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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RALEIGH JOHNSON and JENNIFER
HOWSE, on their own behalf and on behalf
of all others similarly situated,

Plaintiffs,

v.

MULTICARE HEALTH SYSTEM, a
Washington non-profit corporation
Defendant.

No.

NOTICE OF REMOVAL

TO: RALEIGH JOHNSON and JENNIFER HOWSE, Plaintiffs

AND TO: THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON

Defendant MultiCare Health System (“Defendant”), hereby provides notice of the
removal of the above-entitled action from the Superior Court of the State of Washington for
Pierce County to the United States District Court for the Western District of Washington at
Tacoma pursuant to 28 U.S.C. §§ 1441 and 1446(a) and in support thereof states as follows:

1. This case was commenced in the Pierce County Superior Court of the State of
Washington by the filing of Plaintiffs Raleigh Johnson and Jennifer Howse (“Plaintiffs”)
Summons and Complaint for Damages as Cause Number 18-2-06456-8. See Class Action

NOTICE OF REMOVAL - 1

1 Complaint, Exhibit A, the Summons, Exhibit B, the Order Assigning Case, Exhibit C, and the
2 Civil Cover Sheet, Exhibit D, filed concurrently herewith.

3 2. Defendant was served with the lawsuit on April 24, 2018.

4 3. This Notice is being filed with this Court within thirty (30) days after Defendant
5 was notified of the lawsuit.

6 4. To the best of Defendant's knowledge, no further proceedings, process, pleadings,
7 orders, or other papers have been filed or served in the State Court Action.

8 5. In the State Court Complaint, Plaintiffs allege that they are paid in fifteen minute
9 increments, rounded to the nearest fifteen minutes, and that doing so allegedly violates the law.

10 6. Paying to the nearest fifteen minutes is required by the collective bargaining
11 agreement between Defendant and the union for Plaintiffs, the United Food and Commercial
12 Workers, Local 21. Plaintiffs' claims therefore arise under Section 301 of the Labor
13 Management Relations Act, 29 U.S.C. § 185.

14 6. Accordingly, this court has original subject matter jurisdiction over the above-
15 entitled action pursuant to 28 U.S.C. § 1331. The above-entitled action may be properly
16 removed to this United States District Court pursuant to 28 U.S.C. §§ 1441 and 1446(a).

17 7. Defendant does not waive any defense to the Complaint, including but not limited
18 to lack of service, improper service, or lack of personal jurisdiction.

19 8. The Western District of Washington is the judicial district embracing the place
20 where this action is pending. 28 U.S.C. § 128(b).

21 9. Pursuant to LCR 101(e), Defendant states that no basis exists for reassigning this
22 case to the Seattle Division pursuant to the assignment criteria listed in LCR 3(d).

23 10. In accordance with 28 U.S.C. § 1446(d), copies of this Notice of Removal will be
24 served on the Plaintiffs and filed with the Clerk of the Superior Court for the State of
25 Washington for Pierce County.

26

NOTICE OF REMOVAL - 2

1 WHEREFORE, Defendant notices the removal of this case to the United States
2 District Court for the Western District of Washington pursuant to 28 U.S.C. § 1441(a).

3 DATED: May 15, 2018.

4 STOEL RIVES LLP

5 *s/ Timothy J. O'Connell*

6 *s/ Christopher T. Wall*

7 *s/ Ryan R. Jones*

8 Timothy J. O'Connell, WSBA No. 15372

9 Christopher T. Wall, WSBA No. 45873

10 Ryan R. Jones, WSBA No. 52566

11 600 University Street, Suite 3600

12 Seattle, WA 98101

13 Telephone: 206-624-0900

14 Facsimile: 206-386-7500

15 Email: tim.oconnell@stoel.com

16 Email: christopher.wall@stoel.com

17 Email: ryan.jones@stoel.com

18 Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on May 15, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the parties in the above case listed below:

I further hereby certify that on May 15, 2018, I served the attorney listed below via messenger:

Hardeep S. Rekhi
Gregory A. Wolk
REKHI & WOLK, P.S.
529 Warren Ave N. Suite 201
Seattle, WA 98109
Telephone: (206) 388-5887
Facsimile: (206) 577-3924
Email: hardeep@rekhiwolk.com
Email: greg@rekhiwolk.com

Kevin Smith
DEFIANCE LAW PLLC
1115 Tacoma venue South
Tacoma, WA 98402
Telephone: (253) 507-4769
Email: k.smith@defiance.law

Attorneys for Plaintiff

DATED: May 15, 2018 at Seattle, Washington.

