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

KYLE ELLIOT, on his own behalf and on the  
behalf of all others similarly situated,  
  
Plaintiff,  
  
v.  
  
PAIZO INC., a Washington for-profit  
corporation; PAIZO PUBLISHING, LLC, a  
Washington for-profit corporation; LISA  
STEVENS, individually and the marital  
community composed of LISA STEVENS and  
JOHN DOE STEVENS; and, VICTOR  
WERTZ, individually and the marital  
community composed of VICTOR WERTZ and  
JANE DOE WERTZ,  
  
Defendants.

CLASS ACTION  
NO.  
PLAINTIFF’S COMPLAINT FOR  
DAMAGES  
  
**JURY TRIAL REQUESTED**

Plaintiff, individually and on behalf of all others similarly situated, by and through his  
counsel, for his Complaint against Defendants hereby state and allege as follows:

**I. NATURE OF THE ACTION**

Defendants PAIZO INC. and PAIZO PUBLISHING, LLC (collectively “Defendants”  
or “Paizo”), are in the business of publishing and promoting fantasy roleplaying games,  
accessories, board games, and novels. To promote their products, Defendants employ

1 Venture-Officers, among others, to represent Defendants and perform various tasks on behalf  
2 of Defendants, including but not limited to, marketing, traveling to and attending mandatory  
3 meetings and events, and answering questions by potential and current customers about their  
4 products, etc. Defendant’s business also includes organizing an annual four-day conference  
5 called PaizoCon located in King County, Washington. Defendants have employed more than  
6 150 workers to set up and run each of the four-day conventions. Defendants are for-profit  
7 entities, or owners, officers, or principals thereof, that charge attendees of the conference an  
8 admission price. At least 500 people attended each convention held annually from 2014 to the  
9 present.

10 To promote and market their products, Defendants have hired over 250 people in  
11 Washington State, including those who work at PaizoCon, to perform various tasks to  
12 increase their profits. Defendants’ policy and practice is to deny wages, mandatory breaks,  
13 and overtime pay to these employees, by failing to compensate them for their hours worked.  
14 Instead, Defendants classified these workers as “volunteers,” in violation of Washington laws  
15 and regulations. Defendants’ deliberate failure to pay such employees their earned wages and  
16 overtime compensation violates Washington Law. In addition, many of these employees have  
17 worked for Defendants in Seattle, Washington, thereby also violating Seattle Ordinances that  
18 require Defendants to pay a prevailing minimum wage to such employees as proscribed by the  
19 Seattle Ordinances.

## 20 **II. JURISDICTION AND VENUE**

21 **1.** Plaintiff Kyle Elliot (“Plaintiff”) and proposed Class members are current and former  
22 employees employed by Defendants in the State of Washington and have been victimized by  
23 the Defendants' unlawful compensation practices. This lawsuit is brought as a class action

1 under state and local law to recover unpaid wages owed to the individual Plaintiff and all  
2 other similarly situated employees.

3 2. Venue is proper in King County because Plaintiff has resided in King County and  
4 worked for Defendants in King County where many of the violations alleged herein occurred.  
5 In addition, Defendants are headquartered and transact business in King County and many of  
6 the specific acts, as well as the course of conduct alleged herein, occurred in King County,  
7 including Seattle.

8 3. Defendants are within the jurisdiction of this Court. Defendants do business in the  
9 State of Washington and have operations in King County and the City of Seattle. Defendants  
10 are incorporated and registered in the State of Washington. Defendants have obtained the  
11 benefits of the laws of the State of Washington and Washington's retail and labor markets.  
12 Defendants have employed more than 50 employees during the relevant time-period.

13 4. Defendants Lisa Stevens and Victor Wertz are principals, officers, and/or owners of  
14 Defendants.

### 15 III. PARTIES

16 5. Defendant Paizo Inc. is a Washington for-profit corporation, registered and  
17 incorporated in the State of Washington.

18 6. Defendant Paizo Publishing, LLC is a Washington for-profit limited liability  
19 company, registered and incorporated in the State of Washington.

20 7. Named Plaintiff Kyle Elliot was a resident of in the King County, State of Washington  
21 during his employment with Defendants. Mr. Elliot worked for Defendants in King County,  
22 including Seattle, Washington.



1           **13.** Common questions of law and fact exist as to Plaintiff and all members of the  
2 proposed Class and predominate over any questions solely affecting individual members of  
3 the proposed Class. Among the questions of law and fact common to Plaintiff and the  
4 proposed Class are:

5           **a.** Whether Defendants failed to properly compensate Plaintiff and the proposed  
6 Class for all time worked;

7           **b.** Whether Defendants failed to pay Plaintiff and the proposed Class for the work  
8 Defendants permitted them to perform;

9           **c.** Whether Defendants failed to keep true and accurate time records for all hours  
10 worked by Plaintiff and the proposed Class;

11           **d.** Whether Defendants violated RCW 49.46.130 as to Plaintiff and the proposed  
12 Class;

13           **e.** Whether Defendants violated RCW 49.12 *et. seq* as to Plaintiff and the proposed  
14 Class

15           **f.** Whether Defendants violated RCW 49.48.010 as to Plaintiff and the proposed  
16 Class;

17           **g.** Whether Defendants violated RCW 49.46.090 as to Plaintiff and the proposed  
18 Class;

19           **h.** Whether Defendants violated RCW 49.52.050 as to Plaintiff and the proposed  
20 Class;

21           **i.** Whether Defendants violated WAC 296-128-010 as to Plaintiff and the proposed  
22 Class;

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1           **j.** Whether Defendants violated WAC 296-126-040 as to Plaintiff and the proposed  
2 Class;

3           **k.** Whether Defendants violated WAC 296-126-023 as to Plaintiff and the proposed  
4 Class;

5           **l.** Whether Defendants violated Seattle Municipal Code (SMC) 14.19 *et seq.* as to  
6 Plaintiff and the proposed Class;

7           **m.** Whether Defendants violated SMC 14.20 *et seq.* as to Plaintiff and the proposed  
8 Class; and,

9           **n.** The nature and extent of class-wide injury and the measure of compensation for  
10 such injury.

