

1 SHANNON LISS-RIORDAN, SBN 310719

2 (sliss@llrlaw.com)

3 JANE FARRELL, SBN 333779

4 (jfarrell@llrlaw.com)

5 LICHTEN & LISS-RIORDAN, P.C.

6 729 Boylston Street, Suite 2000

7 Boston, MA 02116

8 (617) 994-5800

9 Attorneys for Plaintiffs JORDAN SLAFFEY

10 and KARA JOBE,

11 individually and on behalf of all

12 others similarly situated

13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
14 **FOR THE COUNTY OF LOS ANGELES**

15 JORDAN SLAFFEY and KARA JOBE,
16 individually and on behalf of all others
17 similarly situated,

18 Plaintiffs,

19 v.

20 JOINT VENTURE RESTAURANT GROUP,
21 INC.,

22 Defendant

Case No. _____

23 **CLASS ACTION COMPLAINT**
24 **AND JURY DEMAND**

25 (1) FAILURE TO REMIT
26 GRATUITIES IN VIOLATION OF
27 CAL. LAB. CODE § 351

1 **I. INTRODUCTION**

- 2 1. This is a class action brought under California law challenging the Defendant's failure to
- 3 remit the total proceeds of gratuities that have been added to food and beverage bills to
- 4 the employees who provide service of food and beverage in Defendant's restaurants. As
- 5 set forth below, Defendant Joint Venture Restaurant Group, Inc., which operates the
- 6 restaurants Jon & Vinny's, Animal, Son of a Gun, Petit Trois, Helen's, and Cookbook,
- 7 have imposed gratuities on the sale of food and beverages but has failed to distribute the
- 8 total proceeds of these gratuities to non-managerial service employees as required by
- 9 California law. This conduct violates the California Gratuities Law, California Labor
- 10 Code § 351, which is enforceable through the California Unfair Competition Law, Cal.
- 11 Bus. & Prof. Code §17200 *et seq.* ("UCL").
- 12
- 13 2. Plaintiffs bring this action on her own behalf and on behalf of all food and beverage
- 14 service employees who have worked at Defendant's restaurants at any time during the
- 15 relevant statute of limitations.

16 **II. PARTIES**

- 17 3. Plaintiff Jordan Slaffey is an adult resident of Los Angeles, California, and has worked as
- 18 a server at Jon & Vinny's Beverly Hills, Slauson, Fairfax, and Brentwood locations.
- 19 4. Plaintiff Kara Jobe is an adult resident of Los Angeles, California, and has worked as a
- 20 server at Jon & Vinny's Beverly Hills location.
- 21 5. Plaintiffs brings this action on their own behalf and on behalf of all others similarly
- 22 situated, namely all other non-managerial food and beverage service employees who have
- 23 worked at any of Defendant's restaurants, at any time during the relevant statute of
- 24 limitations.
- 25 6. This class satisfies all the requirements of California Code of Civil Procedure § 382.
- 26 7. Defendant Joint Venture Restaurant Group, Inc. is a California corporation with its
- 27 principal place of business in Calabasas, California, which owns and operates the
- 28

1 restaurants Jon & Vinny's, animal, Son of a Gun, Helen's, and Cookbook, and has
2 employed the named plaintiffs and proposed class members.

3 **III. JURISDICTION**

- 4 8. This Court has jurisdiction over Plaintiffs' and class members' claims for failure to remit
5 gratuities under Labor Code § 351, enforceable pursuant to Cal. Bus. & Prof. Code §
6 17200, *et seq.*

7 **IV. STATEMENT OF FACTS**

- 8 9. At Defendant's restaurants Jon & Vinny's, animal, Son of a Gun, Petit Trois, Helen's,
9 and Cookbook, Defendant has routinely added a service charge in the amount of 18
10 percent to its food and beverage bills.
11
12 10. This service charge has been in the form of an automatic charge which customers are
13 required to pay, and which reasonably appears to be a gratuity for the service staff.
14
15 11. Food and beverage service employees customarily receive gratuities in the range of 15 to
16 20 percent or more of the food and beverage bill.
17
18 12. Thus, when customers have paid these 18 percent service charges on Defendant's bills, it
19 is reasonable for them to have believed they were gratuities to be paid to the service staff,
20 as that is customarily the percentage added as gratuity or tip in the hospitality industry.
21
22 13. Indeed, because of the way these charges are depicted to customers, and the custom in the
23 food and beverage industry that gratuities in the range of 15 to 20 percent are paid for
24 food and beverage service, customers have paid these 18 percent charges reasonably
25 believing they were to be remitted to the service staff.
26
27 14. However, Defendant has not remitted the total proceeds of these gratuities to the non-
28 managerial employees who serve the food and beverages at its restaurants.
15. Instead, Defendant has had a policy and practice of retaining for itself a portion of these
gratuities and/or using a portion of these gratuities to pay managers or other non-service
employees.