STOEL RIVES LLP


Debbie Dern, Legal Practice Assistant

NOTICE OF REMOVAL - 4

E-FILED
IN COUNTY CLERK'S OFFICE
PIERCE COUNTY, WASHINGTON

March 16 2018 1:30 PM

KEVIN STOCK
COUNTY CLERK
NO: 18-2-06456-8

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

RALEIGH JOHNSON and JENNIFER HOWSE,
on their own behalf and on the behalf of all
others similarly situated,

Plaintiffs,

v.

MULTICARE HEALTH SYSTEM, a
Washington non-profit corporation.

Defendant.

NO.

CLASS ACTION COMPLAINT

Plaintiffs RALEIGH JOHNSON and JENNIFER HOWSE ("Plaintiffs"), individually and on behalf of all others similarly situated, by and through their attorneys of record, for their complaint against Defendant MULTICARE HEALTH SYSTEM ("Defendant") hereby state and allege as follows:

I. INTRODUCTION

Plaintiffs bring this action on behalf of themselves and those similarly situated against Defendant to recover unpaid wages, including unpaid overtime wages, exemplary damages, interest, and attorneys' fees and costs, and to obtain injunctive relief. Plaintiffs seek to redress the unlawful effects of Defendant MultiCare Health System's policies and practices of failing to

1 compensate its employees who are non-exempt and similarly situated to Plaintiffs from overtime
2 for missed rest periods, failing to provide such employees with statutorily required uninterrupted
3 meal breaks while automatically deducting time worked for such purported meal breaks. Such
4 policies and practices, as alleged below, all violate Washington law. Plaintiffs bring this action
5 to remedy Defendant's willful violations of Washington wage laws against its employees who
6 are not exempt from overtime and similarly situated to Plaintiffs.

7 II. PARTIES

8 2.1 Plaintiffs Johnson and Howse are individuals residing in Spanaway and Tacoma
9 Washington, respectively. Plaintiff Johnson worked for Defendant in Tacoma, Washington from
10 2005 to November 2017 and Plaintiff Howse has worked for Defendant in Tacoma, Washington
11 since 2014 to the present. Both Plaintiffs have been hourly, non-exempt Washington employees
12 of Defendant who have been employed by Defendant within three years of the date of this
13 complaint.

14 2.2 Defendant, MultiCare Health System, is a non-profit Washington Corporation
15 that provides medical services in facilities throughout Washington State, including in Pierce
16 County. Defendant has employed Plaintiffs and the proposed class members in the state of
17 Washington.

18 III. JURISDICTION AND VENUE

19 3.1 Jurisdiction and venue are proper as the alleged acts occurred in Pierce County,
20 Washington, and all parties have availed themselves of the laws of Washington state. The claims
21 asserted in this complaint are brought solely under state law causes of action and are governed
22 exclusively by Washington law.

1 4.6 Defendant requires that phlebotomists do not to punch in or punch out at the
2 beginning and end of their meal breaks.

3 4.7 Defendant requires that phlebotomists do not to punch in or punch out at the
4 beginning and end of their rest breaks.

5 4.8 Defendant automatically deducts 30 minutes of compensable work time for a
6 purported meal break for every five hours worked by phlebotomists from their total hours worked
7 in lieu of tracking meal periods.

8 4.9 Defendant requires phlebotomists to remain on premises ready to respond to
9 patient and doctor needs while purportedly taking meal and rest breaks.

10 4.10 Defendant requires phlebotomists to be available for calls during break times,
11 including carrying employer issued mobile phones at all times.

