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**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF CLARK**

BRANDY JENNINGS, individually and on  
behalf of all those similarly situated,

Plaintiff,

v.

ASAP TOWING AND RECOVERY, LLC,  
a Washington company; SUPERIOR  
TOWING & RECOVERY, LLC, a  
Washington company; ALEKSANDR  
SHOPEN; and MARISA SHOPEN,

Defendants.

22 2 01999 06

No.

**CLASS ACTION COMPLAINT FOR  
DAMAGES**

**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 Defendants ASAP Towing and Recovery, LLC, Superior Towing & Recovery, LLC, Aleksandr Shopen, and Marisa Shopen (collectively, "Defendants") for violating the Washington Minimum Wage Act ("MWA"), RCW 49.46, and 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           24. Pursuant to CR 23(a)(3), the named Plaintiff's wage and hour claims are  
2 typical of the claims of all class members and of Defendants' anticipated defenses thereto.

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

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

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

12           27. Defendants' failure to pay employees one and one-half times their regular rate  
13 of pay for hours worked in excess of 40 in their workweeks, or the reasonable equivalent of  
14 overtime, violates RCW 49.46.130.

15           28. As a result of Defendants' acts and omissions, Plaintiff and the class members  
16 have been damaged in amounts to be proven at trial.

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

20           29. Defendants' failure to provide employees with paid sick leave violates RCW  
21 49.46.210.

22           30. As a result of Defendants' acts and omissions, Plaintiff and the class members  
23 have been damaged in amounts to be proven at trial.

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

26           31. Defendants' failure to pay employees overtime or the reasonable equivalent of  
overtime and its failure to provide paid sick leave constitute willful withholding of wages,

1 entitling Plaintiff and the class members to exemplary damages under RCW 49.52.050 and  
2 .070 in amounts to be proven at trial.

3 **IX. PRAYER FOR RELIEF**

4 WHEREFORE, Plaintiff requests this Court grant her and the class members the  
5 following relief:

6 A. Certification of this case as a class action;

7 B. Damages for lost overtime wages and paid sick leave in amounts to be proven  
8 at trial;

9 C. Exemplary damages in amounts equal to double the wages due to class  
10 members, pursuant to RCW 49.52.070;

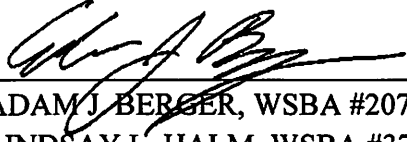
11 D. Attorneys' fees and costs pursuant to RCW 49.46.090, RCW 49.48.030, and  
12 RCW 49.52.070;

13 E. Prejudgment interest; and

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

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18 DATED this 10th day of August, 2022.

19 SCHROETER GOLDMARK & BENDER

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21   
22 \_\_\_\_\_  
23 ADAM J. BERGER, WSBA #20714  
24 LINDSAY L. HALM, WSBA #37141  
25 CARSON PHILLIPS-SPOTTS, WSBA #51207  
26 Counsel for Plaintiff