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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

SHARON ROZEBOOM and ANTHONY
LAVALLEY, individually and on behalf of all
other similarly situated individuals,

Plaintiffs,

v.

DIETZ & WATSON, INC.

Defendant.

Case No.:

**COLLECTIVE AND CLASS ACTION
COMPLAINT**

Plaintiffs Sharon Rozeboom and Anthony Lavalley (“Plaintiffs”), individually and on behalf of all other similarly situated current and former employees of Dietz & Watson, Inc. (“Defendant”), and on behalf of the proposed Collective and Washington Rule 23 Classes, bring this action against Defendant for damages and other relief relating to violations of the Fair Labor Standards Act (FLSA), 29 U.S.C. § 201, *et seq.*, the Washington Minimum Wage Act (MWA), Wash. Rev. Code Ann. § 49.46.005, *et seq.*, the Washington Wage Rebate Act (WRA), Wash. Rev. Code Ann. § 49.52.010, *et seq.*, the Washington Industrial Welfare Act (IWA), Wash. Rev. Code Ann. § 49.12.005, *et seq.*, and the Massachusetts Minimum Fair Wage Law (MFWL), Mass. Gen. Laws Ann. ch. 151 § 1, *et seq.* Plaintiffs state the following as their claims against Defendants:

PRELIMINARY STATEMENT

1. Defendant Dietz & Watson engaged in illegal pay practices.
2. Defendant regularly failed and refused to compensate Plaintiffs and other similarly situated employees properly for all overtime hours worked in violation of the FLSA,

1 MWA, WRA, and MFWL.

2 3. Plaintiffs and other similarly situated employees work(ed) for Defendant as
3 Merchandisers, merchandising Defendant's deli products in the stores of its customers who sell
4 Defendant's products.

5 4. During the applicable statutory period, Defendant willfully and recklessly failed
6 to properly pay Plaintiffs and all other similarly situated employees the requisite overtime
7 premiums for all work performed in excess of forty (40) hours in a work week.

8 5. In light of this systematic and illegal practice, Plaintiffs assert an FLSA cause of
9 action on behalf of themselves, and on behalf of a putative collective action comprised of
10 similarly situated employees who also work(ed) for Defendant as Merchandisers, at any time
11 during the three (3) years prior to the filing of Plaintiffs' original Complaint up until the time
12 Defendant reclassified its employees.

13 6. Plaintiff Rozeboom also asserts causes of action under Washington law on behalf
14 of herself and a putative class of Merchandisers who work(ed) for Defendant in Washington at
15 any time during the three (3) years prior to the filing of Plaintiffs' original Complaint up until the
16 time Defendant reclassified its employees.

17 7. Plaintiff Lavalley also asserts a cause of action under Massachusetts law on behalf
18 of himself.

19 **JURISDICTION AND VENUE**

20 8. This action arises under the FLSA, 29 U.S.C. § 201, *et seq.* The Court has
21 original jurisdiction to hear this Complaint and to adjudicate the claims stated herein pursuant to
22 28 U.S.C. § 1331.

23 9. This Court also has supplemental jurisdiction, pursuant to 28 U.S.C. § 1367, over
24 the state-law claims asserted herein, as the state and federal claims derive from a common
25 nucleus of operative fact.

26 10. Venue is proper in the United States District Court, Western District of
27 Washington pursuant to 28 U.S.C. § 1391, because Plaintiff Rozeboom works in this district and
28 because a substantial part of the events giving rise to the claims occurred in this district.

PARTIES

1 11. Plaintiff Sharon Rozeboom (“Rozeboom”) is an individual residing in
2 Bellingham, Washington.

3 12. Rozeboom was employed by Defendant from approximately January 2015
4 through April 2016 as a Merchandiser, and she qualifies as an “employee”, within the meaning
5 of the FLSA, 29 U.S.C. § 203(e)(1), RCW 49.46.010(3), and RCW 49.52.050.

