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CONSTANCE R. WHITE
COUNTY CLERK
NO: 23-2-09355-6

The Honorable Matthew Hummel Thomas
Trial Date: February 25, 2025

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

KRISTINE M. YOUNG, individually and
on behalf of all those similarly situated,

Plaintiff,

vs.

LABORATORY CORPORATION OF
AMERICA, a foreign Corporation,
HEATHER D. BELLAMY, an individual,
and BREANNE E. WASHINGTON, an
individual,

Defendants.

No. 23-2-09355-6

CLASS ACTION COMPLAINT FOR
DAMAGES

Plaintiff claims against Defendants as follows:

I. NATURE OF ACTION

1.1. Plaintiff Kristine M. Young individually, and on behalf of all individuals currently or formerly employed on or after August 29, 2020 at LabCorp facilities in positions paid on an hourly basis, brings this action for money damages and statutory penalties for violations of Washington Industrial Welfare Act ("IWA"), RCW 49.12, Minimum Wage Act ("MWA"), RCW 49.46, Wage Payment Act ("WPA"), RCW 49.48, and Wage Rebate Act ("WRA"), RCW 49.52.

1 **II. JURISDICTION AND VENUE**

2 2.1. The Superior Court of Washington has jurisdiction of Plaintiff's claims pursuant to
3 RCW 2.08.010.

4 2.2. Venue in Pierce County is appropriate pursuant to RCW 4.12.025.

5 2.3. Defendants transact business and operate several locations throughout Washington
6 and in Pierce County.

7 2.4. At least some of the acts and omissions alleged in this Complaint took place in the
8 State of Washington and Pierce County.

9 **III. PARTIES**

10 3.1. Defendant Laboratory Corporation of America, hereafter "LabCorp" is organized
11 under the laws of the state of Delaware and is headquartered in Burlington, North Carolina, and
12 operates locations and serves customers throughout Washington including Pierce County.
13 LabCorp is an employer for the purposes of the IWA, MWA, WPA, and WRA.

14 3.2. Upon information and belief, Defendant Heather D. Bellamy, hereafter "Bellamy"
15 is a citizen of Washington state residing in Wenatchee, Washington and at all relevant times was
16 an officer, vice-principal or agent of LabCorp and had apparent and/or actual, direct or indirect
17 authority over employment matters, including the payment of wages. Bellamy is an employer for
18 the purposes of the IWA, MWA, WPA, and WRA.

19 3.3. Upon information and belief, Defendant Breanne E. Washington, hereafter
20 "Washington" is a citizen of Washington state residing in Puyallup, Washington and at all relevant
21 times was an officer, vice-principal or agent of LabCorp and had apparent and/or actual, direct or
22 indirect authority over employment matters, including the payment of wages. Washington is an
23 employer for the purposes of the IWA, MWA, WPA, and WRA.

24 3.4. Plaintiff Kristine M. Young, hereafter "Young", is a resident of Lynnwood,
25 Washington and currently employed and working in several LabCorp facilities in Washington state
26 and paid on an hourly basis.

1 **IV. FACTUAL ALLEGATIONS**

2 4.1. Plaintiff and members of the putative class are or were employed by Defendants in
3 Washington state in positions paid on an hourly basis.

4 4.2. Defendants created and maintained work schedules and a working environment that
5 discouraged Plaintiff and members of the putative class from taking rest periods in compliance
6 with Washington law.

7 4.3. Defendants failed to keep records of the occurrence, time, and duration of paid rest
8 periods.

9 4.4. At times, Plaintiff and members of the putative class were required to work more
10 than three consecutive hours without a rest period.

11 4.5. Plaintiff and members of the putative class were not scheduled for and, at times,
12 did not take a rest period in a duration of at least ten minutes, on the employer's time, for every
13 four hours worked.

14 4.6. Defendants failed to establish and maintain a process for Plaintiff and members of the
15 putative class to report and be paid for instances of when they were required to work over three
16 consecutive hours without a rest period, when they did not receive a rest period in at least a ten-minute
17 duration, or when they failed to receive a rest period of at least ten minutes in length for each four
18 hours worked.

19 4.7. Defendants did not compensate Plaintiff and members of the putative class for an
20 additional ten minutes of work, at their regular rate of pay, for each instance it required them to
21 work greater than three consecutive hours without a rest period, provided a rest period in a duration
22 of less than ten minutes, or did not provide a rest period of at least ten minutes in duration for each
23 four hours worked.

