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14 SEP 05 AM 11:29

KING COUNTY
SUPERIOR COURT CLERK
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CASE NUMBER: 14-2-24553-0 SEA

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

JACIEL SUAREZ CORTEZ, JOSE LUIS
SANTOS-SERRANO, ISABEL SALINAS
SERRANO, AND PAULINA SALINAS
SERRANO

Plaintiffs,

Vs.

PASEO CARIBBEAN FOOD, INC., a
Washington Corporation, LORENZO
LORENZO and JANE DOE LORENZO,
husband and wife, and the marital
community comprised thereof,

Defendants.

NO.

COMPLAINT

TO: THE CLERK OF THE COURT; and

TO: ALL PARTIES AND COUNSEL OF RECORD.

COME NOW the Plaintiffs, Jaciel Suarez Cortez, Jose Luis Santos-Serrano,
Isabel Salinas Serrano, and Paulina Salinas Serrano, by and through their attorneys

COMPLAINT

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DAVIES PEARSON, P.C.
ATTORNEYS AT LAW
920 FA WUETT -- P.O. BOX 1657
TACOMA, WASHINGTON 98401
TELEPHONE (253) 620-1500
TOLL-FREE (800) 439-1112
FAX (253) 572-3032

1 Davies Pearson, P.C. and Trevor D. Osborne, and complains against the Defendants as
2 follows:

3 **I. PARTIES, JURISDICTION, AND VENUE**

4 1.1 Plaintiff Jaciel Suarez Cortez is over the age of eighteen years and is a
5 resident of King County, Washington.

6 1.2 Plaintiff Jose Luis Santos-Serrano is over the age of eighteen years and is
7 a resident of King County, Washington.

8 1.3 Plaintiff Isabel Salinas Serrano is over the age of eighteen years and is a
9 resident of King County, Washington

10 1.4 Plaintiff Paulina Salinas Serrano is over the age of eighteen years and is a
11 resident of King County, Washington.

12 1.5 Defendant Paseo Caribbean Food, Inc. is a Washington Corporation doing
13 business as Paseo Caribbean Restaurant ("Paseo") that owns and operates restaurants in
14 King County, Washington. Upon information and belief, Paseo regularly employs more
15 than eight employees.

16 1.6. Upon information and belief, Defendants Lorenzo Lorenzo ("Lorenzo")
17 and Jane Doe Lorenzo constitute a marital community and reside in King County
18 Washington. All actions performed by Lorenzo Lorenzo, were and are for the benefit of
19 his marital community. At all relevant times, Lorenzo Lorenzo was the President of
20 Paseo and had authority to pay or withhold payment of employee wages, including the
21 wages of the Plaintiffs.

22 1.7 This court has jurisdiction over this action.

24 **COMPLAINT**

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DAVIES PEARSON, P.C.
ATTORNEYS AT LAW
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TACOMA, WASHINGTON 98401
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1 1.8 Venue is proper in King County, Washington pursuant to RCW
2 4.12.020(3) and RCW 4.12.025.

3 **II. FACTS**

4 2.1 Plaintiffs are Hispanic-Mexicans that were employed by Paseo to work in
5 the restaurants it operated in King County, Washington.

6 2.2 During their employment with Paseo, Plaintiffs did not qualify as exempt
7 under the Washington Minimum Wage Act. They were paid on an hourly basis. With the
8 knowledge and approval of Defendants, Plaintiffs routinely worked in excess of forty-
9 hours per week.

10 2.3 Plaintiffs were paid an hourly rate through Defendants' payroll system for
11 eighty hours for each pay period. Plaintiffs were also paid additional sums in cash that,
12 upon information and belief, were not tracked through Defendants' payroll system. The
13 cash payments were approximately equivalent to number of hours worked by Plaintiffs
14 over forty for the applicable week multiplied by their standard hourly rate. Plaintiffs were
15 not paid an additional fifty percent of their hourly rate for hours worked over forty.

16 2.4 During their employment with Paseo, Plaintiffs were not provided rest and
17 meal breaks as required by law. They were frequently required to work shifts in excess of
18 twelve hours and often received no more than thirty minutes of rest/meal breaks.
19 Plaintiffs complained to Defendants regarding the lack of rest/meal breaks.

20 2.5 During their employment, Plaintiffs performed their job duties
21 satisfactorily. Plaintiffs were treated differently than non-Hispanic and non-Mexican
22 employees in the terms and conditions of employment. On at least one occasion, a
23

24 **COMPLAINT**

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DAVIES PEARSON, P.C.
ATTORNEYS AT LAW
920 PAWCETT -- P.O. BOX 1657
TACOMA, WASHINGTON 98401
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1 manager told them that he was “told that he supposed to be hard on you guys” referring
2 to Plaintiffs. Plaintiffs were also discouraged from and/or denied the opportunity to seek
3 medical treatment when injured at work.