6 13. Plaintiff Anthony Lavalley (“Lavalley”) is an individual residing in Shirley,
7 Massachusetts.

8 14. Lavalley was employed by Defendant from approximately January 2015 through
9 December 2016 as a Merchandiser, and qualifies as an “employee”, within the meaning of the
10 FLSA, 29 U.S.C. § 203(e)(1) and the MFWL, 454 Mass. Code Regs. 27.02.

11 15. Defendant Dietz & Watson, Inc. is a foreign corporation that does business in
12 Washington and throughout the country, with its principal place of business in Philadelphia,
13 Pennsylvania.

14 16. At all relevevant times, Defendant is, and has been, Plaintiffs’ “employer” within
15 the meaning of the FLSA, 29 U.S.C. § 203(d), RCW 49.46.010(4), RCW 49.52.050, and the
16 MFWL, 454 Mass. Code Regs. 27.02.

FACTUAL ALLEGATIONS

17 17. Plaintiffs and similarly situated employees re-allege and incorporate by reference
18 the allegations in the preceding paragraphs.

19 18. Defendant is headquartered in Pennsylvania with facilities in Maryland and New
20 York.

21 19. According to its website, Defendant is “one of the largest preparers of premium
22 deli meats and artisan cheeses, offering more than 400 products at the finest supermarkets and
23 neighborhood delis throughout the United States and the world.”

24 20. Defendant operates in interstate commerce by, among other things, selling its
25 products nationwide.

26 21. Upon information and belief, Defendant’s gross annual sales and business
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1 transacted is in excess of \$500,000.00, at all times relevant herein.

2 22. Plaintiffs and the similarly situated employees work or worked for Defendant as
3 Merchandisers.

4 23. Merchandisers' primary job duty was to merchandise Defendant's deli products in
5 the stores of Defendant's customers who sold its products. This included stocking deli cases,
6 clearing expired products, preparing sales displays, arranging deli cases and end caps according
7 to specified planograms, and training store sales associates in the proper handling and
8 presentation of Defendant's products.

9 24. Defendant assigned Merchandisers work assignments, and Defendant required
10 them to work long hours in order to complete their job duties and responsibilities.

11 25. Defendant suffered and permitted Plaintiffs and the similarly situated employees
12 to work more than forty (40) hours per work week.

13 26. For example, Plaintiff Rozeboom estimates that she worked approximately forty-
14 five (45) to fifty (50) hours and up to approximately seventy (70) hours per work week without
15 receiving overtime wages.

16 27. Plaintiff Lavalley estimates that he worked an average of approximately forty-five
17 (45) hours and sometimes more per work week without receiving overtime wages.

18 28. Defendant also failed to provide employees with the rest and meal breaks to
19 which they are entitled, failed to ensure employees take the rest and meal breaks to which they
20 are entitled, and failed to compensate employees for missed rest and meal breaks.

21 29. Defendant improperly classified Merchandisers as exempt from overtime pay
22 under state and federal law and paid Merchandisers a salary with no additional overtime
23 compensation before Defendant reclassified them in approximately late 2016 or early 2017.

24 30. In approximately late 2016 or early 2017, Defendant began paying Merchandisers
25 an hourly rate plus overtime premiums.

26 31. Defendant was aware, or should have been aware, that Plaintiffs and the similarly
27 situated Merchandisers performed non-exempt work that required payment of overtime
28 compensation.

1 32. During their employment with Defendant, Plaintiffs complained to Defendant
2 about their hours worked and lack of overtime pay. Plaintiff Rozeboom complained to
3 Defendants on multiple occasions regarding the number of hours she worked each week and her
4 lack of additional compensation for her overtime hours. Similarly, during weeks when Plaintiff
5 Lavalley was especially busy, he complained to management and his immediate supervisor
6 regarding the number of unpaid overtime hours.

7 33. Defendant's conduct, as set forth in this Complaint, was willful. Defendant
8 operated under a scheme that has caused significant damages to Plaintiffs and the similarly
9 situated employees.

