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

ROY KINGSLEY, on his own behalf and on the
behalf of all others similarly situated,

Plaintiff,

v.

INTERSTATE DISTRIBUTOR CO.,
a Washington Corporation,

Defendant.

NO. 17-2-04226-9 SEA

**PLAINTIFF’S CLASS ACTION
COMPLAINT FOR DAMAGES**

JURY TRIAL REQUESTED

Plaintiff, individually and on behalf of all others similarly situated, by and through his
counsel, for his class action complaint against Defendant hereby states and alleges as follows:

I. INTRODUCTION

1. Defendant Interstate Distributor Co. (“Defendant” or “Interstate”) is a truckload
company that delivers goods for customers by use of trucks. On information and belief,
Defendant has employed more than 150 Washington State driver employees in the last three
years. Defendant has engaged in a common scheme of wage and hour violations against its
driver employees. This scheme has included failing to pay driver employees for the rest breaks
to which they are entitled, failing to pay driver employees at least minimum wage for all work
performed during mandatory orientation, and failing to pay driver employees for all hours

1 worked. Defendant's willful failure to pay these driver employees their earned wages violates
2 Washington law.

3 2. Plaintiff and Class members are current and former Washington State driver
4 employees of Defendant who have been victimized by Defendant's unlawful compensation
5 practices. This lawsuit is brought as a class action under state law to recover unpaid wages
6 owed to the individual Plaintiff and all other similarly situated employees.

7 **II. JURISDICTION AND VENUE**

8 3. Venue is proper in King County because Plaintiff Kingsley has worked for
9 Defendant in King County where violations alleged herein occurred. In addition, Defendant
10 transacts business in King County and some of the specific acts, as well as the course of
11 conduct alleged herein, occurred in King County.

12 4. The Defendant is within the jurisdiction of this Court. Defendant is
13 incorporated and headquartered in the State of Washington and has operations in King County.
14 Defendant has obtained the benefits of the laws of the State of Washington and the Washington
15 retail and labor markets.

16 5. Federal jurisdiction is inappropriate under the Class Action Fairness Act, 28
17 U.S.C. § 1332(d)(4)(B), because two-thirds or more of the members of all proposed plaintiff
18 classes in the aggregate and Defendant are citizens of the state of Washington.

19 **III. PARTIES**

20 6. Defendant Interstate is a Washington corporation.

21 7. Named Plaintiff Roy Kingsley has been a resident of the State of Washington
22 during his employment with Defendant Interstate. Mr. Kingsley has worked as a driver for
23 Defendant from July 25, 2016 to the present. During his employment with Interstate, Mr.
24 Kingsley has had a commercial driver's license issued by the State of Washington.

1 **IV. CLASS ACTION ALLEGATIONS**

2 8. Plaintiff brings this case as a class action pursuant to Washington Civil Rule 23
3 on behalf of a class consisting of:

4 All current and former driver employees of Interstate Distributors
5 Co. who at any time from February 22, 2014 through the date of
6 final disposition, worked as drivers for the company while
7 residing in the State of Washington.

8 Excluded from this Class are Defendant, any entity in which Defendant has a
9 controlling interest or which has a controlling interest in Defendant, and Defendant's legal
10 representatives, assignees and successors. Also excluded are the Judge(s) to whom this case is
11 assigned and any member of the Judge's immediate family.

12 9. Plaintiff believes there are least 150 current and former employees in the Class.

13 10. Plaintiff's claims are typical of the claims of the members of the Class because
14 he is a truck driver who, like the members of the Class, sustained damages arising out of
15 Defendant's failure to pay wages.

16 11. Plaintiff will fairly and adequately protect the interests of the Class members.
17 Plaintiff has retained counsel competent and experienced in complex and class action litigation,
18 including employment law.

19 12. Common questions of law and fact exist as to Plaintiff and all members of the
20 Class and predominate over any questions solely affecting individual members of the Class, if
21 any. Among the questions of law and fact common to Plaintiff and the Class are:

22 a. Whether Defendant failed to pay separate compensation to Plaintiff and
23 Class members for rest breaks, whether received or not;

24 b. Whether Defendant failed to pay driver employees at least minimum wage
25 for all work performed during mandatory orientation;

26 c. Whether Defendant failed to properly compensate Plaintiff and the Class for
all hours worked, including hours worked while not driving;

- d. Whether Defendant violated RCW 49.12 *et seq.* as to Plaintiff and the Class;
- e. Whether Defendant violated RCW 49.46.090 as to Plaintiff and the Class;
- f. Whether Defendant violated RCW 49.46.130 as to Plaintiff and the Class;
- g. Whether Defendant violated RCW 49.52.050 as to Plaintiff and the Class;
- h. Whether Defendant violated WAC 296-126-021 as to Plaintiff and the Class;
- i. Whether Defendant violated WAC 296-126-092 as to Plaintiff and the Class;

and

- j. The nature and extent of class-wide injury and the measure of compensation for such injury.

13. Class action treatment is superior to the alternative for the fair and efficient adjudication of the controversy alleged herein. Such treatment will permit a large number of similarly situated persons to prosecute their modest, purely economic, common claims in a single forum simultaneously, efficiently and without duplication of effort and expense that numerous individual actions would entail. No difficulties are likely to be encountered in the management of this class action that would preclude its maintenance as a class action, and no superior alternative exists for the fair and efficient adjudication of this controversy. The Class is readily identifiable from Defendant's records.

14. Defendant has acted on grounds generally applicable to the entire Class, thereby making final injunctive relief or corresponding declaratory relief appropriate with respect to the Class as a whole. Prosecution of separate actions by individual members of the Class would create a risk of inconsistent or varying adjudications with respect to individual members of the Class that would establish incompatible standards of conduct for Defendant.

15. A class action is superior to other available methods for the fair and efficient adjudication of this controversy since joinder of all matters is impractical. Furthermore, the amounts at stake for many of the class members, while substantial to them, are not great enough to hire an attorney to prosecute individual suits against Defendant.

1 RESPECTFULLY SUBMITTED AND DATED this 22nd day of February, 2017.

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