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3 **Lebe Law, APLC**  
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Telephone: (213) 444-1973  
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6 Attorney for Plaintiff Patricia Hoover,  
Individually and on behalf of all others similarly situated  
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10 **UNITED STATES DISTRICT COURT**  
11 **NORTHERN DISTRICT OF CALIFORNIA**  
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13 PATRICIA HOOVER, individually  
14 and on behalf of all others similarly  
15 situated,

16 Plaintiff,

17 vs.

18 COMMUNITY BRANDS  
19 PARENTCO, LLC, a Delaware  
20 limited liability company;  
21 COMMUNITY BRANDS LLC, a  
22 Delaware limited liability company;  
23 EDUCATION BRANDS, LLC, a  
24 Delaware limited liability company;  
MOBILECAUSE, INC., a Delaware  
25 corporation,  
26 Defendants.  
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**CLASS ACTION COMPLAINT FOR  
VIOLATIONS OF FAIR LABOR  
STANDARDS ACT**

DEMAND FOR JURY TRIAL

1 Plaintiff Patricia Hoover, individually and on behalf of all others similarly  
2 situated, alleges as follows:

3 **NATURE OF ACTION AND INTRODUCTORY STATEMENT**

4 1. Plaintiff Patricia Hoover (“Plaintiff”) is an individual who worked for  
5 Defendants Community Brands Parentco, LLC, Community Brands LLC, Education  
6 Brands, LLC, and MobileCause, Inc. (“Defendants”). She brings this action on behalf  
7 of herself individually and a putative class of employees working throughout  
8 California and nationwide.

9 2. Defendants are in the business of developing and marketing cloud-based  
10 software solutions to customers nationwide.

11 3. Through this action, Plaintiff alleges that Defendants have engaged in a  
12 systematic pattern of wage and hour violations under the Fair Labor Standards Act, 29  
13 U.S.C. § 201 et. seq. (“FLSA”).

14 4. Plaintiff brings this action based on Defendants’ failure to maintain a  
15 policy that compensates its employees for all overtime wages. There are many  
16 similarly situated current and former employees who have not been paid for all hours  
17 worked over 40 in a workweek in violation of the FLSA, as for a lengthy period,  
18 Defendants maintained a practice of not compensating their employees for any  
19 overtime, regardless of the amount of overtime hours worked.

20 5. Furthermore, once Defendants began paying employees some overtime  
21 compensation, they still failed to compensate employees for all overtime hours  
22 worked, maintaining a practice of not counting work tasks such as mandatory training  
23 videos, questions, and demonstrations as time worked.

24 6. Additionally, Defendants maintained a willful and systematic practice of  
25 failing to compensate its employees for overtime at their proper regular rate of pay by  
26 failing to factor commissions and other non-discretionary bonuses into employess’  
27 regular rate of pay for overtime purposes.

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1 benefit from the issuance of a court-supervised notice regarding the present lawsuit  
2 and the opportunity to join it. Those similarly situated employees are known to  
3 Defendants, are readily identifiable, and can be located through Defendants' records,  
4 such that notice should be sent to them pursuant to 29 U.S.C. § 216(b).

5 **FIRST CAUSE OF ACTION**

6 **FAILURE TO PAY OVERTIME WAGES**

7 **(Violation of 29 U.S.C. § 207, 211 & 29 C.F.R. § 516.2(b))**

8 14. Plaintiff hereby re-alleges and incorporates by reference all paragraphs  
9 above as though fully set forth herein.

10 15. At all relevant times, Defendants have been an employer and Plaintiff  
11 and its employees have been employees under Federal Law entitled to the  
12 protections of the FLSA.

13 16. The FLSA requires employers to keep accurate records of hours  
14 worked and wages paid, among other information, and to provide these records to  
15 their employees. 29 U.S.C. § 211(c); 29 C.F.R. § 516.2(b). Defendants' practices  
16 and policies were violations of these requirements.

17 17. Although Plaintiff and putative FLSA members periodically worked  
18 more than 40 hours in a week, Defendants had a policy and practice of failing and  
19 refusing to pay employees for all hours of overtime and thus violated and continue  
20 to violate the above-referenced overtime provisions of the FLSA.

21 18. Indeed, throughout 2020, Plaintiff worked well over 40 hours most  
22 weeks and often worked 10-hour days – without ever being paid *any* overtime. At  
23 some point thereafter, Defendants began paying for some overtime – albeit  
24 incorrectly.

