect to all issues triable of right by jury.

DATED: February 14, 2023

**Lebe Law, APLC**

By:  \_\_\_\_\_

Jonathan M. Lebe  
Shigufa Saleheen  
Brielle D. Edborg

Attorneys for Plaintiff Tammy Spears,  
As a Private Attorney General on behalf of the  
State of California