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22 *Attorneys for Plaintiffs*

23 **UNITED STATES DISTRICT COURT**  
24 **CENTRAL DISTRICT OF CALIFORNIA – EASTERN DIVISION**

25 PENNY PIKE and DAVID DENKIN,  
26 individually and on behalf of all  
27 others similarly situated,

28 Plaintiffs,

v.

COUNTY OF SAN BERNARDINO,  
a legal subdivision of the State of  
California, and DOES 1–10,  
inclusive.

Defendants.

CASE NO. 5:17-cv-01680

**COLLECTIVE ACTION**  
[29 U.S.C. § 216(b)]

**COMPLAINT FOR VIOLATION OF  
FAIR LABOR STANDARDS ACT**

**DEMAND FOR JURY TRIAL**

**CONSENTS TO SUE**

1 **PRELIMINARY STATEMENT**

2 1. Plaintiffs are former or current DEPARTMENT OF AGING AND  
3 ADULT SERVICES (“**DAAS**”) non-exempt social worker employees of Defendant  
4 COUNTY OF SAN BERNARDINO (“**Defendant**”), and bring this action, on their  
5 own behalf and on behalf of all others similarly situated, under the United States  
6 Fair Labor Standards Act, 29 U.S.C. § 216(b), for remedies arising out of  
7 Defendants’ non-payment of overtime to its DAAS social workers.

8 2. This action exempts certain claims and remedies arising out of  
9 Defendants’ non-payment of overtime (the “**Released Claims**”), but only to the  
10 extent that any plaintiff or opt-in plaintiff herein: (a) was a plaintiff or opt-in  
11 plaintiff in the matter of *David Denkin v. County of San Bernardino*, Central District  
12 of California Case No. 5:16-cv-00044-JBG-(KKx) (the “**Denkin Collective**  
13 **Action**”), which was certified as a collective action with regard to DAAS social  
14 workers employed at Defendant’s Rancho Cucamonga office; and (b) the claim or  
15 remedy was released as a result of the Court-approved settlement in the Denkin  
16 Collective Action (the “**Denkin Settlement**”).

17 **JURISDICTION AND VENUE**

18 3. This Court has subject matter jurisdiction over the claims asserted  
19 herein pursuant to Article III of the United States Constitution, 28 U.S.C. § 1331,  
20 and 29 U.S.C. § 216(b).

21 4. Venue is proper in this Court under 28 U.S.C. § 1391(b). Defendant  
22 resides in this District for the purposes of the foregoing venue statute and a  
23 substantial part of the events or omissions giving rise to the claims set forth in this  
24 Complaint occurred in this District.

25 **PARTIES**

26 5. Plaintiff PENNY PIKE (“**Pike**”) is an individual. Plaintiff Pike is a  
27 citizen of the United States of America and the State of California. Plaintiff Pike  
28 resides in this District. Plaintiff Pike is employed as a non-exempt DAAS social

1 worker by Defendant in this District. Plaintiff Pike was not a plaintiff or opt-in  
2 plaintiff in the Denkin Collective Action and did not release any claims or remedies  
3 against Defendant in the Denkin Settlement.

4 6. Plaintiff DAVID DENKIN (“**Denkin**”) is an individual. Plaintiff  
5 Denkin is a citizen of the United States of America and the State of California.  
6 Plaintiff Denkin resides in this District. Plaintiff Denkin is employed as a non-  
7 exempt DAAS social worker by Defendant in this District. Plaintiff Denkin was a  
8 plaintiff in the Denkin Collective Action, and brings claims herein arising out of  
9 uncompensated overtime he worked as a DAAS social worker that are not Released  
10 Claims, including, but not necessarily limited to: (a) claims related to  
11 uncompensated overtime worked at offices other than Rancho Cucamonga; and (b)  
12 claims related to uncompensated overtime worked on or after August 16, 2017.

13 7. The additional persons who may become plaintiffs herein are also non-  
14 exempt DAAS social workers who are or were employed by Defendant and who  
15 worked overtime hours for said Defendant without receiving any or all of the  
16 compensation to which they are entitled.

17 8. Defendant is a legal subdivision of the State of California, pursuant to  
18 Article 11, Section 1(a) of the California Constitution and Cal. Gov. Code § 23002.

19 9. Defendants DOES 1-10, inclusive, are sued herein under fictitious  
20 names. Their true names and capacities are unknown to Plaintiffs. When their true  
21 names and capacities are ascertained, Plaintiffs will amend this Complaint by  
22 inserting their true names and capacities herein. Plaintiffs are informed and believe,  
23 and thereon allege, that each of these fictitiously named defendants is responsible in  
24 some manner for the occurrences alleged herein and that the damages alleged herein  
25 were caused by such defendants.