1 16. As a result, the named plaintiffs and class members have not received the total proceeds
2 of the gratuities to which they are entitled under California law.

3
4 **V. CLASS ACTION ALLEGATIONS**

5 17. Plaintiffs bring this action as a class action pursuant to California Code of Civil
6 Procedure § 382 on behalf of all non-managerial service employees who have worked at
7 any of Defendant's restaurant locations, at any time during the relevant statute of
8 limitations.

9 18. Plaintiffs and class members have been deprived of gratuities that were not remitted to
10 them.

11 19. The members of the class are so numerous that joinder of all class members is
12 impracticable.

13 20. Common questions of law and fact regarding Defendant's conduct with respect to
14 gratuities exist as to all members of the class and predominate over any questions
15 affecting solely any individual members of the class. Among the questions of law and
16 fact common to the class are:

- 17 a. Whether the service charges Defendant has collected from customers for
18 services provided at its restaurants constitute gratuities under California law;
19 b. Whether Defendant failed to distribute the total proceeds of those gratuities to
20 the non-managerial service employees;
21 c. Whether Defendant retained a portion of the gratuities for itself;
22 d. Whether Defendant used a portion of the gratuities to pay managers or other
23 non-service employees;
24 e. Whether California law requires the distribution of all gratuities to non-
25 managerial food and beverage service employees, including gratuities that are
26 added to bills by the employer.

1 21. The named plaintiffs are members of the class who suffered damages as a result of
2 Defendant's conduct and actions alleged herein.

3 22. The named plaintiffs' claims are typical of the claims of the class, and the named
4 plaintiffs have the same interests as the other members of the class.

5 23. The named plaintiffs will fairly and adequately represent and protect the interests of the
6 class.

7 24. The named plaintiffs have retained able counsel experienced in class action litigation.

8 25. The questions of law and fact common to the members of the class predominate over any
9 questions affecting only individual members, including legal and factual issues relating to
10 liability and damages.

11 26. A class action is superior to other available methods for the fair and efficient adjudication
12 of this controversy because joinder of all class members is impractical. Moreover, since
13 the damages suffered by individual members of the class may be relatively small, the
14 expense and burden of individual litigation makes it practically impossible for all the
15 members of the class individually to redress the wrongs done to them.

16 27. The class is readily definable and prosecution of this action as a class action will
17 eliminate the possibility of repetitive litigation. There will be no difficulty in the
18 management of this action as a class action.
19
20

21 **COUNT I**

22 **Statutory Gratuity Violation, Cal. Lab. Code § 351**

23 28. Defendant's conduct, as set forth above, in failing to remit to non-managerial service
24 employees the total proceeds of service charges added to customers' bills, which appear
25 to reasonable customers to be gratuities, constitutes a violation of California Labor Code
26 § 351.
27

1 29. This violation is enforceable pursuant to the California Unfair Competition Law, Cal.
2 Bus. & Prof. Code § 17200 *et seq.* (“UCL”). Defendant’s conduct constitutes unlawful,
3 unfair, or fraudulent business acts or practices, in that Defendant has violated California
4 Labor Code § 351 in not remitting to the non-managerial service employees the total
5 gratuities that are charged to customers.
6

7 30. As a result of Defendant’s conduct, Plaintiffs and class members suffered injury in fact
8 and lost money and property, including the loss of gratuities to which they were entitled.
9 Pursuant to California Business and Professions Code § 17203, Plaintiffs and class
10 members seek declaratory and injunctive relief for Defendant’s unlawful, unfair, and
11 fraudulent conduct and to recover restitution. Pursuant to California Code of Civil
12 Procedure § 1021.5, Plaintiffs and class members are entitled to recover reasonable
13 attorneys’ fees, costs, and expenses incurred in bringing this action.
14

15 **JURY DEMAND**

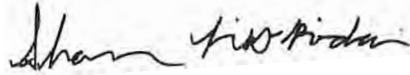
16 Plaintiffs request a trial by jury on all claims.
17

18 WHEREFORE, Plaintiffs request that this case be certified as a class action; that the
19 class members be awarded restitution for all gratuities that the Defendant collected from
20 customers which were not remitted to the non-managerial service employees; and that they
21 be awarded pre- and post-judgment interest; reasonable attorneys’ fees, costs, and expenses;
22 and any other relief to which Plaintiffs and the class may be entitled.
23
24
25
26
27
28

1 Respectfully submitted,

2 JORDAN SLAFFEY and KARA JOBE,
3 individually and on behalf of all others similarly
4 situated,

5 By their attorneys,

6 

7 Shannon Liss-Riordan, SBN 310719
8 Jane Farrell, SBN 333779
9 LICHTEN & LISS-RIORDAN, P.C.
10 729 Boylston Street, Suite 2000
11 Boston, MA 02116
12 (617) 994-5800
13 Email: sliss@llrlaw.com, jfarrell@llrlaw.com

14 Dated: June 20, 2023