12 4.11 Defendant's staff at TGH have routinely interrupted Plaintiffs' purported meal
13 and rest breaks to perform work because Defendant has not had staff to backfill or float to
14 accommodate Plaintiffs' meal and rest breaks. On information and belief, this was and remains
15 a policy and practice common to all proposed Class members.

16 4.12 Plaintiffs and other phlebotomists are often not compensated for their meal and
17 rest breaks even when they report a missed meal or rest break.

18 4.13 Plaintiffs and other phlebotomists consistently missed and continue to miss breaks
19 required by WAC 296-126-092. Contrary to state law, such non-exempt employees are not
20 compensated for missed breaks.

21 4.14 Defendant's "overtime approval" policy strongly discourages phlebotomists to
22 record overtime work without prior management approval.

23

1 4.15 As a result of Defendant's "overtime approval" policy, Plaintiffs and other
2 phlebotomists have frequently not received overtime when they worked more than 40 hours a
3 week.

4 4.16 As a result of Defendant's "overtime approval" policy, Plaintiffs and other
5 phlebotomists have frequently worked through their meal and rest breaks without compensation
6 in order to meet Defendant's job requirements.

7 4.17 Defendant's policy requires that paid time for phlebotomists be rounded in 7-
8 minute increments. For example, when a phlebotomists clocks in at 10:53 a.m. for a shift
9 scheduled at 11:00 a.m., the time keeping system would report that s/he started working at 11:00
10 a.m., accordingly denying the employee 7 minutes of compensable time. If the employees had a
11 shift that ended at 6:00 p.m. and clocked out at 6:07 p.m., the time keeping system would report
12 that the employees ended their shift at 6:00 p.m. which again leads to a shortfall in pay.

13 4.18 In theory, Defendant would round down a proposed Class member's time if s/he
14 clocked in 1-7 minutes after the scheduled shift, and Defendant would round up a proposed Class
15 member's time if s/he clocked in 7 minutes or less before their shift. Defendant's policy subjects
16 phlebotomists to written discipline for having even clocked in one minute late. This makes it very
17 difficult, if not impossible, for such employees to have their compensable time rounded in a
18 manner that is not beneficial just to Defendant and detrimental to themselves. Therefore,
19 Defendant's time rounding practices are not neutral.

20 4.19 Defendant would prohibit and/or discourage Plaintiffs to clock out more than 7
21 minutes after the end of their shift. On information and belief, this was a policy and practice
22 common to all proposed Class members.
23

1 4.20 Defendant's policy penalized Plaintiffs if they clocked in even one minute after
2 the start of their shift according to Defendant's tardy policy. On information and belief, this was
3 a policy and practice common to all proposed Class members.

4 4.21 Defendant's policy prohibits employees from clocking out within seven minutes
5 before the end of their shift. On information and belief, this was a policy and practice common
6 to all proposed Class members.

7 **V. CLASS ALLEGATIONS**

8 5.1 Plaintiffs bring this case as a class action pursuant to Washington Civil Rule 23
9 on behalf of the following Class:

10 All Washington citizens who, at any time from three years prior to the
11 filing of this Complaint through the date of final judgment, worked for
12 Defendant Multicare Health Systems at Tacoma General Hospital as
phlebotomists, including but limited to those in the Phlebotomy Lab
department and/or in the Laboratory / Pathology job category.

13 5.2 Commonality: As enumerated above, Defendant engaged in common acts,
14 practices and policies that violated the Plaintiffs' and proposed Class members' rights under
15 Washington state wage and hour laws. Accordingly, Plaintiffs seek certification of the proposed
16 Class under CR 23.

17 5.3 Plaintiffs' claims meet the requirements for certification. There is a well-defined
18 community of interest in the litigation and the proposed Class members are readily
19 ascertainable.

20 a. Numerosity: The proposed Class is so numerous that joinder of all
21 proposed Class members is infeasible and impractical. The membership of the proposed Class
22 is unknown to Plaintiffs at this time. However, based on Plaintiffs' investigation, and on
23 information and belief, the number of proposed Class members is reasonably estimated to

1 exceed 40. The identity of proposed Class members is readily ascertainable from Defendant's
2 employment records.