26 **COLLECTIVE ACTION ALLEGATIONS**

27 10. Plaintiffs make the allegations contained herein on their own behalf and  
28 on behalf of all others similarly situated. The allegations contained herein are made

1 upon personal knowledge as to Plaintiffs and their own acts and circumstances, and,  
2 as to all other matters, upon information and belief.

3 11. During the applicable limitations period, Plaintiffs were employed as  
4 non-exempt social workers by Defendant's DAAS.

5 12. The allegations of this Complaint are applicable to all DAAS social  
6 workers employed by Defendant during the limitations period, including both  
7 current and former employees of Defendant, to the extent that the social workers did  
8 not release any claims in the Denkin Settlement.

9 13. To the extent not Released Claims, Plaintiffs bring this action on behalf  
10 of themselves and on behalf of all other DAAS social workers who were employed  
11 by Defendant within the applicable limitations period and who worked in excess of  
12 the maximum hours prescribed by 29 U.S.C. § 207(a) without payment of all of the  
13 overtime compensation required thereunder. Plaintiffs reserve the right to seek  
14 certification of this matter as a collective action on behalf of the foregoing current  
15 and former employees of Defendant. If discovery so indicates, Plaintiffs also  
16 reserve the right to seek certification of this matter as a collective action on behalf of  
17 one or more sub-classes of social workers employed by Defendants' DAAS,  
18 including, but not limited to, subclasses of DAAS social workers employed at  
19 offices other than Rancho Cucamonga.

20 14. Plaintiffs' position and situation is in all respects similar to, if not  
21 identical to, the other persons on whose behalf Plaintiffs bring this action. Plaintiffs  
22 reserve the right to seek to certify this action as a collective action with one or more  
23 sub-classes.

24 15. Plaintiff Pike's consent to be part of this action is attached hereto as  
25 Attachment A.

26 16. Plaintiff Denkin's consent to be part of this action is attached hereto as  
27 Attachment B.

**FIRST CLAIM FOR RELIEF**  
**(Fair Labor Standards Act)**

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3 17. Plaintiffs incorporate by reference the allegations of Paragraphs 1  
4 through 16 of this Complaint as though fully set forth in this First Claim for Relief.

5 18. At all times relevant to this Complaint, Defendant was an enterprise  
6 engaged in interstate commerce or in the production of goods for commerce as  
7 defined by 29 U.S.C. §§ 203(r) and 203(s). At all times relevant to this Complaint,  
8 Defendant was an employer within the meaning of 29 U.S.C. § 203(d) and has  
9 employed and continued to employ social workers, including Plaintiffs, within the  
10 meaning of 29 U.S.C. § 203(g).

11 19. During the applicable limitations period, Plaintiffs were employed by  
12 Defendant as non-exempt DAAS social workers.

13 20. Pursuant to 29 U.S.C. § 207(a), the DAAS social workers employed by  
14 Defendant, including Plaintiffs, are entitled to be compensated for all of the hours  
15 they worked for Defendant, as well as time and one-half (1½) of their regular pay  
16 rate for each hour worked in excess of forty (40) hours per week.

17 21. During the applicable limitations period, Defendants frequently  
18 required, suffered, and/or permitted the DAAS social workers, including Plaintiffs,  
19 to work more than forty (40) hours per week without paying them all of the overtime  
20 compensation required by 29 U.S.C. § 207(a). This overtime was worked, **without**  
21 **limitation**, during uncompensated break and meal periods, traveling and in the field,  
22 and/or outside of the office.

23 22. During the applicable limitations period, Defendants failed to  
24 accurately record, report, and/or preserve records of hours worked by DAAS social  
25 workers, including Plaintiffs. To the extent such records exist, they are in the  
26 possession of Defendants and discoverable in this action.

27 23. Defendants' unlawful conduct has been repeated and consistent  
28 throughout Plaintiffs' entire period of employment as DAAS social workers.



- 1 B. Liquidated damages in an additional amount equal to the overtime  
2 Defendants failed to pay at the applicable overtime rate, pursuant to 29  
3 U.S.C. § 216(b);
- 4 C. Attorney fees and costs, pursuant to, *inter alia*, 29 U.S.C. § 216(b);
- 5 D. A finding that Defendants' violations of law were willful and providing  
6 for a recovery period of three (3) years prior to the filing of this  
7 Complaint, pursuant to 29 U.S.C. § 255(a);
- 8 E. An award of prejudgment interest;
- 9 F. Leave to add additional plaintiffs by motion, the filing of written  
10 consent forms, or any other method approved by the Court; and
- 11 G. Such further relief as the Court deems just and equitable.

