

EXHIBIT 1

COPY

JAN 17 2018



MICHAEL K. JEANES, CLERK
A. S. ROMERO
DEPUTY CLERK

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14 Attorneys for Plaintiffs

15 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
16 IN AND FOR THE COUNTY OF MARICOPA

17 **JOSÉ ALONZO PACHECO ORNELAS**,
18 single man; **JOSÉ DEL CARMEN**
19 **CAMACHO JIMENEZ**, single man;
20 **LEONARDO CAX PÉREZ**, single
21 man; **VICTORINO CASTAÑEDA**
22 **MARTINEZ**, single man; and a
23 class of others similarly
24 situated,

25 Plaintiff(s),

26 v.

27 **COLETTA SPURLING, INC.**, an
28 Arizona Corporation d/b/a/ LOS
OLIVOS HAND CAR WASH; **COLETTA**
SPURLING, a single woman; and
John Does 1-5,

Defendants.

NO. CV2018-000185

COMPLAINT

Plaintiffs, named above, by and through undersigned
Counsel, bring this action pursuant to the Fair Labor
Standards Act, 29 U.S.C. § 201 et seq. (FLSA), the Fair
Wages and Healthy Families Act, A.R.S. § 23-373, and the
Arizona Wage Act, § 23-350 et seq.

///

INTRODUCTION

1
2 1. Plaintiffs José A. Pacheco Ornelas ("Plaintiff
3 Ornelas"), José del Carmen Camacho Jimenez ("Plaintiff
4 Jimenez"), Leonardo Cax Pérez ("Plaintiff Pérez") and
5 Victorino Castañeda Martinez ("Plaintiff Martinez")
6 (collectively "Plaintiffs") were, at all relevant times,
7 employees of Defendants.

8 2. Coletta Spurling and Coletta Spurling, Inc. d/b/a
9 Los Olivos Hand Car Wash are the Defendants. They, along
10 with John and Jane Does 1-5, are hereinafter collectively
11 referred to as Defendants.

12 3. Attached are Plaintiffs' executed opt-in forms
13 (see Exhibit A).

14 4. Plaintiffs Ornelas, Jimenez, and Pérez allege that
15 Defendants have wilfully failed to fully compensate them at
16 or above the minimum wage for all hours worked in accordance
17 with the FLSA, 29 U.S.C. § 206 and the Arizona Minimum Wage
18 Act, A.R.S. § 23-363(A).

19 5. Plaintiffs allege that Defendants have wilfully
20 failed to fully compensate them for all overtime wage
21 premiums when they worked more than 40 hours in a week in
22 violation of the FLSA, 29 U.S.C. § 207.

23 6. Plaintiff Ornelas alleges that Defendants have
24 failed to compensate him paid sick time to which he was
25 entitled under A.R.S § 23-373(B).

PARTIES

26
27 7. Currently, and during all relevant time periods,
28 Plaintiffs have resided within Maricopa County, Arizona.

1 8. Plaintiffs and members of the class were, during
2 all relevant time periods, employees of Defendants as that
3 term is defined in 29 U.S.C. § 203(e)(1) and A.R.S. § 23-
4 350(2).

5 9. Pursuant to Rule 23, Arizona Rules of Civil
6 Procedure ("Rule 23"), Plaintiffs seek to represent all
7 other similarly situated former employees engaged in the
8 vacuuming, washing and drying of cars, who had worked for
9 Defendants at some time since January 1, 2007, and who have
10 not been paid the requisite overtime premium and/or the
11 minimum wage.

12 10. Plaintiffs request that they be permitted to serve
13 as representatives of those who will join in the class
14 action pursuant to Rule 23, Az.R.Civ.Pro.

15 11. Plaintiffs presently believe and allege that the
16 class includes approximately seventy-five (75) separate
17 individuals who worked for Defendants at the car wash for
18 various periods of time dating back to January 1, 2007.
19 Accordingly, joinder of all members of the class would be
20 impracticable.

21 12. The claims asserted herein on behalf of Plaintiffs
22 and the class present questions of law and fact common to
23 the class including, in particular, whether Defendants have
24 failed to pay the requisite overtime compensation to their
25 employees and the requisite then-applicable minimum wage.

26 13. Plaintiffs' claims are typical of the claims of
27 the class. Plaintiffs, as representative parties, will
28 fairly and adequately protect the interests of the class.

1 14. The prosecution of separate lawsuits by individual
2 members of the class would not only be judicially
3 inefficient but would create a risk of inconsistent or
4 varying adjudications with respect to individual members of
5 the class which would establish incompatible standards of
6 conduct for Defendants.

7 15. Pursuant to 29 U.S.C. §216(b), Plaintiffs seek to
8 represent all current or former similarly situated non-
9 office employees who have worked for Defendants during the
10 past three (3) years, and who have not been paid the
11 requisite overtime premium or then-applicable minimum wage.

12 16. Plaintiffs request that they be permitted to serve
13 as representatives of those who will later consent to
14 participate in this action and that this action be granted
15 collective action status pursuant to 29 U.S.C. § 216(b) and
16 class action status pursuant to Rule 23, F.R.Civ.Pro.

17 17. Coletta Spurling, Inc. is an Arizona Corporation.
18 At all times relevant to this suit, it operated as Los
19 Olivos Hand Car Wash in Phoenix, Arizona within Maricopa
20 County. Coletta Spurling, Inc. is liable for Plaintiffs'
21 claims.

22 18. Defendants assumed ownership of the car wash in
23 2002.

24 19. Coletta Spurling is a resident of Maricopa County,
25 Arizona. On information and belief, Ms. Spurling is not
26 married.

27 20. Coletta Spurling is the owner, president, and a
28 director of Coletta Spurling, Inc. At all times relevant

1 hereto, she exercised managerial responsibilities and
2 substantial control over the terms and conditions of the
3 employees' work. Among other things, Ms. Spurling was
4 primarily responsible for hiring and firing employees,
5 supervising and controlling their work schedules and
6 conditions of employment, determining their rates and
7 methods of pay, and maintaining any employment records that
8 may exist. Coletta Spurling is personally liable for
9 Plaintiffs' claims in her individual capacity.

10 21. John Does 1-5 are the fictitious names of persons,
11 partnerships, or corporations, named herein pursuant to Rule
12 10(d), Az.R.Civ.Pro., who are or may be liable for the
13 claims described herein. On information and belief, the
14 individuals so named performed the acts alleged herein for
15 the benefit of their respective marital communities.

16 22. Upon information and belief, at relevant times,
17 each John and Jane Doe had been an employer as that term is
18 defined in 29 U.S.C. §203(d) and A.R.S. §23-350(3). Each of
19 them have also been responsible for directly supervising and
20 controlling the work schedules, conditions of employment,
21 and determining the rates and methods of pay of Plaintiffs.

22 23. Upon information and belief, Defendants were
23 engaged in commerce or in the production of goods for
24 commerce and/or handled, sold, or otherwise worked on goods
25 or materials that had been moved in or produced for
26 commerce, and that the enterprise's annual gross volume of
27 sales or business done was not less than \$500,000.

28 ///

JURISDICTION AND VENUE

1
2 24. This Court has jurisdiction over the subject
3 matter of this complaint pursuant to 29 U.S.C. § 216(b) and
4 A.R.S. § 12-123(A).

5 25. Venue is proper in this Court pursuant to A.R.S. §
6 12-401.

GENERAL ALLEGATIONS

7
8 26. Plaintiff Ornelas worked at the car wash since
9 April 1998. Plaintiff Ornelas worked for Defendants from
10 about 2002 through December 30, 2017 when the car wash
11 closed. Most recently, Plaintiff Ornelas earned \$9.25 per
12 hour plus tips. Plaintiff Ornelas earned approximately
13 \$30.00 per day in tips.