3 b. Typicality: Plaintiffs' claims are typical of the proposed Class.

4 1. Plaintiffs were hourly, nonexempt employees. Defendant employed
5 Plaintiffs as phlebotomists.

6 2. Plaintiffs' claims stem from the same practices or course of conduct that
7 form the basis of the class claims.

8 3. All of the proposed Class members' claims are based on the same facts
9 and legal theories.

10 4. There is no antagonism between Plaintiffs' interests and the proposed
11 Class members, because their claims are for damages provided to each individual employee by
12 statute.

13 5. The injuries that Plaintiffs suffered are similar to the injuries that the
14 proposed Class members suffered and continue to suffer, and they are relatively small
15 compared to the expenses and burden of individual prosecutions of this litigation.

16 c. Adequacy: Plaintiffs will fairly and adequately protect the interests of the
17 proposed Class because:

18 1. There is no conflict between Plaintiffs' claims and those of their
19 proposed Class members.

20 2. Plaintiffs acknowledge that they have an obligation to make known to
21 the Court any relationship, conflicts or differences with any proposed Class member.

22 3. Plaintiffs agree to actively participate in the case and protect the interests
23 of the proposed Class members.

1 4. Plaintiffs have retained counsel experienced in handling wage-and-hour
2 class actions who have already devoted substantial time and resources to investigating the
3 proposed Class members' claims and who will vigorously prosecute this litigation.

4 5. Plaintiffs' claims are typical of the claims of proposed Class members in
5 that their claims stem from the same practice and course of conduct that forms the basis of the
6 class claims.

7 d. Superiority: Class action adjudication is superior to other methods of
8 adjudication for at least the following reasons:

9 1. The common questions of law and fact described below predominate
10 over questions affecting only individual members, and the questions affecting individuals
11 primarily involve calculations of individual damages.

12 2. There is no antagonism between Plaintiffs' interests and the proposed
13 Class members, because their claims are for damages provided by statute.

14 f. Public Policy Considerations: Certain employers in Washington
15 regularly violate wage and hour and other employment laws. The value of individual and
16 employee claims is often small as compared with the relative cost of litigation. Current
17 employees are often afraid to assert their rights out of fear of retaliation. Class actions provide
18 Class Members who are not named in the Complaint with a type of anonymity that allows for
19 the vindication of their rights, while at the same time, protection of their privacy.

20 g. Predominance: There are questions of law and fact common to the
21 proposed Class members, which predominate over any issues involving only individual class
22 members, including but not limited to:

1 1. Whether Defendant has a practice of failing to pay proposed Class
2 members for missed or shortened meal and rest breaks;

3 2. Whether Defendant has a policy or practice of requiring proposed Class
4 members to remain on the work premises and to be on call during rest periods;

5 3. Whether Defendant should be required to compensate proposed Class
6 members for every meal period because employees remain on-call, are not free to leave, and must
7 be available to respond to patient needs and emergencies;

8 4. Whether proposed Class members are frequently required to work through
9 their meal and rest breaks due to working conditions;

10 5. Whether proposed Class members were paid for all time worked;

11 6. Whether proposed Class members were not paid the required time and
12 one-half the regular rate of pay for all hours worked over 40 hours as a result of missed meal and
13 rest periods and other work in violation of Washington law;

14 7. Whether Defendant failed to promptly pay all wages due to Plaintiffs and
15 other proposed Class members who are former employees upon discharge or resignation of their
16 employment; and,

17 8. Whether Defendant's conduct was willful or reckless.

18 **VI. CAUSES OF ACTION**

19 **FIRST CAUSE OF ACTION**
20 **(Failure to Pay Wages Owed in Violation of Washington Law)**

21 6.1 Plaintiffs reallege the above paragraphs of the Complaint and thereby incorporate
22 the same by reference.

23 6.2 Defendant's practice of failing to provide or pay Plaintiffs and the proposed Class
for all breaks deprived them of pay for all straight time and overtime hours actually worked, in

1 violation of Washington law, including RCW 49.12 *et seq.*, RCW 49.46.020, RCW 49.46.090,
2 RCW 49.46.130, RCW 49.52.050 and WAC 296-126-092.