10 **COLLECTIVE ACTION ALLEGATIONS**

11 34. Plaintiffs and the FLSA Collective re-allege and incorporate by reference the
12 allegations in the preceding paragraphs.

13 35. Plaintiffs bring this action on behalf of themselves and all other similarly situated
14 employees as authorized under the FLSA, 29 U.S.C. § 216(b).

15 36. In their cause of action, Plaintiffs seek to represent a collective comprised of the
16 following:

17 All persons who are or were employed by Dietz & Watson, Inc. as
18 Merchandisers, also referred to as Sales Merchandisers, or who were
19 in other job titles performing similar duties, working within the
20 United States at any time from three (3) years prior to the filing of
21 the initial Complaint in this action (the "FLSA Collective").

22 37. Members of the putative FLSA Collective are known to Defendant and are readily
23 identifiable through Defendant's records.

24 38. As a result of Defendant's misclassification of Merchandisers, Plaintiffs and the
25 putative FLSA Collective are all victims of Defendant's widespread, repeated, systematic, and
26 consistent illegal policies that have resulted in violations of their rights under the FLSA, 29
27 U.S.C. § 201, *et seq.*, and that have caused significant damage to Plaintiffs and the putative
28 FLSA Collective.

1 39. These individuals would benefit from the issuance of court-supervised notice of
2 this lawsuit and the opportunity to join by filing their written consent with the Court.

3 40. Plaintiffs have signed consent forms to join this lawsuit, which are attached hereto
4 as Exhibit A. As this case proceeds, it is likely other individuals will file consent forms and join
5 as opt-in plaintiffs.

6 **CLASS ACTION ALLEGATIONS**

7 41. Plaintiff Rozeboom and the Washington Class re-allege and incorporate by
8 reference the allegations in the preceding paragraphs.

9 42. Plaintiff Rozeboom, as a Class Representative, also brings claims for relief for
10 violations of the MWA, the WRA, and the IWA pursuant to Federal Rule of Civil Procedure
11 23(a), and (b)(3), on behalf of the following class:

12 All persons who are or were employed by Defendant as
13 Merchandisers, also referred to as Sales Merchandisers, or who were
14 in other job titles performing similar duties, working in the State of
Washington at any time within three (3) years prior to the filing of
Plaintiffs' initial Complaint (the "Washington Class").

15 43. Numerosity: The putative Washington Class includes, upon information and
16 belief, in excess of forty (40) persons, making the group so numerous that joinder of all class
17 members would be impracticable.

18 44. Typicality: Plaintiff Rozeboom's claims are typical of the members of the
19 putative Washington Class. Plaintiff is informed and believes that, other Merchandisers also
20 worked more than forty (40) hours in a work week during the relevant statutory period. Further,
21 Plaintiff is informed and believes that, Defendant failed to provide other Merchandisers their
22 legally required rest and meal breaks, and failed to compensate Merchandisers for missed rest
23 and meal breaks. Plaintiff Rozeboom had similar duties and responsibilities as other members of
24 the putative Washington Class. Before Defendant reclassified its Merchandisers in
25 approximately late 2016 or early 2017, Plaintiff and the putative Washington Class were subject
26 to Defendant's policy and practice of improperly classifying Merchandisers as "exempt" from
27 federal and state wage and hour laws, failing to pay and willfully withholding appropriate
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1 overtime compensation.

2 45. Adequacy: Plaintiff Rozeboom will fairly and adequately represent the
3 putative Washington Class and her interests are aligned with and do not conflict with those
4 interests of the Classes. Plaintiffs are represented by competent and experienced counsel who
5 will effectively represent the putative Washington Class.

