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4. At least some of the acts and omissions alleged herein took place in King County.

III. PARTIES

- 5. Plaintiff David Cooper is a resident of Spokane, Washington and citizen of Washington and is currently employed by defendant as a "Route Sales Representative."
- 6. Plaintiff Jerry Scott is a resident of Spokane, Washington and citizen of Washington and is currently employed by defendant as a "Route Sales Representative."
- 7. Defendant Alsco is a Nevada corporation doing business in King County and in the State of Washington.
 - 8. Alsco is an employer for purposes of the MWA and the WRA.

IV. FACTUAL ALLEGATIONS

- 9. Defendant Alsco is engaged in the rental, sale, cleaning, and delivery of uniforms, linens, and other products to businesses throughout the state of Washington.
- 10. Plaintiffs and members of the class (collectively, "employees") currently work for and formerly have worked for defendant as "Route Sales Representatives" ("RSRs"), or similar positions, delivering Alsco's products to businesses throughout the state of Washington.
 - 11. Employees frequently worked more than forty (40) hours in work weeks.
- 12. Employees have not received one and one-half times their regular rate of pay for these overtime hours.
- 13. Defendant has acted willfully and with intent to deprive class members of their proper wages.

V. CLASS ACTION ALLEGATIONS

- 14. Plaintiffs seek to represent all past and present employees employed by defendant in Washington as "Route Sales Representatives," or similar job classifications, beginning three years prior to the filing of this Complaint and continuing thereafter.
- 15. This action is properly maintainable as a class action under CR 23(a) and (b)(3).
- 16. Pursuant to CR 23(a)(1), the class as described makes it impracticable to join all of the class members as named plaintiffs.
- 17. Pursuant to CR 23(a)(2), there are common questions of law and fact including, but not limited to, whether plaintiffs and members of the putative class are exempt from overtime pay on the basis of a statutory exemption and whether defendant has acted willfully and with intent to deprive class members of their proper wages.
- 18. Pursuant to CR 23(a)(3), the named plaintiffs' wage and hour claims are typical of the claims of all class members and of defendant's anticipated defenses thereto.
- 19. The named plaintiffs will fairly and adequately protect the interests of the class as required by CR 23(a)(4).
- 20. Pursuant to CR 23(b)(3), class certification is appropriate here because questions of law or fact common to members of the class predominate over any questions affecting only individual members and because a class action is superior to other available methods for the fair and efficient adjudication of the controversy.

VI. FIRST CAUSE OF ACTION – VIOLATION OF THE WASHINGTON MINIMUM WAGE ACT

21. Plaintiffs restate and reallege the allegations set forth in paragraphs 1 through 20 above.

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- 22. Defendant's failure to pay class members one and one-half times their regular rate of pay for hours worked in excess of forty in their work weeks constitutes a violation of RCW 49.46.130.
- 23. As a result of defendant's acts and omissions, plaintiffs and the class members have been damaged in amounts as will be proven at trial.

VII. SECOND CAUSE OF ACTION – WILLFUL WITHHOLDING OF WAGES IN VIOLATION OF RCW 49.52

- 24. Plaintiffs restate and reallege the allegations set forth in paragraphs 1 through 23 above.
- 25. By the foregoing, defendant's actions constitute willful withholding of wages in violation of RCW 49.52.050 and .070.
- 26. As a result of defendant's acts and omissions, plaintiffs and the class members have been damaged in amounts as will be proven at trial.

VIII. PRAYER FOR RELIEF

WHEREFORE, plaintiffs request this Court enter an order granting them and the class members the following relief:

- A. Damages for lost wages in amounts to be proven at trial;
- B. Exemplary damages in amounts equal to double the wages due to class members, pursuant to RCW 49.52.070;
 - C. Attorneys' fees and costs pursuant to RCW 49.46.090 and RCW 49.48.030;
 - D. Prejudgment interest; and
 - E. Such other and further relief as the Court deems just and proper.

DATED this 27th day of September, 2012. SCHROETER, GOLDMARK & BENDER Adam J. Berger, WSBA #20714 Martin S. Garfinkel, WSBA# 20787 LAW OFFICE OF GEOFFREY D. SWINDLER Geoffrey D. Swindler, W8BA# 20176 Attorneys for Plaintiffs