3 6.3 Defendant further failed to pay Plaintiffs and the proposed Class for all time
4 worked;

5 6.4 As a result of Defendant's acts and omissions, Plaintiffs and the proposed Class
6 have been damaged in amounts to be proven at trial.

7
8 **SECOND CAUSE OF ACTION**
9 **(Willful Withholding of Wages in Violation of Washington Law)**

10 6.5 Plaintiffs reallege the above paragraphs of the Complaint and thereby incorporate
11 the same by reference.

12 6.6 The above acts by Defendant, based on its own policies and practices, were willful
13 and with the intent to deprive Plaintiffs and the proposed Class of all their wages owed, in
14 violation of RCW 49.52.050 and RCW 49.52.070, entitling Plaintiffs and the proposed Class to
15 compensatory damages, double damages, attorneys' fees, and costs.

16 6.7 As a result of Defendant's acts and omissions, Plaintiffs and the proposed Class
17 have been damaged in amounts to be proven at trial.

18 **VII: PRAYER FOR RELIEF**

19 Wherefore, Plaintiffs, on their own behalf and on behalf of the members of the proposed
20 Class, prays for judgment against Defendant as follows:

- 21 A. Certify the proposed Class;
22 B. Appoint Plaintiffs as Class representative;
23 C. Appoint the undersigned attorneys as Class counsel;
D. Declare that the actions complained of herein violate Washington's statutes and

1 administrative codes;

2 E. Award Plaintiffs and Class members compensatory, liquidated, and exemplary
3 damages;

4 F. Award attorneys' fees and costs to Plaintiffs' attorneys, as allowed by law;

5 G. Award pre-judgment and post-judgment interest to Plaintiffs and Class
6 members, as provided by law;

7 H. Grant an injunction against Defendants from engaging in the unlawful and
8 wrongful conduct set forth herein; and,

9 I. Grant such other and further relief as this Court deems necessary.

10 DATED this 16^h day of March, 2018.

11
12 **REKHI & WOLK, P.S.**

DEFIANCE LAW PLLC

13 By: /s/ Hardeep S. Rekhi, WSBA #34579

By: /s/ Kevin Smith WSBA #48578

14 Hardeep S. Rekhi, WSBA #34579

Kevin Smith, WSBA #48578

15 Gregory A. Wolk, WSBA #28946

1115 Tacoma Avenue South

16 529 Warren Ave N., Suite 201

Tacoma, Washington 98402

17 Seattle, Washington 98109

Telephone: (253) 507-4769

18 Telephone: (206) 388-5887

Email: k.smith@defiance.law

19 Facsimile: (206) 577-3924

20 Email: hardeep@rekhiwolk.com

21 greg@rekhiwolk.com

22
23 *Attorneys for Plaintiffs*

March 16 2018 1:30 PM

KEVIN STOCK
COUNTY CLERK
NO: 18-2-06456-8

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

RALEIGH JOHNSON and JENNIFER HOWSE,
on their own behalf and on the behalf of all
others similarly situated,

Plaintiffs,

v.

MULTICARE HEALTH SYSTEM, a
Washington non-profit corporation.

Defendant.

NO.

SUMMONS

TO: MULTICARE HEALTH SYSTEM

A lawsuit has been started against you in the above-entitled court by the above-named Plaintiffs. Plaintiffs' claim are stated in the written complaint, a copy of which is served upon you with this summons.

In order to defend against this lawsuit, you must respond to the complaint by stating your defense in writing, and by serving a copy upon the undersigned attorneys for Plaintiffs within 20 days after service of this summons, excluding the day of service, or a default judgment may be entered against you without notice. A default judgment is one where the Plaintiffs are entitled to what has been asked for because you have not responded. If you serve a notice of appearance

1 on the undersigned law firms, you are entitled to notice before a default judgment may be
2 entered.