14 27. Plaintiff Jimenez worked for Defendants from on
15 or about April 6, 2004 through December 30, 2017 when the
16 car wash closed. Most recently, Plaintiff Jimenez earned
17 \$9.50 per hour plus tips. Plaintiff Jimenez earned
18 approximately \$30.00 per day in tips.

19 28. Plaintiff Pérez worked for Defendants from about
20 February 2007 through December 30, 2017 when the car wash
21 closed. Plaintiff Pérez was earning \$9.00 per hour plus tips
22 until October 2017 when Defendants changed his pay to \$10.00
23 per hour and kept all his earned tips. Prior to October
24 2017, he had earned approximately \$30.00 per day in tips.

25 29. Plaintiff Martinez worked at the car wash since
26 approximately the late 1980s. He had worked for Defendants
27 from about 2002 through December 30, 2017 when the car wash
28 closed. Most recently, Plaintiff Martinez earned \$13.00 per

1 hour plus tips. He earned approximately \$6.00 per day in
2 tips.

3 30. Plaintiffs all worked at the Los Olivos Hand Car
4 Wash located at 232 East McDowell Road, Phoenix, Arizona
5 85004.

6 31. Prior to 2017, the car wash's business hours were
7 8:00am until 5:30pm, Monday through Saturday and 9:00am
8 until 3:00pm on Sundays. Plaintiffs worked all hours the
9 car wash was open for business without a lunch or other
10 break. Plaintiffs each worked approximately 60 hours per
11 week.

12 32. On days in which the business volume was low,
13 Defendants sometimes sent Plaintiffs home early.

14 33. In January 2017, the car wash's business hours
15 changed to 8:00am until 5:00pm, six (6) days per week.
16 Plaintiffs worked all hours the car wash was open for
17 business without a lunch or other break. Since January
18 2017, Plaintiffs Ornelas, Jimenez, and Pérez each worked
19 approximately six days per week and approximately nine (9)
20 hours per day for an average of fifty (50) hours per week.
21 Since January 1, 2017, Plaintiff Martinez worked
22 approximately four (4) days per week and approximately nine
23 (9) hours per day.

24 34. Throughout their employment, Plaintiffs have been
25 hourly, tip-earning employees.

26 35. Prior to January 1, 2017, Defendants did not
27 inquire about, track, nor document the tips Plaintiffs
28 earned each pay period in violation of the FLSA, 29 U.S.C.

1 §§ 201, *et seq.*, including 29 U.S.C. §§ 211(c) and 215(a).

2 36. Without inquiring about or tracking Plaintiffs'
3 tips, Defendants could not determine whether Plaintiffs and
4 others similarly situated were paid at least the minimum
5 wage each pay period. Defendants are unable to show that
6 Plaintiffs and others similarly situated received at least
7 the minimum wage, when wages and tips are combined, for each
8 hour worked.

9 37. Upon information and belief, Defendants failed to
10 provide written notice to each employee that they intended
11 to exercise a tip credit as required by regulations.

12 38. After January 1, 2017, when Prop 206 took effect,
13 Defendants began to document Plaintiffs' and others' tips
14 and recorded the tips on their paychecks. The tip money was
15 collected, divided and distributed by management.

16 39. Upon information and belief, during some pay
17 periods prior to January 2017, Plaintiffs earned less than
18 minimum wage for each hour worked.

19 40. Occasionally, Plaintiffs were not paid for all the
20 hours they worked. This largely occurred when employees
21 were switched from one punch card to another and the first
22 hours worked on the day their punch card changes were not
23 recorded. For example, the punch card in Exhibit C shows
24 that on Tuesday, June 20, 2017 Plaintiff Ornelas was clocked
25 in at 8:00am on the first punch card but he was not clocked
26 out. On his second punch card, he was clocked in from
27 12:06pm until the end of his shift. On June 20, he was not
28 paid for the first four hours he worked between 8:00am and

1 12:06pm. The failure to pay employees for all hours worked
2 is a violation of the Arizona Minimum Wage Act.

3 41. Defendants also failed to pay Plaintiffs and
4 others similarly situated the overtime premium for each hour
5 after the first forty (40) in the work week as required by
6 29 U.S.C. § 206.

7 42. In most weeks, Defendants required Plaintiffs to
8 clock out as they were reaching forty (40) hours and to
9 track the remainder of their hours on a second punch card.
10 The hours from the first punch card each week were paid to
11 the employees via company pay check. The hours from the
12 second punch card were paid to the employees in cash and at
13 the regular, not premium, rate. Upon information and
14 belief, the other car wash employees were paid in the same
15 way as were Plaintiffs. By way of example, attached hereto
16 as Exhibit D are Plaintiff Ornelas' paystub and punch cards
17 for the pay period February 2, 2017 through February 15,
18 2017, which show he was paid for 77.99 hours in his paycheck
19 but that he had worked ninety-eight (98) hours during the
20 pay period.

21 43. On a handful of occasions, all Plaintiffs' time
22 for the week was recorded on a single punch card and, even
23 then, the hours were not paid at the overtime premium rate.
24 See Exhibit C, which shows Plaintiff Ornelas worked 50.47
25 hours in one week during the June 8, 2017 through June 21,
26 2017 pay period. Upon information and belief, Defendants
27 determined overtime to be after the first eighty (80) hours
28 in a pay period rather than after the first forty (40) in

1 the work week as required by 29 U.S.C. § 206.

2 44. Since July 2017, Plaintiff Ornelas requested paid
3 sick time on three separate occasions prior to having missed
4 three nine hour days of work due to illness. Defendants
5 allowed Plaintiff Ornelas to take the time off but did not
6 pay him for the time in violation of the Fair Wages and
7 Healthy Families Act, A.R.S. § 23-373.

8 45. The FLSA mandates that employers subject to its
9 wage-and-hour provisions make and maintain records of their
10 employees' "wages, hours, and other conditions and practices
11 of employment..." 29 U.S.C. § 211(c). The U.S. Department of
12 Labor has promulgated a series of regulations in 29 C.F.R.
13 Part 516 addressing these record-keeping requirements. Among
14 other things, 29 C.F.R. § 516.2(a) requires employers to
15 maintain records concerning an employee's hours worked per
16 day and week, total earnings for hours worked at the
17 straight-time rate of pay, by day or week, and total premium
18 paid for overtime hours."

19 46. Defendants did not create or maintain the required
20 and accurate records with respect to Plaintiffs. In fact,
21 Defendants intentionally created false records.
22 Consequently, Plaintiffs need only show, under the FLSA,
23 that they "ha[ve] in fact performed work for which [they
24 were] improperly compensated" and "the amount and extent of
25 such work as a matter of just and reasonable inference,"
26 thereby triggering the burden-shifting framework under
27 *Anderson v. Mt. Clemens Pottery Co.*, 328 U.S. 680, 687
28 (1946). See *U.S. Dept. of Labor v. Cole Enters.*, 62 F.3d

1 775, 779 (6th Cir. 1995).

2 47. In further violation of FLSA, 29 U.S.C. §§ 201, *et*
3 *seq.*, including 29 U.S.C. §§ 211(c) and 215(a),
4 approximately three years ago, upon information and belief,
5 Defendants requested that Plaintiff Martinez and another
6 employee destroy payroll and time keeping related records.

7 48. Defendants' failure to pay Plaintiffs and the
8 other similarly situated employees the minimum wage and
9 overtime premium required by 29 U.S.C. § 206 amounted to a
10 reckless act in total disregard for the rights of these
11 employees and constituted a wilful violation of the FLSA and
12 the Arizona Wage Act.

