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**IN THE SUPERIOR COURT OF KING COUNTY
STATE OF WASHINGTON**

KARLI WHITE, and ANTONIO MITCHELL,
individually and as class representatives,

Plaintiffs,

v.

PROVIDENCE HEALTH SERVICES
WASHINGTON.

Defendants.

NO:

COMPLAINT FOR DAMAGES

CLASS ACTION

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I. INTRODUCTION

1. Plaintiffs bring this class action on behalf of themselves and all similarly situated employees against Providence Health Services Washington for unpaid wages.

II. PARTIES

1. Plaintiffs Karli White and Antonio Mitchell (“Plaintiffs”) are individuals who were employed by Defendant Providence Health Services Washington, (from now on “Providence”) at its Providence Regional Medical Center Everett location.
2. Plaintiff Karli White is a Washington resident, who worked for Defendant Providence in Snohomish County, WA. She resides in King County, Washington.

1 3. Plaintiff Antonio Mitchell is a Washington resident, who worked for Defendant
2 Providence in Snohomish County, WA. He resides in Snohomish County, Washington.
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4 **III. JURISDICTION AND VENUE**

5 4. The Court has jurisdiction over this action under RCW 49.12 et seq. and
6 RCW 49.52 et seq.

7 5. Venue is proper in King county because Defendant is incorporated and
8 resides in the city of Renton, in King County.
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10 **IV. FACTUAL ALLEGATIONS.**

11 6. Plaintiff White was employed by Providence as a registered nurse
12 engaged in patient care in the Emergency Department from December 2015 until
13 August 2018.

14 7. Plaintiff Mitchel was employed by Providence as an Emergency
15 Department Technician engaged in patient care in the Emergency Department
16 from October 2006 until April 2019.
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18 8. Defendant has paid medical staff like Plaintiffs, hourly wages in the past
19 three years.

20 9. Plaintiffs, and other nursing and technical personnel engaged in patient
21 care at the Emergency Department of Defendant's Hospital, often work in eight
22 (8), ten (10), and twelve (12) hour shifts.
23

24 10. On information and belief, Defendant has engaged in a pattern or practice
25 of not providing sufficient staffing to enable plaintiffs and others to take legally
26 required lunch and rest breaks.

1 11. On information and belief, Defendant has engaged in a pattern or practice
2 of not routinely providing legally required compensation to Plaintiffs and other
3 medical staff for missed rest breaks of meal breaks

4 12. Since the beginning of their employment, Plaintiffs have often worked
5 more than five hours and up to sixteen hours without any lunch break(s).
6

7 13. Additionally, nursing and technical personnel in the Emergency
8 Department would on many occasions miss their rest breaks.

9 14. Defendant and/or its agents were aware that nursing and technical
10 personnel, like Plaintiffs were not always receiving adequate rest and meal breaks
11 under Washington law.

12 15. On information and belief, Defendants had engaged in a pattern or
13 practice of not adequately paying time and a half of the regular rate for all
14 overtime hours worked.
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16 16. Defendant's patterns or practices alleged herein are willful.

17 **V. CLASS ACTION ALLEGATIONS**

18 17. Plaintiffs bring this action as a class action under CR23(a) and (b)(3) on behalf of
19 themselves and all others similarly situated. Plaintiffs seek to represent a class defined as
20

21 All registered nurses and technical personnel engaged in patient
22 care who have been employed by Providence in Snohomish
23 County Washington and who, at any time between April 28th 2017
24 and the present, worked at the Emergency Department and were
25 not encouraged and offered the opportunity to take all required
26 meals and /or rest breaks, or not always correctly paid for missed
overtime.

1 18. The proposed class consists of at least 100 members, and individual joinder
2 would be impracticable.

3 19. Plaintiffs' claims are typical of the claims of the proposed class because their
4 claims arise from the same practices by Providence which give rise to the claims
5 of the other members of the class, and are based on the same legal theories.
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7 20. The Plaintiffs' claims and those of the class raise common legal and factual
8 issues because Providence's practices which Plaintiffs challenge applied to all
9 members of the class.

10 21. Plaintiffs would adequately represent the interests of the class because they do
11 not have interests which are adverse to the members of the class and have retained
12 competent counsel to prosecute their claims and those of the class.
13

14 22. Common issues of law and fact predominate over any individual issues,
15 including but not limited to:

16 (a) Whether the Defendant's practice of understaffing so as effectively to require
17 employees to perform unremitting work through meal breaks and rest breaks is
18 consistent with Washington law;

19 (b) Whether Defendant's registered nurse and technical personnel employees
20 failed to receive all rest and meal breaks required by Washington law;

21 (c) Whether Plaintiffs and other nurse and technical personnel consistently
22 received proper overtime payments; and
23

24 (d) Whether Plaintiffs and the class are entitled to double damages under the
25 Washington Wage Statute for the denial of meal, rest-breaks and/or overtime.
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1 23. A class action is superior to any other methods for the fair and efficient
2 adjudication of Plaintiffs' claims because: (a) the value of the individual damages
3 claims are likely to be small given the total amount of wages due to each
4 individual worker, and class members would have little ability to individually
5 prosecute his or her claims; (b) there is no known litigation already commenced
6 concerning the claims set forth herein; (c) the claims are conveniently
7 concentrated in this forum, where under the complained of practices witnesses to
8 the complained of practices reside in the forum, and the claims are brought under
9 Washington law; and (d) there are no difficulties likely to be encountered in the
10 management of this matter as a class action. In this regard, defendant's business
11 records can supply the names, current or last known addresses and telephone
12 numbers of all employees who would be members of the class. Defendant's
13 records can also supply the hours and rates of pay during the applicable periods
14 for the employees.
15

17 **VI. CLAIMS**

18 24. Defendant's patterns or practices under which Plaintiffs and the class do not
19 receive meal and rest-breaks violates RCW 49.12 and WAC 296-126-092.

20 25. Defendant's practice under which Plaintiffs and the class do not receive meal
21 and rest breaks violate RCW 49.46.130, RCW 49.48.010 and applicable
22 regulations and DLI policies.
23

24 26. Defendant's patterns or practices under which Plaintiffs and the class do not
25 always receive meal and rest-breaks unjustly enriched Defendant.
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1 27. Defendant's patterns or practices of not paying appropriate overtime violate
2 RCW 49.46.130, RCW 49.48.010, applicable regulations, and DLI policies.

3 **VII. DAMAGES**

4 28. As a result of the foregoing, the Plaintiffs and putative class members have suffered lost
5 wages and economic loss.
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7 **VII. PRAYER FOR RELIEF**

8 29. Wherefore plaintiffs pray for individual and class-wide relief as follows:

- 9 (a) Certification of the class;
10 (b) Judgment against Defendant for the wages due, in an amount to be proven at trial;
11 (c) An award of double damages under the Washington Wage statutes;
12 (d) An award of reasonable attorney fees and costs of suit under RCW 49.48.030, 49.52.070 and
13 49.46.090;
14 (f) Pre-judgment interest on all amounts awarded as allowed by law;
15 (g) Post judgment interest;
16 (h) such other relief as the Court finds just and equitable.
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18 DATED this 28th day of April , 2020.

19 MENDEZ LAW GROUP, PLLC

20 */s/ Damian S. Mendez*

21 _____
22 Damian S. Mendez, WSBA No. 36157
23 Attorney for Plaintiffs
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