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U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
SEATTLE

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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

10 ROSEMARIE TROY and MIKKI COBB,
individually, and as class representatives,

11 Plaintiffs,

12 v.

13 KEHE FOOD DISTRIBUTORS, INC.

14 Defendant.

No.

C09-0785 JR

COMPLAINT FOR VIOLATION
OF FAIR LABOR STANDARDS ACT
AND WASHINGTON STATE WAGE
LAWS

15
16 **Jurisdiction**

17 1. The Court has jurisdiction pursuant to 28 U.S.C. § 1331 and 29 U.S.C.
18 § 216(b) over plaintiffs' claims under the Fair Labor Standards Act, 29 U.S.C. §§ 201-219
19 ("FLSA"). The Court has supplemental jurisdiction pursuant to 28 U.S.C. § 1367 over
20 plaintiffs' state law claims, which are based on the Washington Minimum Wage Act, RCW
21 49.46 ("MWA"), RCW 49.48, and RCW 49.52, and state regulations issued thereunder.
22

23 **Named Parties**

24 2. Plaintiff Rosemarie Troy is a former employee of defendant Kehe Food
25 Distributors, Inc. ("Kehe") and resides in Puyallup, Washington.
26

1 16. The plaintiffs will fairly and adequately protect the interests of the class as
2 required by Fed. R. Civ. P. 23(a)(4).

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

8 **First Claim – Failure To Pay Overtime Wages In Violation Of The FLSA**

9 18. Plaintiffs repeat and reallege the prior allegations of this complaint.

10 19. Defendant violated the overtime provisions of the FLSA, 29 U.S.C. §207 *et*
11 *seq.*, by permitting work in excess of 40 hours per week for which workers were not
12 compensated at the overtime rate.

13 20. Defendant's violations were willful, thereby entitling plaintiffs and similarly
14 situated Kehe employees to the three year FLSA statute of limitations.

15 21. As a result of defendant's acts, defendant is liable for overtime wages and
16 liquidated damages under U.S.C. §216(b).
17

18 **Second Claim - Failure To Pay Overtime Wages In Violation Of the MWA**

19 22. Plaintiffs repeat and reallege the prior allegations of this complaint.

20 23. Defendant's failure to pay plaintiffs and the Washington-based class members
21 one and one-half times their regular rate of pay for hours worked in excess of forty in their
22 workweeks constitutes a violation of RCW 49.46.130.
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24 24. As a result of defendant's acts and omissions, plaintiffs, and the Washington-
25 based class members have been damaged in amounts as will be proven at trial.
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- 7. Prejudgment interest; and
- 8. Such other and further relief as the Court deems just and proper.

DATED this 10th day of June, 2009.

SCHROETER, GOLDMARK & BENDER



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