6 46. Commonality: Questions of law and fact are common to the putative Washington
7 Class, as described herein, and these common questions of law and fact predominate over the
8 variations which may exist between members of the class, if any. These common questions of
9 law and fact include, without limitation:

10 a. Whether Defendant improperly classified Merchandisers as exempt
11 from overtime pay prior to Defendant reclassifying its Merchandisers in approximately
12 late 2016 or early 2017;

13 b. Whether Defendant unlawfully failed to pay Merchandisers
14 overtime compensation in violation of Washington law;

15 c. Whether Defendant engaged in a common course of failing to
16 provide Class members with, and failing to ensure they took, a ten-minute rest break for
17 every four hours worked and a thirty-minute meal break for every five hours worked;

18 d. Whether Defendant engaged in a common course of failing to pay
19 Class members an additional ten minutes of compensation for each missed rest break and
20 an additional thirty minutes of compensation for each missed meal break;

21 e. Whether Defendant's violations were willful; and

22 f. The proper measure of damages sustained.

23 47. Class certification is appropriate under Federal Rule of Civil Procedure 23(b)(3)
24 because common questions of law and fact predominate over any questions affecting only
25 individual Washington Class members, and because a class action is superior to other available
26 methods for the fair and efficient adjudication of this litigation. This is particularly true in the
27 context of wage and hour litigation where individual plaintiffs likely lack the financial resources
28 to vigorously prosecute separate lawsuits against large corporate defendants.

1 48. Plaintiff Rozeboom will move to send notice to all members of the putative
2 Washington Class to the extent authorized by the Court and permitted by Federal Rule of Civil
3 Procedure 23. The names and last-known addresses of the members of the Washington Class are
4 known by Defendant.

5 **FIRST CAUSE OF ACTION**

6 **FAILURE TO PAY FEDERAL OVERTIME PREMIUMS**

7 **(The Fair Labor Standards Act (FLSA), 29 U.S.C. § 201, *et seq.*)**

8 *On Behalf of Plaintiffs and the Putative FLSA Collective*

9 49. Plaintiffs and the putative FLSA Collective re-allege and incorporate by reference
10 the allegations in the preceding paragraphs.

11 50. The FLSA requires each covered employer to compensate all covered, non-
12 exempt employees at a rate of not less than one-and-one-half (1.5x) times the regular rate of pay
13 for work performed in excess of forty (40) hours per workweek. 29 U.S.C. § 207.

14 51. Defendant is an “enterprise” as defined by the FLSA, 29 U.S.C. § 2063(r)(1), and
15 is engaged in commerce within the meaning of the FLSA, § 203(b), (s)(1).

16 52. Plaintiffs and the putative FLSA Collective are non-exempt covered employees
17 within the meaning of the FLSA. 29 U.S.C. § 203(e)(1).

18 53. Plaintiffs and the putative FLSA Collective regularly worked more than forty (40)
19 hours in a work week for Defendant, but prior to approximately late 2016 or early 2017,
20 Defendant did not properly compensate Plaintiffs or the putative FLSA Collective for all of the
21 overtime hours they worked as required by the FLSA.

22 54. Defendant did not make a good-faith effort to comply with the FLSA as it relates
23 to the compensation of Plaintiffs and the putative FLSA Collective during the relevant statutory
24 period.

25 55. Defendant knew Plaintiffs and the putative FLSA Collective worked overtime
26 without proper compensation because it was aware of Merchandisers’ work hours was aware or
27 should have been aware that Merchandisers did not qualify for any exemptions, and yet before
28 approximately late 2016 or early 2017, Defendant willfully failed and refused to pay Plaintiffs

1 and the putative FLSA Collective overtime wages at the required overtime rate. *See* 29 U.S.C. §
2 255.

3 56. Defendant's willful failure and refusal to pay Plaintiffs and the putative FLSA
4 Collective overtime wages for time worked violates the FLSA. 29 U.S.C. § 207.

5 57. As a direct and proximate result of these unlawful practices, Plaintiffs and the
6 putative FLSA Collective suffered and continue to suffer wage loss and are therefore entitled to
7 recover unpaid overtime wages for up to three (3) years prior to the filing of their claims,
8 liquidated damages or prejudgment interest, attorneys' fees and costs, and such other legal and
9 equitable relief as the Court deems just and proper.