3 You may demand that the Plaintiffs file this lawsuit with the Court. If you do so, the
4 demand must be in writing and must be served upon the person signing this summons. Within
5 14 days after you serve the demand, the Plaintiffs must file this lawsuit with the court or the
6 service on you of this summons and complaint will be void.

7 If you wish to seek the advice of any attorney in this matter, you should do so promptly
8 so that your written response, if any, may be served on time.

9 THIS SUMMONS is issued pursuant to Rule 4 of the Superior Court Civil Rules of the
10 State of Washington.

11 DATED this 16th day of March, 2018

12
13 **REKHI & WOLK, P.S.**

14 By: /s/ Hardeep S. Rekhi, WSBA #34579
15 Hardeep S. Rekhi, WSBA #34579
16 Gregory A. Wolk, WSBA #28946
17 529 Warren Ave N., Suite 201
18 Seattle, Washington 98109
19 Telephone: (206) 388-5887
20 Facsimile: (206) 577-3924
21 Email: hardeep@rekhiwolk.com
22 greg@rekhiwolk.com

13 **DEFIANCE LAW PLLC**

14 By: /s/ Kevin Smith WSBA #48578
15 Kevin Smith, WSBA #48578
16 1115 Tacoma Avenue South
17 Tacoma, Washington 98402
18 Telephone: (253) 507-4769
19 Email: k.smith@defiance.law

20
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23
Attorneys for Plaintiffs

March 16 2018 1:30 PM

KEVIN STOCK
COUNTY CLERK
NO: 18-2-06456-8

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR PIERCE COUNTY**

RALEIGH JOHNSON
Plaintiff(s)

vs.

MULTICARE HEALTH SYSTEM
Defendant(s)

NO. 18-2-06456-8

**ORDER ASSIGNING CASE TO JUDICIAL
DEPARTMENT AND SETTING REVIEW
HEARING DATE(PCLR3/PCLR40)**

Judge: **K. A. van Doorninck**
Department: **20**
Docket Code: **ORACD**

Notice to Plaintiff/Petitioner(s):

- * Case filed, then served: Plaintiff(s)/Petitioner(s) shall serve a copy of this Order Assigning Case to Judicial Department on the Defendant(s)/Respondent(s) along with a copy of the Summons and Complaint.
- * Case served, then filed: Plaintiff(s)/Petitioner(s) shall serve a copy of this Order Assigning Case to Judicial Department within five (5) court days of filing.
- * Service by publication pursuant to court order: Plaintiff(s)/Petitioner(s) shall serve a copy of this Order Assigning Case to Judicial Department within five (5) court days of the Defendant(s)/Respondent(s) first response or appearance.

Trial Date:

A trial date may be obtained by filing a 'Note of Issue' for assignment of a trial date by noon at least six (6) court days prior to the date fixed for the mandatory hearing date set out below.

If a trial date is NOT obtained, failure to appear on the date below may result in dismissal of the case by the Court. Further, if the case has been fully resolved and all final papers have been entered by the Court, no appearance is required.

Mandatory Hearing Date: July 13, 2018 at 9:00 AM

At the time of this mandatory hearing , the Court may provide you with a Case Schedule which may include the trial date, if necessary. Failure to appear on this date may result in dismissal of the case by the Court.

Cases Agreed or by Default:

If you settle your case by entry of an order of default or agreement and all of the appropriate time requirements have been met, you may file a 'Note for Commissioner's Calendar to appear before a Court Commissioner for entry of all final papers unless presentation is allowed in the Commissioner's Ex Parte Department.



K. A. van Doorninck
Department 20

March 16, 2018
Date

March 16 2018 1:30 PM

KEVIN STOCK
COUNTY CLERK
NO: 18-2-06456-8SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY
CASE COVER SHEET / CIVIL CASE

Case Title RALEIGH JOHNSON VS. MULTICARE HEALTH SYSTEM Case Number 18-2-06456-8
 Atty/Litigant Hardeep S Rekhi Bar# 34579 Phone (206) 388-5887
 Address 529 Warren Ave N Ste 201
 City SEATTLE State WA Zip Code 98109

Please check one category that best describes this case for indexing purposes.

