

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 PIERCE

DANILO ROJAS, individually and on
behalf of all those similarly situated

Plaintiff,

No. 17-2-14133-5

CLASS ACTION COMPLAINT FOR
DAMAGES

v.

DAMCO DISTRIBUTION SERVICES,
INC., a foreign corporation; and DAMCO
USA, INC., a foreign corporation

Defendants.

Plaintiff claims against defendants 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 similarly situated current and former employees of Defendants Damco Distribution Services, Inc. and Damco USA, Inc. (collectively, "Damco," "company," or "employer") for violating the Washington Minimum Wage Act ("MWA"), RCW 49.46, and the Wage Rebate Act ("WRA"), RCW 49.52.

1 **II. JURISDICTION AND VENUE**

2 2. The Superior Court of Washington has jurisdiction of Plaintiff's claims
3 pursuant to RCW 2.08.010.

4 3. Venue in Pierce County is appropriate pursuant to RCW 4.12.025.

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

7 **III. PARTIES**

8
9 5. Plaintiff Danilo Rojas is a resident of Pierce County, Washington and citizen
10 of Washington and was formerly employed by Defendants as a warehouse supervisor in their
11 Sumner, Washington facility.

12 6. Defendant Damco Distribution Services, Inc. is a foreign corporation doing
13 business in Pierce County and in the state of Washington. Damco Distribution Services, Inc.
14 is an employer for purposes of the MWA and the WRA.

15
16 7. Defendant Damco USA, Inc. is a foreign corporation doing business in Pierce
17 County and in the state of Washington. Damco USA, Inc. is an employer for purposes of the
18 MWA and the WRA.

19 **IV. FACTUAL ALLEGATIONS**

20 8. Damco provides warehousing and supply chain services in Sumner,
21 Washington and throughout the state of Washington.

22 9. Plaintiff and members of the class currently work for and formerly have
23 worked for Damco as warehouse supervisors in the state of Washington.

24 10. Plaintiff and members of the class frequently worked more than forty (40)
25 hours in work weeks.
26

1 from overtime pay on the basis of a statutory exemption and whether Damco has acted
2 willfully and with intent to deprive class members of their proper wages.

3 18. Pursuant to CR 23(a)(3), the named Plaintiff's wage and hour claims are
4 typical of the claims of all class members and of Damco's anticipated defenses thereto.

5 19. The named Plaintiff will fairly and adequately protect the interests of the class
6 as required by CR 23(a)(4).

7 20. Pursuant to CR 23(b)(3), class certification is appropriate here because
8 questions of law or fact common to members of the class predominate over any questions
9 affecting only individual members and because a class action is superior to other available
10 methods for the fair and efficient adjudication of the controversy.
11

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

14 21. Plaintiff restates and realleges the allegations set forth in paragraphs 1 through
15 20 above.

16 22. Damco's failure to pay Plaintiff and the class members one and one-half times
17 their regular rate of pay for hours worked in excess of forty in their work weeks constitutes a
18 violation of RCW 49.46.130.

19 23. As a result of Damco's acts and omissions, Plaintiff and the class members
20 have been damaged in amounts as will be proven at trial.
21

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

24 24. Plaintiff restates and realleges the allegations set forth in all preceding
25 paragraphs.
26

Counsel for Plaintiff

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