4 2.6 On or about March 13, 2014, Plaintiffs were all summarily terminated
5 without explanation.

6 **III. FIRST CAUSE OF ACTION – UNLAWFUL WITHHOLDING OF WAGES**

7 3.1 Plaintiffs hereby incorporate paragraphs 1.1 through 2.6 of this Complaint
8 as though fully set forth herein.

9 3.2 Defendants failed to pay Plaintiffs one-and-a-half times their regular rate
10 of pay for all hours worked in excess of forty hours per week.

11 3.3 Defendants regularly deprived Plaintiffs of their legally-mandated rest and
12 meal breaks and thereby required them to work uncompensated overtime on a regular
13 basis throughout their employment with Defendants.

14 3.4 By refusing and failing to pay Plaintiffs all overtime wages due to them
15 throughout their employment at the restaurants operated by Defendants, Defendants
16 willfully withheld wages due and owing to Plaintiffs in an amount to be proven at trial.

17 3.5 Because they willfully withheld wages that are due and owing to
18 Plaintiffs, Defendants are liable to them for twice the amount of unlawfully withheld
19 wages by way of exemplary damages under RCW 49.52.070.

20 **IV. SECOND CAUSE OF ACTION – WRONGFUL TERMINATION IN**
21 **VIOLATION OF CHAPTER 49.60 RCW**

22 4.1 Plaintiffs hereby incorporate paragraphs 1.1 through 3.5 of this Complaint
23 as though fully set forth herein.

24 **COMPLAINT**

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ATTORNEYS AT LAW
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1 4.2 As Hispanic-Mexicans, Plaintiffs are members of protected classes.

2 4.3 In violation of Chapter 49.60 RCW, Plaintiffs were treated disparately
3 from other employees and/or terminated because of their race, color, and/or national
4 origin.

5 4.4 Defendants' conduct has damaged Plaintiffs in an amount to be proven at
6 trial.

7 **V. THIRD CAUSE OF ACTION –**
8 **TERMINATION IN VIOLATION RCW 49.46.100.**

9 5.1 Plaintiffs hereby incorporate paragraphs 1.1 through 4.4 of this Complaint
10 as though fully set forth herein.

11 5.2 Plaintiffs complained to Defendants that they were not paid overtime as
12 required by the Washington Minimum Wage Act.

13 5.3 Defendants responded by disciplining and terminating Plaintiffs in
14 violation of RCW 49.46.100.

15 5.4 Defendants' conduct has damaged Plaintiffs in an amount to be proven at
16 trial.

17 **VI. FOURTH CAUSE OF ACTION – TERMINATION IN VIOLATION OF**
18 **PUBLIC POLICY**

19 6.1 Plaintiffs hereby incorporate paragraphs 1.1 through 5.4 of this Complaint
20 as though fully set forth herein.

21 6.2 By terminating Plaintiffs based on their race, color, national origin, and/or
22 in retaliation for complaining about the unlawful withholding of wages, Defendants
23 wrongfully discharged Plaintiffs in violation of a clear public policy against race, color,

24 **COMPLAINT**

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1 and/or national origin discrimination in the workplace and/or the unlawful withholding of
2 wages, thereby jeopardizing the public policy and causing damage to Plaintiffs.

3 **VII. DAMAGES**

4 As a result of Defendants' wrongful conduct described above, Plaintiffs have
5 sustained the following damages:

- 6 7.1 Lost income and lost earning potential;
- 7 7.2 Unlawfully withheld wages;
- 8 7.3 Out-of-pocket expenses;
- 9 7.4 Emotional distress damages;
- 10 7.5 Litigation expenses;
- 11 7.6 Attorney fees pursuant to RCW 49.48.030, 49.52.070, and 49.60.030; and
- 12 7.7 Prejudgment interest.

13 **IX. PRAYER FOR RELIEF**

14 WHEREFORE Plaintiffs pray for an award of damages to compensate them for
15 the damages described in Paragraph VII, above, in an amount to be proven at trial, as
16 well as an award of their reasonable attorney fees and costs, and all such other relief as
17 the Court deems just and equitable in these premises.

18 DATED this 13th day of June, 2014

19 DAVIES PEARSON, P.C.

20 

21 Trevor D. Osborne, WSBA No. 42249
22 Attorneys for Plaintiffs

23
24 **COMPLAINT**

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