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**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON**

BRETT MARTIN, on behalf of himself  
and all others similarly situated,

Plaintiff,

v.

SUNLIGHT SUPPLY, INC.,

Defendants.

CASE NO.:

COMPLAINT - CLASS ACTION

**CLASS ACTION COMPLAINT FOR  
VIOLATION OF WARN ACT 29 U.S.C. § 2101, ET SEQ.**

Plaintiff Brett Martin (“Plaintiff”), on behalf of himself and a putative class of similarly situated former employees of Sunlight Supply, Inc. (the “Defendant”), by way of this Class Action Complaint against Defendant alleges as follows:

**I. INTRODUCTION**

1.1 Beginning on or about November 16, 2017 and within 90 days of that date, Defendant ordered mass layoffs as defined by 29 U.S.C. § 2101(a)(2), (3), for which it was required to provide 60 days advanced written notice under the Worker Adjustment and Retraining Notification Act, 29 U.S.C. § 2101 *et seq.* (“WARN Act”) to its employees.

1.2 Defendant terminated the Plaintiff and approximately 200 similarly situated employees (the “similarly situated former employees”) who worked at or reported to Defendant’s Vancouver, Washington facilities as defined herein.



**IV. FACTS**

1  
2 4.1 Plaintiff brings this Claim for Relief for violation of 29 U.S.C. § 2101 *et seq.* on  
3 his own behalf and on behalf of all similarly situated former employees, pursuant to 29 U.S.C.  
4 § 2104(a)(5) and Federal Rules of Civil Procedure, Rule 23(a) and (b), who worked at or  
5 reported to one of Defendant’s Facilities and were terminated without cause beginning on or  
6 about November 16, 2017, and within 90 days of that date, or were terminated without cause as  
7 the reasonably foreseeable consequence of the mass layoffs ordered by Defendant beginning  
8 on or about November 16, 2017, and who are affected employees, within the meaning of 29  
9 U.S.C. § 2101(a)(5) (the “WARN Class”).  
10

11 4.2 The persons in the WARN Class identified above (“WARN Class Members”)  
12 are so numerous that joinder of all members is impracticable. Although the precise number of  
13 such persons is unknown, the facts on which the calculation of that number can be based are  
14 presently within the sole control of Defendant.  
15

16 4.3 The identity of the members of the class and the recent residence address of each  
17 of the WARN Class Members is contained in the books and records, including electronic  
18 records, of Defendant.  
19

20 4.4 On information and belief, the rate of pay and benefits that were being paid by  
21 Defendant to each WARN Class Member at the time of his/her termination is contained in the  
22 books and records, including electronic records, of the Defendant.  
23

24 4.5 Common questions of law and fact exist as to members of the WARN Class,  
25 including, but not limited to, the following:

- 26 (a) whether the members of the WARN Class were employees of the  
27 Defendant who worked at or reported to Defendant’s Facilities;  
28

1 (b) whether Defendant unlawfully terminated the employment of the  
2 members of the WARN Class without cause on their part and without  
3 giving them 60 days advance written notice in violation of the WARN  
4 Act; and

5 (c) whether Defendant unlawfully failed to pay the WARN Class members  
6 60 days wages and benefits as required by the WARN Act.  
7

8 4.6 The Plaintiff's claim is typical of those of the WARN Class. The Plaintiff, like  
9 other WARN Class members, worked at or reported to Defendant's Facilities and was  
10 terminated without cause on or about November 16, 2017, or within 90 days of that date, due to  
11 the mass layoffs ordered by Defendant.  
12

13 4.7 The Plaintiff's will fairly and adequately protect the interests of the WARN  
14 Class. The Plaintiff has retained counsel competent and experienced in complex class actions,  
15 including the WARN Act and employment Litigation.  
16

17 4.8 Class certification of these claims is appropriate under Fed. R. Civ. P. 23(b)(3)  
18 because questions of law and fact common to the WARN Class predominate over any questions  
19 affecting only individual members of the WARN Class, and because a class action is superior to  
20 other available methods for the fair and efficient adjudication of this litigation – particularly in  
21 the context of WARN Act litigation, where individual plaintiffs may lack the financial resources  
22 to vigorously prosecute a lawsuit in federal court against a corporate defendant, and damages  
23 suffered by individual WARN Class members are small compared to the expense and burden of  
24 individual prosecution of this litigation.  
25

26 4.9 Concentrating all the potential litigation concerning the WARN Act rights of the  
27 members of the Class in this Court will obviate the need for unduly duplicative litigation that  
28 might result in inconsistent judgments, will conserve the judicial resources and the resource of

1 the parties and is the most efficient means of resolving the WARN Act rights of all the members  
2 of the class.

3 4.10 Plaintiff intends to send notice to all members of the WARN Class to the e3xtent  
4 required by Rule 23.

5 **V. CLAIMS FOR RELIEF**

6 **Violation of the WARN Act, 29 U.S.C. § 2104**

7  
8 5.1 Plaintiff re-alleges and incorporates by reference all allegations in all preceding  
9 paragraphs.

10 5.2 At all relevant times, Defendant employed more than 100 employees who in the  
11 aggregate worked at least 4,000 hours per week, exclusive of hours of overtime, within the  
12 United States.

13 5.3 At all relevant times, Defendant was an “employer,” as that term is defined in 29  
14 U.S.C. § 2101 (a)(1) and 20 C.F.R. § 639(a), and continued to operate as a business until it  
15 decided to order mass layoffs at the Facilities.