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

19           **15.** Defendants have acted on grounds generally applicable to the entire proposed Class,  
20 thereby making relief appropriate with respect to the proposed Class as a whole. Prosecution  
21 of separate actions by individual members of the proposed Class would create a risk of  
22 inconsistent or varying adjudications with respect to individual members of the proposed  
23 Class that would establish incompatible standards of conduct for Defendants.



1 **VI. FIRST CLAIM FOR RELIEF**  
2 **(Payment of Wages Less Than Entitled: RCW 49.46 *et seq.*, SMC 14.19 *et seq.*, &**  
3 **SMC 14.20 *et seq.*)**

4 **21.** Plaintiff and the proposed Class reallege and incorporate by reference each and every  
5 allegation set forth in the preceding paragraphs.

6 **22.** Under RCW 49.46.090, employers must pay employees all wages to which they are  
7 entitled under The Washington Minimum Wage Act (“WMWA”). If the employer fails to do  
8 so, RCW 49.46.090 requires that the employer pay the employees the full amount of the  
9 statutory minimum wage rate less any amount actually paid to the employees.

10 **23.** RCW 49.46.130 provides that no employer shall employ any employee for a  
11 workweek longer than 40 hours unless the employee receives compensation for his  
12 employment in excess of the hours above specified at a rate not less than one and half times  
13 the regular rate at which he is employed. Upon information and belief Defendants did not pay  
14 overtime to Plaintiff and proposed Class members.

15 **24.** RCW 49.46.120 establishes Washington State’s minimum wage and provides for  
16 enforcement of more favorable minimum wages that may be established by federal, state, or  
17 local law or ordinance.

18 **25.** By the actions alleged above, Defendants violated the provisions of the WMWA,  
19 SMC 14.19 *et seq.*, and SMC 14.20 *et seq.* by failing to pay any wage whatsoever to Plaintiff  
20 and the proposed Class for the time they worked, including in the City of Seattle. Defendants  
21 failed to pay Plaintiff and the proposed Class at all for certain hours worked.

22 **26.** Defendants also violated the WMWA and Ordinances by not allowing and/or paying  
23 Plaintiff and the proposed Class for break periods.



1 trial, and pursuant to RCW 49.46.090, RCW 49.48.030, SMC 14.19.110, and SMC 14.20.090,  
2 are entitled to attorneys' fees and costs.

3 **VIII. THIRD CLAIM FOR RELIEF**  
4 **(Willful Refusal to Pay Wages: RCW 49.52.050)**

5 **34.** Plaintiff and the proposed Class reallege and incorporate by reference each and every  
6 allegation set forth in the preceding paragraphs.

7 **35.** RCW 49.52.050(2) provides that any employer who "willfully and with intent to  
8 deprive the employee of any part of his wages, pays any employee a lower wage than the  
9 wage such employer is obligated to pay such employee by any statute, ordinance, or contract"  
10 is guilty of a misdemeanor.

11 **36.** RCW 49.52.070 provides that any employer who violates the foregoing statute shall  
12 be liable in a civil action for twice the amount of wages withheld, together with costs of suit  
13 and reasonable attorneys' fees.

14 **37.** The alleged unlawful actions by Defendants against Plaintiff and the proposed Class,  
15 as set forth above, were committed willfully and with intent to deprive Plaintiff and the  
16 proposed Class of part of their wages.

17 **38.** As such, based on the above allegations, Defendants violated the provisions of RCW  
18 49.52.050.

19 **39.** As a result of the unlawful acts of Defendants, Plaintiff and the proposed Class have  
20 been deprived of overtime and straight time compensation in amounts to be determined at  
21 trial, and pursuant to RCW 49.52.070 are entitled to recovery of twice such amounts,  
22 including interest thereon, attorneys' fees and costs.

1 **IX. PRAYER FOR RELIEF**

2 Wherefore, Plaintiff, on his own behalf and on behalf of the members of the proposed  
3 Class, pray for judgment against the Defendants as follows:

4 **A.** Certification of the proposed Class;

5 **B.** A declaration that Defendants are financially responsible for notifying all Class  
6 members of their wage and hour violations;

7 **C.** Appoint Plaintiff Kyle Elliot as Class representative;

8 **D.** Appoint the undersigned counsels as Class counsel;

9 **E.** Declare that the actions complained of herein violate Washington law and  
10 administrative codes and Seattle Municipal Codes;

11 **F.** Award Plaintiff and the Class compensatory, liquidated, and exemplary damages;

12 **G.** Enjoin Defendants and their officers, agents, successors, employees, representatives,  
13 and any and all persons acting in concert with them, as provided by law, from engaging in  
14 each of the unlawful practices, patterns, and policies set forth herein;

15 **H.** Award Plaintiff and the Class attorneys' fees and costs, as allowed by law;

16 **I.** Award Plaintiff and the Class pre-judgment and post-judgment interest, as provided by  
17 law; and,

18 **J.** Grant such other and further relief as this Court deems necessary.  
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1 RESPECTFULLY SUBMITTED AND DATED ON this 22<sup>nd</sup> day of February, 2017.

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