13 49. Defendants were aware of and willfully violated
14 the overtime provisions of the FLSA as evidenced by the fact
15 they, on at least one occasion, did pay Plaintiff Ornelas
16 the overtime premium for overtime hours worked. See Exhibit
17 E.

18 **FIRST CLAIM FOR RELIEF**

19 **Violation of FLSA Overtime Pay Standard**

20 50. Defendants have deliberately and willfully failed
21 to compensate Plaintiffs for overtime hours they worked as
22 required under 29 U.S.C. § 207. Plaintiffs are entitled to
23 receive compensation at a rate of one and one-half times
24 their regular wage rate for each hour worked for Defendants
25 in excess of forty hours in any week. Because Defendants
26 failed to pay them the statutory 50% premium, Plaintiffs and
27 others similarly situated are entitled to receive the
28 amounts wrongfully withheld plus an equal amount as

1 liquidated damages and attorneys' fees and costs pursuant to
2 29 U.S.C. § 216(b).

3 **SECOND CLAIM FOR RELIEF**

4 **Violation of FLSA Minimum Wage Pay Standard**

5 51. Defendants have deliberately and willfully failed
6 to pay wages due Plaintiffs in violation of the federal
7 minimum wage law, 29 U.S.C. § 206. Plaintiffs are entitled
8 to recover all unpaid wages and liquidated damages pursuant
9 to 29 U.S.C. § 216(b).

10 **THIRD CLAIM FOR RELIEF**

11 **Violation of Arizona Minimum Wage Act**

12 52. By failing to pay Plaintiffs for all hours worked
13 and for willfully failing to pay wages at the rate of the
14 Arizona Minimum Wage, Defendants are in violation of the
15 Arizona Minimum Wage Act, A.R.S. § 23-363(A). Plaintiffs
16 are entitled to recover the balance of the wages owed,
17 including interest thereon, and an additional amount equal
18 to twice the underpaid wages plus attorneys' fees and costs
19 incurred pursuant to A.R.S. § 23-364(G).

20 53. Defendants' violation of the Arizona Minimum Wage
21 Act was committed as a matter of a continuing course of
22 employer conduct within the meaning of A.R.S. § 23-364(H).
23 As such, this action encompasses all violations that
24 occurred from January 1, 2007 until December 30, 2017. See
25 A.R.S. § 23-364(H). *Cf. Reyes v. LaFarga*, 2014 U.S. Dist.
26 LEXIS 153338, *1 (D. Ariz. Oct. 21, 2014).

27 **FOURTH CLAIM FOR RELIEF**

28 **Violation of Arizona Wage Act**

1 54. Defendants have failed to timely pay the overtime
2 portion of the wages due Plaintiffs in violation of the
3 Arizona Wage Act, A.R.S. § 23-353.

4 55. Defendants have failed to pay all wages due an
5 employee by "negotiable check, draft, money order or
6 warrant" as required by A.R.S. § 23-353(c).

7 56. Plaintiffs are entitled to treble the amount of
8 unpaid overtime wages pursuant to A.R.S. § 23-355, plus
9 attorneys' fees pursuant to A.R.S. § 23-341.01.

10 **FIFTH CLAIM FOR RELIEF**

11 **Violation of the Fair Wages and Healthy Families Act**

12 57. Defendants have failed to provide earned paid sick
13 time upon the request of an employee as required by A.R.S. §
14 23-373(B).

15 58. Plaintiffs are entitled to be paid for earned paid
16 sick time requested in advance of taking time off due to
17 illness.

18 **PRAYER FOR RELIEF**

19 Plaintiffs pray that they and all class members recover
20 from Defendants the following:

21 a. An award of unpaid overtime premium in an amount
22 appropriate to the proof adduced at trial pursuant to 29
23 U.S.C. §§ 206 and 216(b);

24 b. An award of liquidated damages equal to the amount
25 awarded for the unpaid premium pursuant to 29 U.S.C. §
26 216(b);

27 c. An award of treble the sum of unpaid overtime
28 wages pursuant to A.R.S. § 23-355;

1 d. An award providing that should Defendants fail to
2 satisfy any judgment for Plaintiffs, to wit, satisfy a
3 judgment against Defendants within 10 days of the Order
4 becoming final, Defendants must pay Plaintiffs an amount
5 which is treble the amount of the outstanding judgment with
6 interest thereon, in accordance with A.R.S. § 23-360;

7 e. An award of unpaid earned paid sick time for hours
8 not worked due to illness and which were requested prior to
9 time taken pursuant to A.R.S § 23-373(B);

10 f. An enhancement payment of no less than five
11 thousand dollars (\$5,000) to each Plaintiff as compensation
12 for the expenses they have incurred on behalf of the class;

13 g. Pre-judgment and post-judgment interest on unpaid
14 back wages pursuant to, *inter alia*, A.R.S. § 23-364(G);

15 h. Attorneys' fees pursuant to 29 U.S.C. § 216(b),
16 A.R.S. § 23-364(G), and A.R.S. § 12-341.01(A);

17 i. Court costs and costs of litigation pursuant to 29
18 U.S.C. § 216(b), A.R.S. §§ 12-341 and 23-364(G);

19 j. A declaratory judgment pursuant to the Uniform
20 Declaratory Judgments Act, A.R.S. § 12-1831, *et seq.*, that
21 Defendants have violated their statutory and legal
22 obligations and deprived the Plaintiffs of their rights,
23 privileges, protections, compensation, benefits, and
24 entitlements under the law, as alleged herein; and

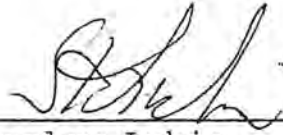
25 k. Such other and further relief as the Court deems
26 just in the circumstances.

27 ///

28 ///

1 RESPECTFULLY SUBMITTED this 17th day of January 2018.

2 LUBIN & ENOCH, P.C.

3
4 

5
6 Stanley Lubin
Attorneys for Plaintiffs

7
8 Original of the foregoing
9 Complaint filed this 17th
day of January, 2018, with:

10 Clerk of Superior Court
11 201 West Jefferson Street
Phoenix, Arizona 85003

12 /s/ Cristina Gallardo-Sanidad

13 F:\Law Offices\client directory\Pacheco\Pleadings\DRAFT (6110-001) Complaint.wpd

EXHIBIT A

**CONSENTIMIENTO A HACERSE PARTE EN UNA DEMANDA
PARA RECUPERAR PAGOS PARA SOBRETIEPO Y SALARIO MÍNIMO**

Al firmar a continuación, yo certifico que he trabajado por uno, algunos, o todos los Demandados, Coletta Spurling, Inc. d/b/a Los Olivos Hand Car Wash, y Coletta Spurling, una mujer soltera, y John Does 1-5, y que los Demandados no me han pagado correctamente por mi trabajo. Autorizo la presentación y el proceso de una demanda en mi nombre, y por mi parte y por parte de otras personas con reclamaciones similares para recuperar sueldos sin pagar, una cantidad igual en daños y perjuicios, y toda otra reparación disponible bajo la Ley de Normas Justas de Trabajo (FLSA), la Ley de Salario Mínimo de Arizona (Arizona Minimum Wage Act), y cualquier otra ley correspondiente.