10 **SECOND CAUSE OF ACTION**

11 **FAILURE TO PAY WASHINGTON STATE OVERTIME PREMIUMS**

12 **(Washington Minimum Wage Act, RCW 49.46.005, et seq.)**

13 *On Behalf of Plaintiff Rozeboom and the Putative Washington Class*

14 58. Plaintiff Rozeboom and the Washington Class re-allege and incorporate by
15 reference the allegations in the preceding paragraphs.

16 59. The MWA requires employers to pay overtime compensation to all non-exempt
17 employees for all hours worked over forty (40) in a work week. RCW 49.46.130.

18 60. Plaintiff Rozeboom and the putative Washington Class qualify as non-exempt
19 employees entitled to be paid proper overtime compensation for all hours worked.

20 61. During the relevant statutory period, Plaintiff and the putative Washington Class
21 worked in excess of forty (40) hours in a work week.

22 62. During the relevant statutory period, and as a result of Defendant's
23 misclassification, Defendant failed and refused to pay Plaintiff Rozeboom and the Washington
24 Class proper overtime compensation for overtime hours worked.

25 63. As a result of Defendant's failure to pay wages earned and due, Defendant
26 willfully violated the MWA.

27 64. As a direct and proximate result of Defendant's unlawful conduct, as set forth
28 herein, Plaintiff Rozeboom and the putative Washington Class have sustained damages,

1 including loss of earnings for hours of overtime worked on behalf of Defendant, prejudgment
2 interest, and attorneys' fees and costs, pursuant to RCW 49.46.090 and other applicable law.

3 **THIRD CAUSE OF ACTION**

4 **FAILURE TO PROVIDE REST PERIODS**

5 **(RCW 49.12.020 and WAC 296-126-092)**

6 *On Behalf of Plaintiff Rozeboom and the Putative Washington Class*

7 65. Plaintiff Rozeboom and the Washington Class re-allege and incorporate by
8 reference the allegations in the preceding paragraphs.

9 66. RCW 49.12.010 provides that “[t]he welfare of the state of Washington demands
10 that all employees be protected from conditions of labor which have a pernicious effect on their
11 health. The state of Washington, therefore, exercising herein its police and sovereign power
12 declares that inadequate wages and unsanitary conditions of labor exert such pernicious effect.”

13 67. RCW 49.12.020 provides that “[i]t shall be unlawful to employ any person in any
14 industry or occupation within the state of Washington under conditions of labor detrimental to
15 their health.”

16 68. Under RCW 49.12.005 and WAC 296-126-002, “conditions of labor” “means and
17 includes the conditions of rest and meal periods” for employees.

18 69. WAC 296-126-092 provides that employees shall be allowed certain paid rest
19 periods during their shifts.

20 70. Defendant has an obligation to provide employees with the rest breaks to which
21 they are entitled.

22 71. Defendant has an obligation to ensure that employees take the rest breaks to
23 which they are entitled.

24 72. Defendant has an obligation to provide employees with ten minutes of additional
25 pay for each missed rest break.

26 73. By the actions alleged above, Defendant has violated the provisions of RCW
27 49.12.020 and WAC 296-126-092.

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74. As a result of the unlawful acts of Defendant, Plaintiff Rozeboom and members of the Washington Class have been deprived of compensation in amounts to be determined at trial, and Plaintiff Rozeboom and members of the Washington Class are entitled to the recovery of such damages, including interest thereon, attorneys’ fees under RCW 49.48.030, and costs.

FOURTH CAUSE OF ACTION

FAILURE TO PROVIDE MEAL PERIODS

(RCW 49.12.020 and WAC 296-126-092)

On Behalf of Plaintiff Rozeboom and the Putative Washington Class

75. Plaintiff Rozeboom and the Washington Class re-allege and incorporate by reference the allegations in the preceding paragraphs.