25 19. Indeed, Defendants failed to factor in Plaintiff and other employees'  
26 commissions and other non-discretionary bonuses into their regular rate of overtime  
27 pay for overtime purposes, resulting in a systematic practice of underpaying Plaintiff  
28 and other employees for overtime under the FLSA.

1           20. For instance, during the pay period from February 15 to February 28,  
2 2021, Plaintiff was paid \$1,672.50 in commissions, as well as \$309.41 in non-  
3 discretionary medical benefits. However, her overtime was only paid at rate of one-  
4 and-a-half times (1.5x) her base hourly rate of pay for the seven-and-a-half (7.5)  
5 hours of overtime recorded during the relevant time period, instead of her proper  
6 regular rate accounting for the additional compensation.

7           21. Similarly, during the pay period from March 19 to April 11, 2021,  
8 Plaintiff was paid \$508.56 in commissions, as well as \$309.41 in non-discretionary  
9 medical benefits. However, her overtime was only paid at rate of one-and-a-half  
10 times (1.5x) her base hourly rate of pay for the three-and-a-half (3.5) hours of  
11 overtime recorded during the relevant time period.

12           22. Also similarly, during the pay period from November 28 to December  
13 11, 2022, Plaintiff was paid commissions of \$169.44. However, her overtime was  
14 only paid at a rate of one-and-a-half times (1.5x) her base hourly rate of pay for the  
15 overtime recorded during the relevant time period.

16           23. In another example, during the pay period from December 12 to  
17 December 25, 2022, Plaintiff was paid \$682.49 in commissions. However, her  
18 overtime was only paid at a rate of one-and-a-half times (1.5x) her base hourly rate  
19 of pay for the overtime recorded during the relevant time period.

20           24. Plaintiff and FLSA Members seek the amount of the respective unpaid  
21 wages owed to them, liquidated damages, attorneys' fees and costs pursuant to 29  
22 U.S.C. §§ 201 et seq. and such other legal and equitable relief as the Court deems  
23 just and proper.

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**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff, on behalf of herself and all others similarly situated, prays for judgment against Defendants as follows:

1. For certification of this action as a class action, including certifying the FLSA Class alleged by Plaintiff;
2. For appointment of Patricia Hoover as the class representative;
3. For appointment of Lebe Law, APLC as class counsel for all purposes;
4. For compensatory damages in an amount according to proof with interest thereon;
5. For economic and/or special damages in an amount according to proof with interest thereon;
6. For any unpaid wages and benefits, interest, attorneys’ fees, costs and expenses and penalties pursuant to the FLSA;
7. For liquidated damages pursuant to the FLSA;
8. For reasonable attorneys’ fees, costs of suit and interest to the extent permitted by law, inbcuding pursuant to the FLSA;
9. For pre-judgment interest; and
10. For other relief as the Court deems just and proper.

Dated: August 16, 2023

**LEBE LAW, APLC**

By:           /s/ Jonathan M. Lebe            
 Jonathan M. Lebe  
 Chancellor D. Nobles  
 Attorneys for Plaintiff Patricia Hoover

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**DEMAND FOR JURY TRIAL**

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

Dated: August 16, 2023

**LEBE LAW, APLC**

By:           /s/ Jonathan M. Lebe          

Jonathan M. Lebe

Chancellor D. Nobles

Attorneys for Plaintiff Patricia Hoover

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8 **UNITED STATES DISTRICT COURT**  
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11 PATRICIA HOOVER, individually  
and on behalf of all others similarly  
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13 Plaintiff,

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15 vs.

16 COMMUNITY BRANDS  
17 PARENTCO, LLC, a Delaware  
limited liability company;  
18 COMMUNITY BRANDS LLC, a  
19 Delaware limited liability company;  
20 EDUCATION BRANDS, LLC, a  
21 Delaware limited liability company;  
MOBILECAUSE, INC., a Delaware  
22 corporation,

Defendants.

Case No.

**CONSENT TO SUE UNDER THE  
FAIR LABOR STANDARDS ACT BY  
PATRICIA HOOVER**



**CONSENT TO SUE UNDER THE FLSA**

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I, Patricia Hoover, hereby consent to be a plaintiff in an action under the Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.*, to secure any unpaid wages, overtime pay, liquidated damages, attorneys’ fees, costs and other relief arising out of my employment with COMMUNITY BRANDS PARENTCO, LLC, a Delaware limited liability company; COMMUNITY BRANDS LLC, a Delaware limited liability company; EDUCATION BRANDS, LLC, a Delaware limited liability company; MOBILECAUSE, INC., a Delaware corporation, and any other associated parties pursuant to the Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.*

I authorize Lebe Law, APLC, and any associated attorneys as well as any successors or assignees to represent me in such action.