Jose Camacho Jimenez
Firma

Jose Camacho
Aclaración

6231 W McDowell APT 2105
Dirección

PAS
Ciudad, Estado, y Código Postal

27/12/17
Fecha

**CONSENTIMIENTO A HACERSE PARTE EN UNA DEMANDA
PARA RECUPERAR PAGOS PARA SOBRETIEMPLO Y SALARIO MÍNIMO**

Al firmar a continuación, yo certifico que he trabajado por uno, algunos, o todos los Demandados, Coletta Spurling, Inc. d/b/a Los Olivos Hand Car Wash, y Coletta Spurling, una mujer soltera, y John Does 1-5, y que los Demandados no me han pagado correctamente por mi trabajo. Autorizo la presentación y el proceso de una demanda en mi nombre, y por mi parte y por parte de otras personas con reclamaciones similares para recuperar sueldos sin pagar, una cantidad igual en daños y perjuicios, y toda otra reparación disponible bajo la Ley de Normas Justas de Trabajo (FLSA), la Ley de Salario Mínimo de Arizona (Arizona Minimum Wage Act), y cualquier otra ley correspondiente.

JOSE A. PACHECO ORNELAS
Firma

JOSE A. PACHECO ORNELAS
Aclaración

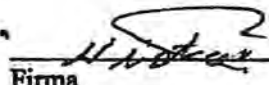
5040 W. LEWIS AVE.
Dirección

PHOENIX, AZ. 85035
Ciudad, Estado, y Código Postal

27/12/17
Fecha

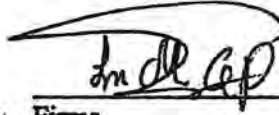
**CONSENTIMIENTO A HACERSE PARTE EN UNA DEMANDA
PARA RECUPERAR PAGOS PARA SOBRETIEPO Y SALARIO MÍNIMO**

Al firmar a continuación, yo certifico que he trabajado por uno, algunos, o todos los Demandados, Coletta Spurling, Inc. d/b/a Los Olivos Hand Car Wash, y Coletta Spurling, una mujer soltera, y John Does 1-5, y que los Demandados no me han pagado correctamente por mi trabajo. Autorizo la presentación y el proceso de una demanda en mi nombre, y por mi parte y por parte de otras personas con reclamaciones similares para recuperar sueldos sin pagar, una cantidad igual en daños y perjuicios, y toda otra reparación disponible bajo la Ley de Normas Justas de Trabajo (FLSA), la Ley de Salario Mínimo de Arizona (Arizona Minimum Wage Act), y cualquier otra ley correspondiente.


Firma
Victorino Castañeda Martinez
Aclaración
4919 W Vernon
Dirección
Phoenix, AZ
Ciudad, Estado, y Código Postal
27/12/17
Fecha

**CONSENTIMIENTO A HACERSE PARTE EN UNA DEMANDA
PARA RECUPERAR PAGOS PARA SOBRETIEPO Y SALARIO MÍNIMO**

Al firmar a continuación, yo certifico que he trabajado por uno, algunos, o todos los Demandados, Coletta Spurling, Inc. d/b/a Los Olivos Hand Car Wash, y Coletta Spurling, una mujer soltera, y John Does 1-5, y que los Demandados no me han pagado correctamente por mi trabajo. Autorizo la presentación y el proceso de una demanda en mi nombre, y por mi parte y por parte de otras personas con reclamaciones similares para recuperar sueldos sin pagar, una cantidad igual en daños y perjuicios, y toda otra reparación disponible bajo la Ley de Normas Justas de Trabajo (FLSA), la Ley de Salario Mínimo de Arizona (Arizona Minimum Wage Act), y cualquier otra ley correspondiente.



Firma

Leonardo Cox Pérez

Aclaración

1514 E Monroe apto 202

Dirección

Phoenix Arizona 85034

Ciudad, Estado, y Código Postal

27/12/17

Fecha

**CONSENT TO BECOME PARTY IN AN ACTION
TO RECOVER UNPAID OVERTIME AND MINIMUM WAGES**

By my signature below, I represent that I have worked for one, some or all of the Defendants, Coletta Spurling, Inc. d/b/a Los Olivos Hand Carwash, and Coletta Spurling, a single woman, and John Does 1-5, and that Defendants failed to properly compensate me for my work. I authorize the filing and prosecution of an action in my name and on my behalf and on behalf of others similarly situated to recover unpaid wages, liquidated damages and all other relief provided under the Fair Labor Standards Act, the Arizona Minimum Wage Act, and any other applicable laws.

Signature

Print Name

Street Address

City, State, Zip Code

Date

Company Code: RS / LMK 23332867
Loc/Dept: 01/
Los Olivos Hand Car Wash
232 E Modowell Rd
Phoenix, AZ 85004

Number: Page
380774071 of 1

Earnings Statement



Period Starting: 08/03/2017
Period Ending: 08/18/2017
Pay Date: 08/22/2017

Taxable Marital Status: Married
Exemptions/Allowances: Tax Override:
Federal: 4 Federal:
State: 0 State:
Local: 0 Local:
Social Security Number: XXX-XX-XXXX

Jose A Ornelas



Earnings	rate	hours/units	this period	year to date
Regular			0.00	468.98
Tipped hours	9.2500	79.78	737.97	11423.02
Cash tips		0.00	296.00	4745.00
Gross Pay			\$1,033.97	\$16,637.00

Other Benefits and Information	this period	year to date
Tip Credit	59.84	926.19
Total Hours Worked	79.78	1285.62

Statutory Deductions	this period	year to date
Federal Income	-7.82	118.52
Social Security	-64.10	1031.49
Medicare	-15.00	241.24
Arizona State Income	-13.44	216.28
Net Pay	\$637.61	

PAY PERIOD
ENDING

NO. _____

NAME Jose A. Pacheco **1**

DATE	DAY	SHIFT	I		O		A	
			M	M	M	M	HOURS	OVERTIME
3TH			7:59	12:33	4:55	4:55		
3TH			1:29	5:03	3:34	8:12		
4FR			7:59	5:24	9:40	17:52		
5SA			7:50	3:25	9:40	26:93		
7TH			8:00	5:32	9:53	36:48		
8TH			7:58	11:16	3:27	39:75		

~~39.75~~

08/10/2017

PAY PERIOD
ENDING

NO. _____

NAME Jose A. Pacheco 1

DATE	DAY	SHIFT	IN	OUT	I M	ACCUMULATED	
						HOURS WORKED	HOURS OVERTIME
08/16			11:16	5:13		5.95	
08/16			7:57	5:09		9.07	15.02

08/09/2017

PAY PERIOD
ENDING

NO. _____

2

NAME _____

DATE	DAY	SHIFT	IN		OUT		ACCUMULATED			
			H	M	H	M	HOURS	OVERTIME		
10/17	FRI		7:59		12:56		4	33		
10/18	FRI		7:59		5:15		8	40		
11/18	FRI		7:59		5:51		17	32		
12/24	FRI		7:59		5:50		27	25		
14/10			7:57		3:30		7	50		
15/10			7:58		3:30		35	25		

08/15/2017

PAY PERIOD
ENDING

NO.