12 Dated: August 18, 2017

13  
14 **The filer of this document attests that all other signatories listed, and on**  
15 **whose behalf this filing is submitted, concur in the filing's content and have**  
16 **authorized the filing.**

17 Respectfully submitted by,

18 MEGAN A. RICHMOND, APC

19 /s/ Megan A. Richmond  
20 Megan A. Richmond (SBN 170753)

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26 /s/ Gregory M. Garrison  
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**DEMAND FOR JURY TRIAL**

Pursuant to, *inter alia*, Amendment VII to the United States Constitution and Federal Rule of Civil Procedure 38(b), Plaintiffs demand a trial by jury of any and all issues in this action triable by a jury.

Dated: August 18, 2017

**The filer of this document attests that all other signatories listed, and on whose behalf this filing is submitted, concur in the filing's content and have authorized the filing.**

Respectfully submitted by,

MEGAN A. RICHMOND, APC

/s/ Megan A. Richmond  
Megan A. Richmond (SBN 170753)

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ATTACHMENT A

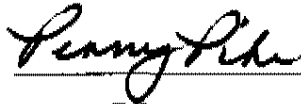
I, PENNY PIKE, hereby state that, during at least some of the time after August 18, 2014, I was employed as a social worker by the County of San Bernardino's Department of Aging and Adult Services (a "DAAS Social Worker"). I am currently employed as a DAAS Social Worker at the DAAS San Bernardino office.

For at least one or more of the weeks that I worked subsequent to August 18, 2015 as a DAAS Social Worker at the San Bernardino office, I worked more than forty (40) hours without receiving either: (a) additional pay calculated at one and one-half (1½) times my regular hourly rate for each hour in excess of forty (40) in the workweek; or (b) one and one-half (1½) hours compensatory time off for each hour I worked in excess for forty (40) in the workweek; or (c) a combination of both.

I hereby consent to becoming a party plaintiff in that certain civil action styled *Pike v. County of San Bernardino* in the United States District Court for the Central District of California, which is brought under the Fair Labor Standards Act and seeks, among other things, recovery of unpaid overtime compensation, liquidated damages, attorneys' fees and costs (the "FLSA Action").

I hereby consent to and designate the law offices of MEGAN A. RICHMOND APC, Alexander E. Papaefthimiou, and GREGORY M. GARRISON APC to represent me in the FLSA Action.

Dated: August 18, 2017

  
\_\_\_\_\_  
Penny Pike

ATTACHMENT B

1  
2 I, DAVID DENKIN, hereby state that, during at least some of the time after  
3 August 18, 2014, I was employed as a social worker by the County of San  
4 Bernardino’s Department of Aging and Adult Services (a “DAAS Social Worker”).  
5 During this period of time, I worked at both the San Bernardino and Rancho  
6 Cucamonga DAAS offices. I am currently employed as a DAAS Social Worker at  
7 the DAAS Rancho Cucamonga office.

8 For at least one or more of the weeks that I worked at the San Bernardino  
9 Office subsequent to August 18, 2014 as a DAAS Social Worker, I worked more  
10 than forty (40) hours without receiving either: (a) additional pay calculated at one  
11 and one-half (1½) times my regular hourly rate for each hour in excess of forty (40)  
12 in the workweek; or (b) one and one-half (1½) hours compensatory time off for each  
13 hour I worked in excess for forty (40) in the workweek; or (c) a combination of both.

14 For at least one or more of the weeks that I worked at the Rancho Cucamonga  
15 office subsequent to August 18, 2015 as a DAAS Social Worker, I worked more  
16 than forty (40) hours without receiving either: (a) additional pay calculated at one  
17 and one-half (1½) times my regular hourly rate for each hour in excess of forty (40)  
18 in the workweek; or (b) one and one-half (1½) hours compensatory time off for each  
19 hour I worked in excess for forty (40) in the workweek; or (c) a combination of both.

20 I hereby consent to becoming a party plaintiff in that certain civil action styled  
21 *Pike v. County of San Bernardino* in the United States District Court for the Central  
22 District of California, which is brought under the Fair Labor Standards Act and  
23 seeks, among other things, recovery of unpaid overtime compensation, liquidated  
24 damages, attorneys’ fees and costs (the “FLSA Action”).

25 //

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28

1 I hereby consent to and designate the law offices of MEGAN A. RICHMOND  
2 APC, Alexander E. Papaefthimiou, and GREGORY M. GARRISON APC to  
3 represent me in the FLSA Action.

4 Dated: August 18, 2017



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6 David Denkin  
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# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Social Workers File Unpaid Overtime Suit Against County of San Bernardino](#)

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