76. WAC 296-126-092 provides that employees shall be allowed certain meal periods during their shifts, and the meal periods shall be on the employer’s time when the employee is required by the employer to remain on duty on the premises or at a prescribed work site in the interest of the employer.

77. Under Washington law, Defendant has an obligation to provide employees with the meal breaks to which they are entitled.

78. Defendant has an obligation to ensure that employees take the meal breaks to which they are entitled.

79. Defendant has an obligation to provide employees with thirty minutes of additional pay for each missed meal break.

80. By the actions alleged above, Defendant has violated the provisions of RCW 49.12.020 and WAC 296-126-092.

81. As a result of the unlawful acts of Defendant, Plaintiff and members of the Class have been deprived of compensation in amounts to be determined at trial, and Plaintiff and members of the Class are entitled to the recovery of such damages, including interest thereon, attorneys’ fees under RCW 49.48.030, and costs.

FIFTH CAUSE OF ACTION

WILLFUL FAILURE TO PAY WASHINGTON STATE WAGES

(Washington Wage Rebate Act, RCW 49.52.010, et seq.)

On Behalf of Plaintiff Rozeboom and the Putative Washington Class

82. Plaintiff Rozeboom and the Washington Class re-allege and incorporate by reference the allegations in the preceding paragraphs.

83. Defendant's violations of RCW 49.46.130, RCW 49.12.020, and WAC 296-126-092, as discussed above, have been willful and thus constitute violations of RCW 49.52.050.

84. RCW 49.52.070 provides that any employer who violates the provisions of RCW 49.52.050 shall be liable in a civil action for twice the amount of wages withheld, attorneys' fees, and costs.

85. By the actions alleged above, Defendant has violated the provisions of RCW 49.52.050.

86. As a result of the willful, wrongful acts of Defendant, Plaintiff Rozeboom and the Washington Class have been deprived of compensation in amounts to be determined at trial and pursuant to RCW 49.52.070, Plaintiff Rozeboom and the Washington Class are entitled to recovery of twice such damages, including interest thereon, as well as attorneys' fees and costs.

SIXTH CAUSE OF ACTION

FAILURE TO PAY MASSACHUSETTS STATE OVERTIME PREMIUMS

(Massachusetts Minimum Fair Wage Law, Mass. Gen. Laws Ann. ch. 151 § 1, et seq.)

On Behalf of Plaintiff Lavalley Individually

87. Plaintiff Lavalley re-alleges and incorporates by reference the allegations in the preceding paragraphs.

88. The MFWL requires employers to pay overtime compensation to all non-exempt employees for all hours worked over forty (40) in a work week. Mass. Gen. Laws Ann. ch. 151 § 1A.

89. Plaintiff Lavalley qualifies as non-exempt employees entitled to be paid proper overtime compensation for all hours worked.

1 90. During the relevant statutory period, Plaintiff worked in excess of forty (40) hours
2 in a work week during the applicable time period.

3 91. During the relevant statutory period, as a result of Defendant's misclassification,
4 Defendant failed and refused to pay Plaintiff Lavalley proper overtime compensation for
5 overtime hours worked.

6 92. As a result of Defendant's failure to pay wages earned and due, Defendant
7 willfully and with reckless indifference violated the MFWL.

8 93. Defendant's violation of the MFWL was willful and showed reckless indifference
9 to the rights of its employees, making treble damages pursuant to Mass. Gen. Laws Ann. ch. 151
10 § 1B appropriate.

11 94. As a direct and proximate result of Defendant's unlawful conduct, as set forth
12 herein, Plaintiff Lavalley has sustained damages, including loss of earnings for hours of overtime
13 worked on behalf of Defendant, prejudgment interest, treble damages as liquidated damages, and
14 attorneys' fees and costs, pursuant to Mass. Gen. Laws Ann. ch. 151 § 1B and other applicable
15 law.