2

NAME

DATE	DAY	SHIFT	IN	OUT	HOURS WORKED	ACCUMULATED HOURS	OVERTIME
10/11			12:45	5:22	4.57	4.57	
10/12			7:57	2:01	6.02	10.59	

08/16/2017

EXHIBIT C

Company Code: R6 / CMK 23332887
 Loc/Dept: 61/
 Number Page: 380100971 of 1
 Los Olivos Hand Car Wash
 232 E McDowell Rd
 Phoenix, AZ 85004

Earnings Statement



Period Starting: 08/08/2017
 Period Ending: 08/21/2017
 Pay Date: 08/27/2017

Taxable Marital Status: Married
 Exemptions/Allowances: Federal: 4, State: 0, Local: 0
 Tax Override: Federal: , State: , Local:
 Social Security Number: XXX-XX-XXXX

Jose A. Omellas

Earnings	rate	hours/units	this period	year to date
Regular	9.2500	80:00	0.00	468.98
Tipped hours		0:00	740.00	8829.59
Cash tips		0:00	274.00	3770.00
Gross Pay			\$1,014.00	\$13,068.57

Other Benefits and Information

	this period	year to date
Tip Credit	60.00	715.91
Total Hours Worked	80.00	1005.25

Statutory Deductions

	this period	year to date
Federal Income	-5.82	97.67
Social Security	-62.87	810.25
Medicare	-14.70	189.49
Arizona State Income	-13.18	169.90
Net Pay	\$643.43	

06/14/2017

NO. _____ PAY PERIOD ENDING _____

NAME Jose A. Pacheco 1

DATE	DAY	SHIFT	IN		OUT		HOURS WORKED	ACCUMULATED	
			I	M	I	M		HOURS	OVERTIME
8TH			7:59		1:47		5.78	5.78	
8TH			2:13		5:22		3.09	8.87	
9FR			7:59		1:04		5.07	13.94	
9FR			1:26		5:09		3.78	17.72	
10SA			7:59		5:23		7.36	25.08	
12MO			7:58		5:17		9.28	34.36	
13TU			7:59		10:15		2.55	36.91	
13TU			10:43		3:02		2.57	39.48	
14WE			7:59		11:21		3.62	43.10	
14WE			11:50		4:00		2.52	45.62	

PAY PERIOD
ENDING

2

NO.

NAME

DATE	DAY	SHIFT	IN	M	OUT	M	ACCUMULATED	
							HOURS WORKED	HOURS OVERTIME
15TH			7:58		3:40		7.12	7.12
16TH			7:58		3:39		9.07	16.20
17TH			7:58		3:39		9.27	19.57
20TH			8:00					

06/20/2017

PAY PERIOD
ENDING

2

NO.

NAME

DATE	DAY	SHIFT	IN	OUT	HOURS WORKED	ACCUMULATED HOURS	OVERTIME
2017			12:06	5:00	5.03	5.03	

06/20/2017

EXHIBIT D

Company Code: R5 / LMK 23332867
 Loc/Dept: 01/
 Number Page: 37864380 1 of 1
 Los Olivos Hand Car Wash
 232 E McDowell Rd
 Phoenix, AZ 85004

Earnings Statement



Period Starting: 02/02/2017
 Period Ending: 02/15/2017
 Pay Date: 02/21/2017

Taxable Marital Status: Married
 Exemptions/Allowances: Tax Override:
 Federal: 4 Federal:
 State: 0 State:
 Local: 0 Local:
 Social Security Number: XXX-XX-XXXX

Jose A. Omelias

Earnings	rate	hours/units	this period	year to date
Regular			0.00	468.98
Tipped hours	9.2500	79.99	739.91	2219.54
Cash tips		0.00	325.00	972.00
Gross Pay			\$1,064.91	\$3,660.52

Other Benefits and Information	this period	year to date
Tip Credit	59.99	179.96
Total Hours Worked	79.99	290.65

Statutory Deductions	this period	year to date
Federal Income	-10.91	16.42
Social Security	-66.02	226.95
Medicare	-15.44	53.08
Arizona State Income	-13.84	47.59
Net Pay	\$633.70	

NO. _____ PAY PERIOD ENDING _____

NAME Jose A. Pacheco 1

DATE	DAY	SHIFT	IN		OUT		HOURS WORKED	ACCUMULATED	
			I	M	I	M		HOURS	OVERTIME
2TH			7:59		5:30		9.50	9.50	
3FR			7:58		5:30		9.50	19.00	
4SA			7:57		5:48		9.80	28.80	
6MO			7:59		10:30		2.50	31.30	
6MO			11:25		5:11		8.27	37.07	
7TU			7:58		11:15		3.25	40.32	

40.32

02/09/2017

#A11 TIME CLOCK SALES & SERVICE, Phoenix, AZ - (602) 258-2340

014

TIME CLOCK SALES & SERVICE

02/08/2017

PAY PERIOD ENDING _____
NO. _____
NAME Jose A. Pacheco

DATE	DAY	SHIFT	IN	OUT	ACCUMULATED	
					HOURS WORKED	HOURS OVERTIME
7TU			11:15	4:11	4:35	
8WE			7:57	3:10	4:10	

02/14/2017

2

NO. 123456789

NAME

DATE	DAY	SHIFT	IN	OUT	HOURS WORKED		HOURS ACCUMULATED	
					AM	PM	AM	PM
02/14/17	TUE	PM	07:00	04:00	03:00	00:00	03:00	00:00
02/15/17	WED	PM	07:00	04:00	03:00	00:00	06:00	00:00
02/16/17	THU	PM	07:00	04:00	03:00	00:00	09:00	00:00
02/17/17	FRI	PM	07:00	04:00	03:00	00:00	12:00	00:00
02/18/17	SAT	PM	07:00	04:00	03:00	00:00	15:00	00:00
02/19/17	SUN	PM	07:00	04:00	03:00	00:00	18:00	00:00

NO. _____
PAY PERIOD
ENDING _____

2

NAME _____

DATE	DAY	SHIFT	IN	M	OUT	M	ACCUMULATED	
							HOURS WORKED	HOURS OVERTIME
02/09	TUE		07:00		03:45		2.75	0.00
02/10	WED		07:00		03:45		2.75	10.45

02/15/2017

EXHIBIT E

CO. FILE DEPT. CLOCK NUMBER 078
ACV 000703 0048868498 1

Earnings Statement

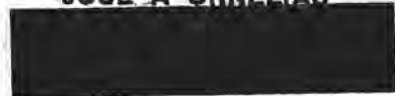


LOS OLIVOS HAND CAR WASH
292 E. MCDOWELL (802)258-2822
PHOENIX, AZ 85004

Period Ending: 04/17/2013
Pay Date: 04/23/2013

Taxable Marital Status: Married
Exemptions/Allowances:
Federal: 4
AZ: Tax is 1.3%

JOSE A ORNELIAS



Social Security Number: XXX-XX-4886

<u>Earnings</u>	<u>rate</u>	<u>hours</u>	<u>this period</u>	<u>year to date</u>
Regular	8.0000	80:00	640.00	
Overtime	12.0000	10:00	120.00	
				4,522.88

<u>Deductions</u>	<u>Statutory</u>		
	Social Security Tax	-47.12	280.42
	Medicare Tax	-11.02	65.58
	AZ State Income Tax	-9.88	58.80

Your federal taxable wages this period are \$760.00

EXHIBIT 2

ORIGINAL

JAN 25 2018 FILED 9:58 am

MICHAEL K. JEANES, CLERK

By W. Stevens
W. Stevens, Deputy

For Clerk's Use Only

Person Filing: Stanley Lubin
Address (if not protected): Lubin & Enoch, PC 349 N. Fourth Ave.
City, State, Zip Code: Phoenix, AZ 85003
Telephone: 602-234-0008
Email Address: stan@lubinandenoch.com
Lawyer's Bar Number: 003076

Representing Self, without a Lawyer or Attorney for Plaintiff OR Defendant

**SUPERIOR COURT OF ARIZONA
IN MARICOPA COUNTY**

CV 2018-000185

Jose A. Pacheco Ornelas, et al.

Name of Plaintiff

And

Coletta Spurling, Inc., et al.