DATED: Aug 16, 2023

By: Patricia Hoover  
Patricia Hoover (Aug 16, 2023 15:19 PDT)  
Patricia Hoover

JS-CAND 44 (Rev. 10/2020)

**CIVIL COVER SHEET**

The JS-CAND 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**  
 Patricia Hoover, individually and on behalf of himself and all others similarly situated  
**(b) County of Residence of First Listed Plaintiff** Los Angeles County  
*(EXCEPT IN U.S. PLAINTIFF CASES)*  
**(c) Attorneys (Firm Name, Address, and Telephone Number)**  
 Jonathan M. Lebe SBN 284605, Chancellor Nobles SBN 330081  
 Lebe Law, APLC, 777 S. Alameda Street, Second Floor, Los Angeles, CA 90021, (213) 444-1973

**DEFENDANTS**  
 COMMUNITY BRANDS PARENTCO, LLC, a Delaware limited liability company; COMMUNITY BRANDS LLC, a Delaware limited liability company; EDUCATION BRANDS, LLC, a Delaware limited liability company; MOBILECAUSE, INC., a Delaware corporation  
**County of Residence of First Listed Defendant** Pinellas County  
*(IN U.S. PLAINTIFF CASES ONLY)*  
 NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.  
 Attorneys (If Known)

**II. BASIS OF JURISDICTION** *(Place an "X" in One Box Only)*

1 U.S. Government Plaintiff  3 Federal Question *(U.S. Government Not a Party)*

2 U.S. Government Defendant  4 Diversity *(Indicate Citizenship of Parties in Item III)*

**III. CITIZENSHIP OF PRINCIPAL PARTIES** *(Place an "X" in One Box for Plaintiff and One Box for Defendant)*

	PTF	DEF	PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4 <input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5 <input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6

**IV. NATURE OF SUIT** *(Place an "X" in One Box Only)*

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
110 Insurance	<b>PERSONAL INJURY</b> 310 Airplane 315 Airplane Product Liability 320 Assault, Libel & Slander 330 Federal Employers' Liability 340 Marine 345 Marine Product Liability 350 Motor Vehicle 355 Motor Vehicle Product Liability 360 Other Personal Injury 362 Personal Injury -Medical Malpractice	<b>PERSONAL INJURY - Product Liability</b> 365 Personal Injury - Product Liability 367 Health Care/Pharmaceutical Personal Injury Product Liability 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> 370 Other Fraud 371 Truth in Lending 380 Other Personal Property Damage 385 Property Damage Product Liability	625 Drug Related Seizure of Property 21 USC § 881 690 Other <b>LABOR</b> X710 Fair Labor Standards Act 720 Labor/Management Relations 740 Railway Labor Act 751 Family and Medical Leave Act 790 Other Labor Litigation 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> 462 Naturalization Application 465 Other Immigration Actions	422 Appeal 28 USC § 158 423 Withdrawal 28 USC § 157 <b>PROPERTY RIGHTS</b> 820 Copyrights 830 Patent 835 Patent-Abbreviated New Drug Application 840 Trademark 880 Defend Trade Secrets Act of 2016 <b>SOCIAL SECURITY</b> 861 HIA (1395ff) 862 Black Lung (923) 863 DIWC/DIWW (405(g)) 864 SSID Title XVI 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> 870 Taxes (U.S. Plaintiff or Defendant) 871 IRS-Third Party 26 USC § 7609	375 False Claims Act 376 Qui Tam (31 USC § 3729(a)) 400 State Reapportionment 410 Antitrust 430 Banks and Banking 450 Commerce 460 Deportation 470 Racketeer Influenced & Corrupt Organizations 480 Consumer Credit 485 Telephone Consumer Protection Act 490 Cable/Sat TV 850 Securities/Commodities/Exchange 890 Other Statutory Actions 891 Agricultural Acts 893 Environmental Matters 895 Freedom of Information Act 896 Arbitration 899 Administrative Procedure Act/Review or Appeal of Agency Decision 950 Constitutionality of State Statutes
120 Marine	<b>CIVIL RIGHTS</b> 440 Other Civil Rights 441 Voting 442 Employment 443 Housing/Accommodations 445 Amer. w/Disabilities-Employment 446 Amer. w/Disabilities-Other 448 Education	<b>PRISONER PETITIONS</b> <b>HABEAS CORPUS</b> 463 Alien Detainee 510 Motions to Vacate Sentence 530 General 535 Death Penalty <b>OTHER</b> 540 Mandamus & Other 550 Civil Rights 555 Prison Condition 560 Civil Detainee-Conditions of Confinement			
130 Miller Act					
140 Negotiable Instrument					
150 Recovery of Overpayment Of Veteran's Benefits					
151 Medicare Act					
152 Recovery of Defaulted Student Loans (Excludes Veterans)					
153 Recovery of Overpayment of Veteran's Benefits					
160 Stockholders' Suits					
190 Other Contract					
195 Contract Product Liability					
196 Franchise					
<b>REAL PROPERTY</b>					
210 Land Condemnation					
220 Foreclosure					
230 Rent Lease & Ejectment					
240 Torts to Land					
245 Tort Product Liability					
290 All Other Real Property					