16 **PRAYER FOR RELIEF**

17 95. **WHEREFORE**, Plaintiffs, on behalf of themselves and all members of the
18 putative FLSA Collective, prays for relief as follows:

19 a) A finding that Plaintiffs and the putative FLSA Collective are
20 similarly situated;

21 b) Certification of this case as a collective action pursuant to 29
22 U.S.C. § 216(b);

23 c) Authorization for the prompt issuance of notice to all those
24 similarly situated, apprising them of the pendency of this action and providing them with
25 the opportunity to assert timely FLSA claims by filing individual consent forms;

26 d) Leave to add additional plaintiffs or claims by motion, the filing of
27 written consent forms, or any other method approved by the Court;

28 e) A finding that Defendant failed and refused to pay Plaintiffs and

1 the putative FLSA Collective all earned wages in violation of the FLSA;

2 f) Judgment against Defendant for an amount equal to Plaintiffs' and
3 the putative FLSA Collective's unpaid back wages at the applicable overtime rates;

4 g) A finding that Defendant's violations of the FLSA were willful;

5 h) An amount equal to Plaintiffs' and the putative FLSA Collective's
6 damages as liquidated damages;

7 i) All costs and attorneys' fees incurred;

8 j) An award of any pre- and/or post-judgment interest; and

9 k) All further relief as the Court deems just and equitable.

10 96. **WHEREFORE**, Plaintiff Rozeboom, on behalf of herself and the putative
11 Washington Class prays for relief as follows:

12 a) Certification of the putative Washington Class a class action
13 pursuant to Federal Rule of Civil Procedure 23;

14 b) A finding that Defendant failed and refused to provide Plaintiff and
15 the putative Washington Class with all wages earned in violation of Washington law;

16 c) A finding that Defendant failed and refused to provide Plaintiff and
17 the putative Washington Class with the rest and meal breaks to which they are entitled,
18 failed to ensure Plaintiff and the putative Washington Class took those rest and meal
19 breaks, and failed to compensate Plaintiff and the putative Washington Class for missed
20 rest and meal breaks;

21 d) Judgment against Defendant for an amount equal to Plaintiff
22 Rozeboom and the putative Washington Class's unpaid back wages at the applicable
23 overtime rates;

24 e) A finding that Defendant acted willfully in failing to pay Plaintiff
25 and the putative Washington Class proper overtime wages;

26 f) An award of unpaid wages and an equal amount as exemplary
27 damages;

1 g) An award of any pre- and/or post-judgment interest, as provided by
2 law;

3 h) All costs and attorneys' fees incurred, as provided by law; and

4 i) Such other injunctive and equitable relief as the Court may deem
5 just and proper.

6 97. **WHEREFORE**, Plaintiff Lavalley, on behalf of himself, prays for relief as
7 follows:

8 a) Leave to amend to add claims on behalf of a Massachusetts class if
9 discovery reveals the putative class would be sufficiently numerous so as to state a claim
10 under Federal Rule of Civil Procedure 23;

11 b) A finding that Defendant failed and refused to provide Plaintiff
12 with all wages earned in violation of Massachusetts law;

13 c) Judgment against Defendant for an amount equal to Plaintiff
14 Lavalley's unpaid back wages at the applicable overtime rates;

15 d) A finding that Defendant acted willfully or with reckless
16 indifference to the rights of its employees;

17 e) An award of damages equal to unpaid overtime wages, treble
18 damages as liquidated damages, and other damages owed pursuant to Massachusetts law;

19 f) An award of any pre- and/or post-judgment interest, as provided by
20 law;

21 g) All costs and attorneys' fees incurred, as provided by law; and

22 h) Such other injunctive and equitable relief as the Court may deem
23 just and proper.

1 RESPECTFULLY SUBMITTED AND DATED this 21st day of August, 2017.

2 TERRELL MARSHALL LAW GROUP PLLC

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ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Dietz & Watson Faces Former Employees' Unpaid Wage Suit](#)