Name of Defendant

Case No.: _____

If you would like legal advice from a lawyer,
SUMMONS Legal Referral Service at
602-257-4434

or
www.maricopalawyers.org

Sponsored by the
Maricopa County Bar Association

**WARNING: This is an official document from the court that affects your rights. Read this carefully.
If you do not understand it, contact a lawyer for help.**

FROM THE STATE OF ARIZONA TO: Coletta Spurling
Name of Defendant

1. A lawsuit has been filed against you. A copy of the lawsuit and other court papers are served on you with this "Summons".
2. If you do not want a judgment or order taken against you without your input, you must file an "Answer" or a "Response" in writing with the court, and pay the filing fee. If you do not file an "Answer" or "Response" the other party may be given the relief requested in his/her Petition or Complaint. To file your "Answer" or "Response" take, or send, the "Answer" or "Response" to the:
 - Office of the Clerk of the Superior Court, 201 West Jefferson Street, Phoenix, Arizona 85003-2205 OR
 - Office of the Clerk of the Superior Court, 18380 North 40th Street, Phoenix, Arizona 85032 OR
 - Office of the Clerk of Superior Court, 222 East Javelina Avenue, Mesa, Arizona 85210-6201 OR
 - Office of the Clerk of Superior Court, 14264 West Tierra Buena Lane, Surprise, Arizona, 85374.

Mail a copy of your "Response" or "Answer" to the other party at the address listed on the top of this Summons.

Case Number: _____

3. If this "Summons" and the other court papers were served on you by a registered process server or the Sheriff, within the State of Arizona, your "Response" or "Answer" must be filed within TWENTY (20) CALENDAR DAYS from the date you were served, not counting the day you were served. If this "Summons" and the other papers were served on you by a registered process server or the Sheriff outside the State of Arizona, your Response must be filed within THIRTY (30) CALENDAR DAYS from the date you were served, not counting the day you were served. Service by a registered process server or the Sheriff is complete when made. Service by Publication is complete thirty (30) days after the date of the first publication.
4. You can get a copy of the court papers filed in this case from the Petitioner at the address listed at the top of the preceding page, from the Clerk of the Superior Court's Customer Service Center at:
 - 601 West Jackson, Phoenix, Arizona 85003
 - 18380 North 40th Street, Phoenix, Arizona 85032
 - 222 East Javelina Avenue, Mesa, Arizona 85210
 - 14264 West Tierra Buena Lane, Surprise, Arizona, 85374.
5. Requests for reasonable accommodation for persons with disabilities must be made to the office of the judge or commissioner assigned to the case, at least ten (10) judicial days before your scheduled court date.
6. Requests for an interpreter for persons with limited English proficiency must be made to the office of the judge or commissioner assigned to the case at least ten (10) judicial days in advance of your scheduled court date.

SIGNED AND SEALED this date JAN 17 2018

MICHAEL JEANES, CLERK OF COURT

MICHAEL K. JEANES, CLERK

By A S Romero
Deputy Clerk

A. S. Romero
Deputy Clerk



ORIGINAL

Person Filing: Stanley Lubin
Address (if not protected): Lubin & Enoch, PC 349 N. Fourth Ave.
City, State, Zip Code: Phoenix, AZ 85003
Telephone: 602-234-0008
Email Address: stan@lubinandenoch.com
Lawyer's Bar Number: 003076

Representing Self, without a Lawyer or Attorney for Plaintiff OR Defendant

**SUPERIOR COURT OF ARIZONA
IN MARICOPA COUNTY**

CV 2018-000185

Jose A. Pacheco Ornelas, et al.

Case No.: _____

Name of Plaintiff

SUMMONS

And

Coletta Spurling, Inc., et al.

Name of Defendant

WARNING: This is an official document from the court that affects your rights. Read this carefully. If you do not understand it, contact a lawyer for help.

FROM THE STATE OF ARIZONA TO: Coletta Spurling, Inc.
Name of Defendant

1. A lawsuit has been filed against you. A copy of the lawsuit and other court papers are served on you with this "Summons".
2. If you do not want a judgment or order taken against you without your input, you must file an "Answer" or a "Response" in writing with the court, and pay the filing fee. If you do not file an "Answer" or "Response" the other party may be given the relief requested in his/her Petition or Complaint. To file your "Answer" or "Response" take, or send, the "Answer" or "Response" to the:
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SIGNED AND SEALED this date JAN 17 2018 _____
MICHAEL JEANES, CLERK OF COURT

MICHAEL K. JEANES, CLERK

By A. S. Romero _____
Deputy Clerk

A. S. Romero
Deputy Clerk



Integrity Attorney Services
P.O. Box 33123
Phoenix, Arizona 85067-3123

IAS#: 66463
Atty#: 6110-001

JAN 25 2018 FILED 9:59 am
MICHAEL K. JEANES, CLERK
By W. Stevens
W. Stevens, Deputy

**IN THE SUPERIOR COURT OF THE STATE OF
ARIZONA IN AND FOR THE COUNTY OF MARICOPA**

JOSE A. PACHECO ORNELAS, et al,
Plaintiff(s),

Case No. CV2018-000185

vs.

COLETTA SPURLING, INC., et al,
Defendant(s).

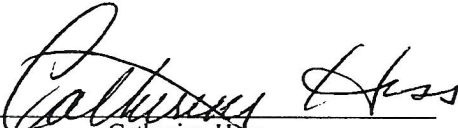
**AFFIDAVIT OF
SERVICE OF PROCESS**

CATHERINE HESS, being duly sworn, states: That I am qualified to serve process in this cause, having been so appointed by the court in Pima County, Arizona. I received the following documents in this action:

SUMMONS; COMPLAINT; CERTIFICATE OF COMPULSORY ARBITRATION; CIVIL COVERSHEET; LETTER

From LUBIN & ENOCH, Stanley Lubin, SBN 003076 on 1/17/2018, and in each instance I, personally, served a copy of each document listed above on those named below at the time and place shown, that all services, except where noted, were made within Maricopa County, Arizona.

Upon COLETTA SPURLING, INC, by service upon its Statutory Agent, COLETTA SPURLING, personally, at 12546 W. Edgemont Ave, Avondale, Arizona 85392, on 1/20/2018 at 8:50 AM. Description: Female, Caucasian, 60 years old, 5'5", 145 lbs, white hair, blue eyes.

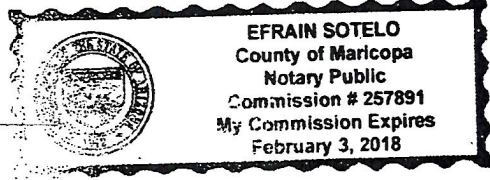

Catherine Hess

SUBSCRIBED AND SWORN to me this 22nd day of January, 2018.

Notary Public: 
Efrain Sotelo

My Commission Expires: February 3, 2018

\$16.00 Service(s)
\$9.00 Preparation of Affidavit/Notary
\$ 25.00 Total



Integrity Attorney Services
P.O. Box 33123
Phoenix, Arizona 85067-3123

IAS#: _____ 66462
Atty#: 6110-001

JAN 25 2018 FILED 9:58am
MICHAEL K. JEANES, CLERK
By W. Stevens
W. Stevens, Deputy

**IN THE SUPERIOR COURT OF THE STATE OF
ARIZONA IN AND FOR THE COUNTY OF MARICOPA**

JOSE A. PACHECO ORNELAS, et al,
Plaintiff(s),

Case No. CV2018-000185

vs.

COLETTA SPURLING, INC., et al,
Defendant(s).