If you cannot determine the appropriate category, Please describe the cause of action below. This will create a Miscellaneous cause which is not subject to PCLR 3.

APPEAL / REVIEW

Administrative Law Review (ALR 2) REV 6
 Civil, Non-Traffic (LCA 2) REV 6
 Civil, Traffic (LCI 2) REV 6
 Land Use Petition (LUP 2) LUPA

CONTRACT / COMMERCIAL

Breach of Contract, Commercial Non-Contract
 or Commercial-Contract (COM 2) STANDARD
 Third Party Collection (COL 2) REV 4

JUDGEMENT

Judgement, Another County or Abstract
 Only (ABJ 2) Non PCLR
 Transcript of Judgement (TRJ 2) Non PCLR
 Foreign Judgement Civil or Judgement,
 Another State (FJU 2) Non PCLR

TORT / MOTOR VEHICLE

Death, Non-Death Injuries or Property
 Damage Only (TMV 2) STANDARD

TORT / NON MOTOR VEHICLE

Other Malpractice (MAL 2) COMPLEX
 Personal Injury (PIN 2) STANDARD
 Property Damage (PRP 2) STANDARD
 Wrongful Death (WDE 2) STANDARD
 Other Tort, Products Liability or Asbestos
 (TTO 2) COMPLEX

PROPERTY RIGHTS

Condemnation (CON 2) STANDARD
 Foreclosure (FOR 2) REV 4
 Property Fairness (PFA 2) STANDARD
 Quiet Title (QTI 2) STANDARD
 Unlawful Detainer / Eviction (UND 2) REV 4
 Unlawful Detainer / Contested (UND 2) REV 4

OTHER COMPLAINT OR PETITION

Compel/Confirm Bind Arbitration, Deposit of
 Surplus Funds, Interpleader, Subpoenas, Victims'
 Employment Leave, or Wireless Number Disclosure,
 Miscellaneous (MSC 2) REV 4
 Injunction (INJ 2) REV 4
 Malicious Harassment (MHA 2) Non PCLR
 Meretricious Relationship (MER 2) REV 4
 Minor Settlement/No Guardianship (MST2) REV 4
 Pet for Civil Commit/Sex Predator (PCC2) REV 4
 Property Damage Gangs (PRG 2) REV 4
 Relief from Duty to Register (RDR) REV 12
 Restoration of Firearm Rights (RFR 2) REV 4
 Seizure of Property/Comm. of Crime (SPC2) REV 4
 Seizure of Property Result from Crime (SPR2) REV 4
 Trust/Estate Dispute Resolution (TDR2) REV 12
 Restoration of Opportunity (CRP) REV 4

TORT / MEDICAL MALPRACTICE

Hospital, Medical Doctor, or Other Health Care
 Professional (MED2) COMPLEX

WRIT

Habeas Corpus (WHC 2) REV 4
 Mandamus (WRM 2) REV 4
 Review (WRV 2) REV 4
 Miscellaneous Writ (WMW 2) REV 4

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Raleigh Johnson and Jennifer Howse, on their behalf and on behalf of all others similarly situated,

(b) County of Residence of First Listed Plaintiff PIERCE (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number) Hardeep S. Rekhi, Gregory A. Wolk, Rekhi & Wolk, P.S., 529 Warren Ave. N., Suite 201, Seattle, WA 98109 206.388.5887

DEFENDANTS

Multicare Health System

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known) Timothy J. O'Connell, Christopher Wall, Stoel Rives LLP, 600 University St., Suite 3600, Seattle, WA 98101 206.624.0900

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation.

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

Large table with categories: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District (specify), 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 29 U.S.C. § 185, 28 U.S.C. §§ 1441 and 1446(a). Brief description of cause: Plaintiff asserts wage claims, including claims arising under Section 301 of the Labor Management Relations Act, 29 U.S.C. § 185.

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ damages, fees, and injunctive relief CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE May 15, 2018 SIGNATURE OF ATTORNEY OF RECORD [Signature]

FOR OFFICE USE ONLY RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Phlebotomists Claim Multicare Health System Robbed Employees of Due Wages](#)
