

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING

LOU LEHMAN, individually and on behalf  
of all those similarly situated,

Plaintiff,

v.

EXTRA CAR AIRPORT PARKING, INC.  
a domestic corporation,

Defendant.

No. 14-2-08531-1 KNT

CLASS ACTION COMPLAINT  
FOR DAMAGES

Plaintiff claims against defendant as follows:

**I. NATURE OF ACTION**

1. Plaintiff brings this class action for money damages and statutory penalties for wage law violations on behalf of current and former employees of defendant Extra Car Airport Parking, Inc. (“Extra Car,” “company,” or “employer”) for violating the SeaTac Municipal Code 7.45, the Washington Minimum Wage Act (“MWA”), RCW 49.46, and the Wage Rebate Act (“WRA”), RCW 49.52.

**II. JURISDICTION AND VENUE**

2. The Superior Court of Washington has jurisdiction of plaintiff’s claims pursuant to RCW 2.08.010.

1 3. Venue in King County is appropriate pursuant to RCW 4.12.025.

2 4. A significant portion of the acts and omissions alleged herein took place in  
3 King County.

4 **III. PARTIES**

5 5. Plaintiff Lou Lehman is a resident of Tacoma, Washington and was formerly  
6 employed by defendant as a “transport driver.”

7  
8 6. Defendant Extra Car is a Washington corporation doing business in King  
9 County and in the State of Washington. Extra Car is an employer for purposes of the MWA  
10 and the WRA, and is a “Transportation Employer” for purposes of the SeaTac Municipal  
11 Code 7.45.050(A).

12 **IV. FACTUAL ALLEGATIONS**

13 7. Defendant Extra Car is engaged in the storage and parking of cars and parking  
14 lot management primarily for the benefit of travelers at SeaTac Airport.

15  
16 8. Plaintiff and members of the putative class (collectively, “employees” or  
17 “class members”) currently and formerly worked for defendant at some time since January 1,  
18 2014 as hourly paid employees in nonmanagerial and nonsupervisory capacities, including as  
19 “transport drivers,” “lot attendants,” “shuttle drivers,” “cashiers,” and similar positions.

20 9. Since January 1, 2014, employees have been paid hourly wage rates that are  
21 below the new minimum “living wage” rate of \$15.00 per hour established under the SeaTac  
22 Municipal Code 7.45.050(A).

23  
24 10. In some instances, employees have worked more than forty (40) hours in a  
25 work week and have not received one and one-half times their regular rate of pay for these  
26 overtime hours.

1 11. Defendant has acted willfully and with intent to deprive class members of  
2 their proper wages.

3 **V. CLASS ACTION ALLEGATIONS**

4 12. Plaintiff seeks to represent all past and present employees employed by  
5 defendant at any time since January 1, 2014 as hourly paid employees in nonmanagerial and  
6 nonsupervisory capacities, including as "transport drivers," "lot attendants," "shuttle  
7 drivers," "cashiers," and similar positions.  
8

9 13. This action is properly maintainable as a class action under CR 23(a) and  
10 (b)(3).

11 14. Pursuant to CR 23(a)(1), the class as described makes it impracticable to join  
12 all of the class members as named plaintiffs.

13 15. Pursuant to CR 23(a)(2), there are common questions of law and fact  
14 including, but not limited to, whether plaintiff and members of the putative class were paid  
15 the minimum wage of \$15.00 per hour as required beginning January 1, 2014, and whether  
16 defendant has acted willfully and with intent to deprive class members of their proper wages.  
17

18 16. Pursuant to CR 23(a)(3), the named plaintiff's wage claims are typical of the  
19 claims of all class members and of defendant's anticipated defenses thereto.

20 17. The named plaintiff will fairly and adequately protect the interests of the class  
21 as required by CR 23(a)(4).  
22

23 18. Pursuant to CR 23(b)(3), class certification is appropriate here because  
24 questions of law or fact common to members of the class predominate over any questions  
25 affecting only individual members and because a class action is superior to other available  
26 methods for the fair and efficient adjudication of the controversy.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

**VI. FIRST CAUSE OF ACTION –  
VIOLATION OF THE SEATAC MUNICIPAL CODE 7.45.050(A)**

19. Plaintiff restates and realleges the allegations set forth in paragraphs 1 through 18 above.

20. Defendant’s failure to pay class members the “living wage” rate of \$15.00 per hour constitutes a violation of SeaTac Municipal Code 7.45.050(A).

21. As a result of defendant’s acts and omissions, plaintiff and the class members have been damaged in amounts as will be proven at trial.

**VII. SECOND CAUSE OF ACTION –  
VIOLATION OF THE WASHINGTON MINIMUM WAGE ACT**

22. Plaintiff restates and realleges the allegations set forth in paragraphs 1 through 21 above.

23. Defendant’s failure to pay class members one and one-half times the regular rate of pay required by SeaTac Municipal Code 7.45.050(A) for hours worked in excess of forty in their work weeks constitutes a violation of RCW 49.46.130.

24. As a result of defendant’s acts and omissions, plaintiff and the class members have been damaged in amounts as will be proven at trial.

**VIII. THIRD CAUSE OF ACTION –  
WILLFUL WITHHOLDING OF WAGES IN VIOLATION OF RCW 49.52**

25. Plaintiff restates and realleges the allegations set forth in paragraphs 1 through 24 above.

26. By the foregoing, defendant’s actions constitute willful withholding of wages in violation of RCW 49.52.050 and .070.

27. As a result of defendant’s acts and omissions, plaintiff and the class members have been damaged in amounts as will be proven at trial.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

**IX. PRAYER FOR RELIEF**

WHEREFORE, plaintiff requests this Court enter an order granting her and 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, RCW 49.48.030, RCW 49.52, and SeaTac Municipal Code 7.45.100.
- D. Prejudgment interest; and
- E. Such other and further relief as the Court deems just and proper.

DATED this 26th day of March, 2014.

SCHROETER GOLDMARK & BENDER



Adam J. Berger, WSBA #20714  
Martin S. Garfinkel, WSBA# 20787  
Lindsay L. Halm, WSBA#37141

*Attorneys for Plaintiff*