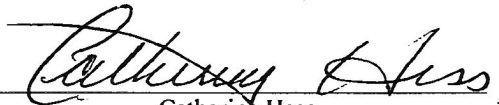
**AFFIDAVIT OF
SERVICE OF PROCESS**

CATHERINE HESS, being duly sworn, states: That I am qualified to serve process in this cause, having been so appointed by the court in Pima County, Arizona. I received the following documents in this action:

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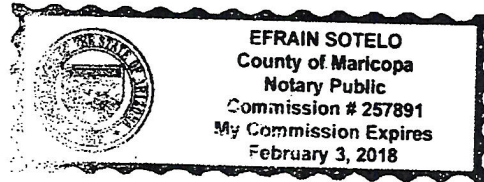

Catherine Hess

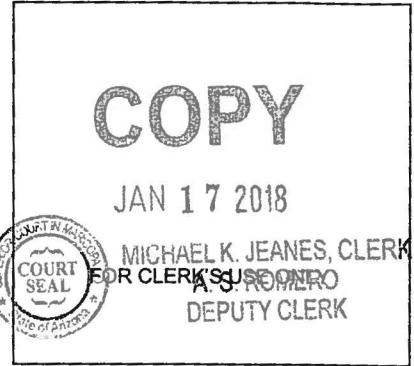
SUBSCRIBED AND SWORN to me this 22nd day of January, 2018.

Notary Public: 
Efrain Sotelo

My Commission Expires: February 3, 2018

\$16.00	Service(s)
\$45.00	Mileage (18)CRH
\$9.80	Copies (49)
\$9.00	Preparation of Affidavit/Notary
<hr/>	
\$ 79.80	Total





Person Filing: Stanley Lubin
Address (if not protected): Lubin & Enoch, PC 349 N. Fourth Ave.
City, State, Zip Code: Phoenix, AZ 85003
Telephone: 602-234-0008
Email Address: stan@lubinandenoch.com
Lawyer's Bar Number: 003076

Representing Self, without a Lawyer or Attorney for Petitioner OR Respondent

**SUPERIOR COURT OF ARIZONA
IN MARICOPA COUNTY**

Jose A. Pacheco Ornelas, et al.

CV 2018-000185

PLAINTIFF,

Case Number: _____

VS.

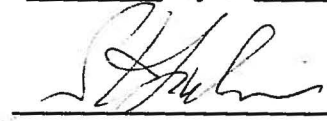
**CERTIFICATE OF COMPULSORY
ARBITRATION**

Coletta Spurling, Inc., et al.

DEFENDANT.

The undersigned certifies that the largest award sought by the complainant, including punitive damages, but excluding interest, attorneys' fees, and costs **does** does not exceed limits set by Local Rule for compulsory arbitration. This case is **is not** subject to compulsory arbitration as provided in Rules 72 through 77 of the Rules of Civil Procedure.

SUBMITTED this 17th day of January, 2018.

BY 

**In the Superior Court of the State of Arizona
In and For the County of Maricopa**

Case Number CV 2018-000185

CIVIL COVER SHEET- NEW FILING ONLY
(Please Type or Print)


Plaintiff's Attorney Stanley Lubin

Attorney Bar Number 003076

Is Interpreter Needed? Yes No
If yes, what language:
Spanish

COPY

JAN 17 2018



MICHAEL R. JEANES, CLERK
A. S. ROMERO, DEPUTY CLERK

Plaintiff's Name(s): (List all) Jose Alonzo Pacheco Ornelas; Jose Del Carmen Camacho Jimenez; Leonardo Cax Perez; Victorino Castaneda Martinez
Plaintiff's Address: c/o Lubin & Enoch, PC 349 North Fourth Avenue Phoenix, Arizona 85003 602-234-0008
Phone #: 602-234-0008
Email Address: stan@lubinandenoch.com, cristina@lubinandenoch.com, stacey@lubinandenoch.com

stan@lubinandenoch.com, cristina@lubinandenoch.com, stacey@lubinandenoch.com

(List additional plaintiffs on page two and/or attach a separate sheet).

Defendant's Name(s): (List All) Coletta Spurling, Inc.; Coletta Spurling; John Does I-V

(List additional defendants on page two and/or attach a separate sheet)

EMERGENCY ORDER SOUGHT: Temporary Restraining Order Provisional Remedy OSC
 Election Challenge Employer Sanction Other _____
(Specify)

RULE 8(h) COMPLEX LITIGATION APPLIES. Rule 8(h) of the Rules of Civil Procedure defines a "Complex Case" as civil actions that require continuous judicial management. A typical case involves a large number of witnesses, a substantial amount of documentary evidence, and a large number of separately represented parties.

(Mark appropriate box on page two as to complexity, **in addition** to the Nature of Action case category.)

THIS CASE IS ELIGIBLE FOR THE COMMERCIAL COURT UNDER EXPERIMENTAL RULE 8.1. (Maricopa County only.) Rule 8.1 defines a commercial case and establishes eligibility criteria for the commercial court. Generally, a commercial case primarily involves issues arising from a business contract or business transaction. However, consumer transactions are not eligible. A consumer transaction is one that is primarily for personal, family or household purposes. **Please review Rule 8.1 for a complete list of the criteria.** See <http://www.superiorcourt.maricopa.gov/commercial-court/>. You must check this box if this is an eligible commercial case. **In addition, mark the appropriate box below in the "Nature of Action" case category.** The words "commercial court assignment requested" must appear in the caption of the original complaint.

NATURE OF ACTION

(Place an "X" next to the **one** case category that most accurately describes your primary case.)

100 TORT MOTOR VEHICLE:

- 101 Non-Death/Personal Injury
- 102 Property Damage
- 103 Wrongful Death

- 114 Property Damage
- 115 Legal Malpractice
- 115 Malpractice – Other professional
- 117 Premises Liability
- 118 Slander/Libel/Defamation
- 116 Other (Specify) _____

110 TORT NON-MOTOR VEHICLE:

- 111 Negligence
- 112 Product Liability – Asbestos
- 112 Product Liability – Tobacco
- 112 Product Liability – Toxic/Other
- 113 Intentional Tort

120 MEDICAL MALPRACTICE:

- 121 Physician M.D. 123 Hospital
- 122 Physician D.O. 124 Other

Case No. _____

130 CONTRACTS:

- 131 Account (Open or Stated)
- 132 Promissory Note
- 133 Foreclosure
- 138 Buyer-Plaintiff
- 139 Fraud
- 134 Other Contract (i.e. Breach of Contract)
- 135 Excess Proceeds-Sale
- Construction Defects (Residential/Commercial)
 - 136 Six to Nineteen Structures
 - 137 Twenty or More Structures

150-199 OTHER CIVIL CASE TYPES:

- 156 Eminent Domain/Condemnation
- 151 Eviction Actions (Forcible and Special Detainers)
- 152 Change of Name
- 153 Transcript of Judgment
- 154 Foreign Judgment
- 158 Quiet Title
- 160 Forfeiture
- 175 Election Challenge
- 179 NCC-Employer Sanction Action
(A.R.S. §23-212)
- 180 Injunction against Workplace Harassment
- 181 Injunction against Harassment
- 182 Civil Penalty
- 186 Water Rights (Not General Stream Adjudication)
- 187 Real Property
- Special Action against Lower Courts
(See lower court appeal cover sheet in Maricopa)

- 194 Immigration Enforcement Challenge
(§§1-501, 1-502, 11-1051)

150-199 UNCLASSIFIED CIVIL:

- Administrative Review
(See lower court appeal cover sheet in Maricopa)
- 150 Tax Appeal
(All other tax matters must be filed in the AZ Tax Court)
- 155 Declaratory Judgment
- 157 Habeas Corpus
- 184 Landlord Tenant Dispute- Other
- 190 Declaration of Factual Innocence
(A.R.S. §12-771)
- 191 Declaration of Factual Improper Party Status
- 193 Vulnerable Adult (A.R.S. §46-451)
- 165 Tribal Judgment
- 167 Structured Settlement (A.R.S. §12-2901)
- 169 Attorney Conservatorships (State Bar)
- 170 Unauthorized Practice of Law (State Bar)
- 171 Out-of-State Deposition for Foreign Jurisdiction
- 172 Secure Attendance of Prisoner
- 173 Assurance of Discontinuance
- 174 In-State Deposition for Foreign Jurisdiction
- 176 Eminent Domain- Light Rail Only
- 177 Interpleader- Automobile Only
- 178 Delayed Birth Certificate (A.R.S. §36-333.03)
- 183 Employment Dispute- Discrimination
- 185 Employment Dispute-Other
- 195(a) Amendment of Marriage License
- 195(b) Amendment of Birth Certificate
- 163 Other _____
(Specify)

COMPLEXITY OF THE CASE

If you marked the box on page one indicating that Complex Litigation applies, place an "X" in the box of no less than one of the following:

- Antitrust/Trade Regulation
- Construction Defect with many parties or structures
- Mass Tort
- Securities Litigation with many parties
- Environmental Toxic Tort with many parties
- Class Action Claims
- Insurance Coverage Claims arising from the above-listed case types
- A Complex Case as defined by Rule 8(h) ARCP

Additional Plaintiff(s)

Additional Defendant(s)

EXHIBIT 3

1 R. Shawn Oller; AZ Bar No. 019233
soller@littler.com
2 Cory G. Walker; AZ Bar No. 027853
cgwalker@littler.com
3 LITTLER MENDELSON, P.C.
Camelback Esplanade
4 2425 East Camelback Road
Suite 900
5 Phoenix, AZ 85016
Telephone: 602.474.3600
6 Facsimile: 602.957.1801

7 Attorneys for Defendants
COLETTA SPURLING, INC., d/b/a/ LOS OLIVOS HAND
8 CAR WASH and COLETTA SPURLING

9
10 SUPERIOR COURT OF THE STATE OF ARIZONA
11 COUNTY OF MARICOPA

12 JOSE ALONZO PACHECO ORNELAS,
single man; JOSÉ DEL CARMEN
13 CAMACHO JIMENEZ, single man;
LEONARDO CAX PEREZ, single man;
14 VICTORINO CASTAÑEDA MARTÍNEZ,
single man; and a class of others similarly
15 situated,

16 Plaintiffs,

17 v.

18 COLETTA SPURLING, INC., an Arizona
Corporation d/b/a/ LOS OLIVOS HAND
19 CAR WASH; COLETTA SPURLING, a
single woman; and JOHN DOES 1-5,
20

21 Defendants.
22

Case No. CV2018-000185

**NOTICE TO ADVERSE PARTIES
OF REMOVAL OF CIVIL
ACTION TO FEDERAL COURT**

(Honorable Judge Margaret Mahoney)

(Complaint Filed: January 17, 2018)

23 **TO: JOSÉ ALONZO PACHECO ORNELAS, JOSÉ DEL CARMEN CAMACHO**
24 **JIMENEZ, LEONARDO CAX PEREZ, VICTORINO CASTAÑEDA**
25 **MARTINEZ, AND A CLASS OF OTHERS SIMILARLY SITUATED, AND**
26 **THEIR ATTORNEYS OF RECORD:**

27 PLEASE TAKE NOTICE that on February 9, 2018, Defendants Coletta Spurling,
28

1 Inc., d/b/a Los Olivos Hand Car Wash, and Coletta Spurling filed a Notice of Removal of
2 Civil Action Under 28 U.S.C. § 1441(a) with the Clerk of the United States District Court for
3 the District of Arizona. A copy of the Notice of Removal is attached as **Exhibit A**.

4 RESPECTFULLY SUBMITTED this 9th day of February, 2018

5
6
7 */s/ Cory G. Walker*

8 R. Shawn Oller
9 Cory G. Walker
10 LITTLER MENDELSON, P.C.
11 *Attorneys for Defendants*
12 Coletta Spurling, Inc. d/b/a/ Los Olivos Hand
13 Car Wash and Coletta Spurling

14 ORIGINAL of the foregoing e-filed this
15 9th day of February, 2018 and a copy
16 delivered this same date to:

17 Hon. Margaret Mahoney
18 Superior Court Judge
19 Via the e-filing system

20 And a copy mailed this same date to:

21 Nicholas J. Enoch
22 Jarrett J. Haskovec
23 Stanley Lubin
24 LUBIN & ENOCH, P.C.
25 349 North Fourth Avenue
26 Phoenix, Arizona 85003
27 *Attorneys for Defendants*

28 */s/ Linda Bullis*

EXHIBIT 4

1 R. Shawn Oller; AZ Bar No. 019233
soller@littler.com
2 Cory G. Walker; AZ Bar No. 027853
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3 LITTLER MENDELSON, P.C.
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6 Facsimile: 602.957.1801

7 Attorneys for Defendants
COLETTA SPURLING, INC., d/b/a/ LOS OLIVOS HAND
8 CAR WASH and COLETTA SPURLING

9
10 SUPERIOR COURT OF THE STATE OF ARIZONA
11 COUNTY OF MARICOPA

12 JOSE ALONZO PACHECO ORNELAS,
single man; JOSÉ DEL CARMEN
13 CAMACHO JIMENEZ, single man;
LEONARDO CAX PEREZ, single man;
14 VICTORINO CASTAÑEDA MARTÍNEZ,
single man; and a class of others similarly
15 situated,

16 Plaintiffs,

17 v.

18 COLETTA SPURLING, INC., an Arizona
Corporation d/b/a/ LOS OLIVOS HAND
19 CAR WASH; COLETTA SPURLING, a
single woman; and JOHN DOES 1-5,
20

21 Defendants.
22

Case No. CV2018-000185

**NOTICE TO STATE COURT OF
REMOVAL OF CIVIL ACTION
TO FEDERAL COURT**

(Honorable Judge Margaret Mahoney)

(Complaint Filed: January 17, 2018)

23 **TO: CLERK OF THE SUPERIOR COURT OF ARIZONA, COUNTY OF**
24 **MARICOPA:**

25 PLEASE TAKE NOTICE that on February 9, 2018, Defendants Coletta Spurling,
26 Inc., d/b/a Los Olivos Hand Car Wash, and Coletta Spurling removed this action from this
27 Court to the U.S. District Court for the District of Arizona. Attached to this notice as
28

1 **Exhibit A** is a true copy of the Notice of Removal.

2 RESPECTFULLY SUBMITTED this 9th day of February, 2018

3
4
5 /s/ Cory G. Walker

R. Shawn Oller

Cory G. Walker

LITTLER MENDELSON, P.C.

Attorneys for Defendants

Coletta Spurling, Inc. d/b/a/ Los Olivos Hand
Car Wash and Coletta Spurling

6
7
8
9
10 ORIGINAL of the foregoing e-filed this
11 9th day of February, 2018 and a copy
12 delivered this same date to:

13 Hon. Margaret Mahoney
14 Superior Court Judge
Via the e-filing system

15 And a copy mailed this same date to:

16 Nicholas J. Enoch
17 Jarrett J. Haskovec
18 Stanley Lubin
19 LUBIN & ENOCH, P.C.
349 North Fourth Avenue
Phoenix, Arizona 85003
Attorneys for Plaintiffs

20 /s/ Linda Bullis

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Numerous Wage and Hour Violations Alleged in Lawsuit Against Los Olivos Hand Car Wash](#)