16 5.4 At all relevant times, Plaintiff and the similarly situated former employees were  
17 employees of Defendant as that term is defined by 29 U.S.C. §2101.

18 5.6 On or about November 16, 2017, the Defendant ordered mass layoffs at its  
19 Facilities, as that term is defined by 29 U.S.C. § 2101(a)(2) and 2102(d).

20 5.7 The mass layoffs at each of its Facilities resulted in “employment losses,” as that  
21 term is defined by 29 U.S.C. §2101(a)(2) for at least fifty of Defendant’s employees as well as  
22 more than one-third of Defendant’s workforce at the Facilities, excluding “part-time  
23 employees,” as that term is defined by 29 U.S.C. § 2101(a)(8).  
24  
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- 1 4. A judgment in favor of the Plaintiff and the similarly situated former employees
- 2 equal to the sum of: their unpaid wages, salary, commissions, bonuses, accrued
- 3 holiday pay, accrued vacation pay, pension and 401(k) contributions and other
- 4 COBRA benefits, for 60 days, including medical expenses that would have been
- 5 covered and paid under the then-applicable employee benefit plans had that
- 6 coverage continued for that period, all determined in accordance with the WARN
- 7 Act, 29 U.S.C. § 2104 (a)(1)(A);
- 8
- 9 5. Plaintiff’s reasonable attorney’s fees and the costs and disbursement of
- 10 prosecuting this action as authorized by the WARN Act, 29 U.S.C. § 2104(a)(6);
- 11
- 12 6. Such other and further relief as this Court may deem just and proper.

13 DATED this 24th day of April, 2018.

14 FRANK FREED SUBIT & THOMAS LLP

15  
 16 By: /s/ Michael C. Subit  
 17 Michael C Subit, WSBA #29189  
 18 705 Second Avenue, Suite 1200  
 19 Seattle, Washington 98104  
 Phone: (206) 682-6711  
 Email: msubit@frankfreed.com

20 and by

21 By: /s/ Jack A. Raisner  
 22 /s/ René S. Roupinian  
 23 Jack A. Raisner  
 René S. Roupinian  
 Outten & Golden LLP  
 24 685 Third Avenue, 25th Floor  
 New York, New York 10017  
 25 Tel.: (212) 245-1000  
 26 Fax: (646) 509-2070  
 Email: rsr@outtengolden.com  
 27 Email: jar@outtengolden.com  
 28 (*pro hac vice admission forthcoming*)

Attorneys for Plaintiff Brett Martin and the putative class

OUTTEN & GOLDEN LLP  
 685 THIRD AVENUE, 25<sup>th</sup> FLOOR  
 NEW YORK, NY 10017  
 (212) 245-1000

CIVIL COVER SHEET

The JS 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 by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
Brett Martin, on behalf of himself and all others similarly situated,
(b) County of Residence of First Listed Plaintiff Clark County
(c) Attorneys (Firm Name, Address, and Telephone Number)
Michael C. Subit, Frank Freed Subit & Thomas LLP, 705 Second Avenue, Suite 1200, Seattle, WA 98104, Telephone: (206) 682-6711
Jack A. Raisner, René S. Roupinian, OUTTEN & GOLDEN LLP, 685 Third Avenue, New York, New York 10017, Telephone: (212) 245-1000

DEFENDANTS
Sunlight Supply, Inc.
County of Residence of First Listed Defendant
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
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
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
Citizen of This State
Citizen of Another State
Citizen or Subject of a Foreign Country
Incorporated or Principal Place of Business In This State
Incorporated and Principal Place of Business In Another State
Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)
CONTRACT
PERSONAL INJURY
REAL PROPERTY
CIVIL RIGHTS
PRISONER PETITIONS
FORFEITURE/PENALTY
LABOR
IMMIGRATION
BANKRUPTCY
SOCIAL SECURITY
FEDERAL TAX SUITS
OTHER STATUTES

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. § 2101 et seq.
Brief description of cause:
Failure to provide 60-days advance written notice in a mass-layoff under the WARN Act

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

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

DATE SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY
RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

Print

Save As...

Reset

## INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

### Authority For Civil Cover Sheet

The JS 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 by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating 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 Rule 8(a), F.R.Cv.P., 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.  
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.  
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.  
 Federal question. (3) This refers to suits under 28 U.S.C. 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.  
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 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 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 there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.  
 Original Proceedings. (1) Cases which originate in the United States district courts.  
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.  
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.  
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.  
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.  
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.  
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.  
**PLEASE NOTE THAT THERE IS NOT AN 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 Rule 23, F.R.Cv.P.  
 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 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Washington

Brett Martin, on behalf of himself and all others
similarly situated,

Plaintiff(s)

v.

Sunlight Supply, Inc.

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Sunlight Supply, Inc.
c/o Craig Hargreaves, Registered Agent
5408 NE 88TH ST STE A-101
VANCOUVER, WA 98665

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Michael C. Subit, Frank Freed Subit & Thomas LLP, 705 Second Avenue, Suite 1200, Seattle, WA 98104, Telephone: (206) 682-6711

Jack A. Raisner, René S. Roupinian, OUTTEN & GOLDEN LLP, 685 Third Avenue, New York, New York 10017, Telephone: (212) 245-1000

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_ .

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_ , who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the summons unexecuted because \_\_\_\_\_ ; or

Other *(specify)*:

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Lawsuit: Sunlight Supply Failed to Provide Notice of Mass Layoff from Vancouver, WA Facilities](#)

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