

0300
GEGEÀJÒUÁHÉÁFKÍ ÁJT
SÖ ÖÁUWÞVÝ
ÙWÚÖÜQÜÁÏUWÜVÁÖŠÖÜS
ÒÈÖŠÖÖ
ÖÖÈJÒÁKÖGÈÍ Î HË ÁÞV

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

JUSTIN L. OAKLEY, individually and on
behalf of all those similarly situated,

Plaintiff,

vs.

DOMINO'S PIZZA LLC,
a foreign limited liability company,

Defendant.

No.

CLASS ACTION COMPLAINT FOR
DAMAGES

Plaintiff claims against Defendant as follows:

I. NATURE OF ACTION

1.1. Plaintiff Justin L. Oakley, individually and on behalf of all individuals currently or formerly employed by Defendant as commercial truck drivers based out of Washington state, brings this action for money damages and statutory penalties for violations of the Washington Minimum Wage Act ("MWA"), RCW 49.46, and Wage Rebate Act ("WRA"), RCW 49.52.

II. JURISDICTION AND VENUE

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

2.2. Venue in King County is appropriate pursuant to RCW 4.12.025.

1 individual members, and because a class action is superior to other available methods for the fair
2 and efficient adjudication of the controversy.

3 **VI. FIRST CAUSE OF ACTION – CLASSWIDE FAILURE TO PAY**
4 **OVERTIME WAGES IN VIOLATION OF THE WASHINGTON MINIMUM**
5 **WAGE ACT**

6 6.1. Plaintiff restates and realleges the allegations set forth in all preceding paragraphs.

7 6.2. Defendant violated the Washington State Minimum Wage Act, RCW 49.46.130, by
8 failing to pay Plaintiff and members of the putative class one and one-half times their regular rate of
9 pay for weekly hours worked in excess of forty or the reasonable equivalent thereof.

10 6.3. As a result of Defendant's acts and omissions, Plaintiff and members of the putative
11 class have been damaged in amounts as will be proven at trial.

12 **VII. SECOND CAUSE OF ACTION – CLASSWIDE WILLFUL WITHHOLDING OF**
13 **WAGES IN VIOLATION OF THE WASHINGTON WAGE REBATE ACT**

14 7.1. Plaintiff restates and realleges the allegations set forth in all preceding paragraphs.

15 7.2. By the foregoing, Defendant's actions constitute willful withholding of wages due
16 in violation of RCW 49.52.050 and 070.

17 7.3. As a result of Defendant's acts and omissions, Plaintiff and members of the putative
18 class have been damaged in amounts as will be proven at trial.

19 **VIII. PRAYER FOR RELIEF**

20 WHEREFORE, Plaintiff requests this Court enter an order against Defendant granting the
21 following relief:

- 22 A. Certification of this case as a class action pursuant to CR 23(a) and (b)(3);
23 B. Damages for unpaid wages in amounts to be proven at trial;
24 C. Exemplary damages in amounts equal to the unpaid wages due to Plaintiff and
25 members of the putative class pursuant to RCW 49.52.070;
26 D. Attorneys' fees and costs pursuant to RCW 49.46.090, 49.48.030, and 49.52.070;
E. Prejudgment interest pursuant to RCW 19.52.010; and

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

F. Such other and further relief as the Court deems just and proper.

DATED this 30th Day of September, 2020.

ENTENTE LAW PLLC

s/ James B. Pizl
James B. Pizl, WSBA #28969

SCHROETER GOLDMARK & BENDER

s/ Adam J. Berger
Adam J. Berger, WSBA #20714
Lindsay L. Halm, WSBA #37141
Jamal N. Whitehead, WSBA #39818