**V. ORIGIN** *(Place an "X" in One Box Only)*

1 Original Proceeding  2 Removed from State Court  3 Remanded from Appellate Court  4 Reinstated or Reopened  5 Transferred from Another District (specify)  6 Multidistrict Litigation-Transfer  8 Multidistrict Litigation-Direct File

**VI. CAUSE OF ACTION** Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity):*  
 29 U.S.C. § 201, 207, 211  
 Brief description of cause:  
 failure to pay overtime wages

**VII. REQUESTED IN COMPLAINT:**  CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, Fed. R. Civ. P. **DEMAND \$**  **CHECK YES only if demanded in complaint:** **JURY DEMAND:**  Yes  No

**VIII. RELATED CASE(S), IF ANY** *(See instructions):* JUDGE  DOCKET NUMBER

**IX. DIVISIONAL ASSIGNMENT (Civil Local Rule 3-2)**  
*(Place an "X" in One Box Only)*  SAN FRANCISCO/OAKLAND  SAN JOSE  EUREKA-MCKINLEYVILLE

**DATE** 08/16/2023 **SIGNATURE OF ATTORNEY OF RECORD** s/ Jonathan M. Lebe

**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS-CAND 44**

**Authority For Civil Cover Sheet.** The JS-CAND 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I. a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the “defendant” is the location of the tract of land involved.)
- c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section “(see attachment).”
- II. Jurisdiction.** The basis of jurisdiction is set forth under Federal Rule of Civil Procedure 8(a), which requires that jurisdictions be shown in pleadings. Place an “X” in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- (1) United States plaintiff. Jurisdiction based on 28 USC §§ 1345 and 1348. Suits by agencies and officers of the United States are included here.
  - (2) United States defendant. When the plaintiff is suing the United States, its officers or agencies, place an “X” in this box.
  - (3) Federal question. This refers to suits under 28 USC § 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
  - (4) Diversity of citizenship. This refers to suits under 28 USC § 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS-CAND 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an “X” in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an “X” in one of the six boxes.
- (1) Original Proceedings. Cases originating in the United States district courts.
  - (2) Removed from State Court. Proceedings initiated in state courts may be removed to the district courts under Title 28 USC § 1441. When the petition for removal is granted, check this box.
  - (3) Remanded from Appellate Court. Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
  - (4) Reinstated or Reopened. Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
  - (5) Transferred from Another District. For cases transferred under Title 28 USC § 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
  - (6) Multidistrict Litigation Transfer. Check this box when a multidistrict case is transferred into the district under authority of Title 28 USC § 1407. When this box is checked, do not check (5) above.
  - (8) Multidistrict Litigation Direct File. Check this box when a multidistrict litigation case is filed in the same district as the Master MDL docket. Please note that there is no Origin Code 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC § 553. Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an “X” in this box if you are filing a class action under Federal Rule of Civil Procedure 23. Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction. Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS-CAND 44 is used to identify related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.
- IX. Divisional Assignment.** If the Nature of Suit is under Property Rights or Prisoner Petitions or the matter is a Securities Class Action, leave this section blank. For all other cases, identify the divisional venue according to Civil Local Rule 3-2: “the county in which a substantial part of the events or omissions which give rise to the claim occurred or in which a substantial part of the property that is the subject of the action is situated.”
- Date and Attorney Signature.** Date and sign the civil cover sheet.