24 4.8. There is no fairly debatable issue of law or any objectively or subjectively reasonable
25 dispute whether Defendants needed to compensate Plaintiff and members of the putative class with an
26 additional ten minutes of work, at their regular rate of pay, for each instance they required them to

1 work greater than three consecutive hours without a rest period, provided a rest period in a duration
2 of less than ten minutes, or did not provide a rest period of at least ten minutes in duration for each
3 four hours worked.

4 4.9. Defendants' failure to compensate Plaintiff and members of the putative class with an
5 additional ten minutes of work, at their regular rate of pay, for each instance it required them to
6 work greater than three consecutive hours without a rest period, provided a rest period in a duration
7 of less than ten minutes, or did not provide a rest period of at least ten minutes in duration for each
8 four hours worked was intentional and deliberate and was not the result of administrative or clerical
9 errors.

10 4.10. Defendants created and maintained work schedules, job requirements, and a
11 working environment that discouraged Plaintiff and members of the putative class from taking
12 meal periods in compliance with Washington law.

13 4.11. Plaintiff and members of the putative class frequently worked shifts greater than
14 five hours in duration and sometimes worked shifts greater than ten hours and one-half hours in
15 duration, and at times were not scheduled for, were not provided with, did not take, and did not
16 waive their rights to thirty-minute meal periods.

17 4.12. At times, Defendants failed to provide Plaintiff and members of the putative class
18 with meal periods in a duration of at least thirty minutes commencing no less than two hours nor
19 more than five hours from the beginning of their shifts.

20 4.13. At times, Defendant failed to provide second meal periods in a duration of at least
21 thirty minutes for shifts greater than ten and one-half hours in duration or otherwise required
22 Plaintiff and members of the putative class to work greater than five consecutive hours without or
23 between meal periods.

24 4.14. Defendants failed to establish and maintain a process for Plaintiff and members of
25 the putative class to report and be compensated for instances of when they were not provided a
26 meal period of at least thirty minutes commencing no less than two hours nor more than five hours

1 from beginning of their shift for shifts greater than five hours in duration, when they were not
2 provided a second meal period for shifts greater than ten and one-half hours in duration, or when
3 they were otherwise required to work over five consecutive hours without or between meal periods.

4 4.15. Defendants failed to compensate Plaintiff and members of the putative class with
5 an additional thirty minutes of work, at their regular rate of pay, for each instance of when they
6 were not provided a meal period of at least thirty minutes commencing no less than two hours nor
7 more than five hours from beginning of their shift for shifts greater than five hours in duration,
8 when they were not provided a second meal period for shifts greater than ten and one-half hours
9 in duration, or when they were otherwise required to work over five consecutive hours without or
10 between meal periods.

11 4.16. There is no fairly debatable issue of law or any objectively or subjectively reasonable
12 dispute whether Defendants needed to compensate Plaintiff and members of the putative class with an
13 additional thirty minutes of work, at their regular rate of pay, for each instance of when they were
14 not provided a meal period of at least thirty minutes commencing no less than two hours nor more
15 than five hours from beginning of their shift for shifts greater than five hours in duration, when
16 they were not provided a second meal period for shifts greater than ten and one-half hours in
17 duration, or when they were otherwise required to work over five consecutive hours without or
18 between meal periods.

19 4.17. Defendants' failure to compensate Plaintiff and members of the putative class with an
20 additional thirty minutes of work, at their regular rate of pay, for each instance of when they were
21 not provided a meal period of at least thirty minutes commencing no less than two hours and no
22 more than five hours from beginning of their shift for shifts greater than five hours in duration,
23 when they were not provided a second meal period for shifts greater than ten and one-half hours
24 in duration, or when they were otherwise required to work over five consecutive hours without or
25 between meal periods was intentional and deliberate and was not the result of administrative or clerical
26 errors.

1 (4) whether Defendants failed to ensure Plaintiff and members of the
2 putative class received a compliant rest period of at least ten minutes in length, on
3 the employer's time, for each four hours worked;

4 (5) whether Defendants were required to compensate Plaintiff and
5 members of the putative class for an additional ten minutes of work for each
6 instance they required them to work greater than three consecutive hours without a
7 rest period, provided a rest period in a duration of less than ten minutes, or did not
8 provide a rest period of at least ten minutes in duration, on the employer's time, for
9 each four hours worked;

10 (6) whether Defendants failed to compensate Plaintiff and members of
11 the putative class for an additional ten minutes of work for each instance they
12 required them to work greater than three consecutive hours without a rest period,
13 provided a rest period in a duration of less than ten minutes, or did not provide a
14 rest period of at least ten minutes in duration, on the employer's time, for each four
15 hours worked;

16 (7) whether Defendants were required to provide Plaintiff and members
17 of the putative class with meal periods in a duration of at least thirty minutes
18 commencing no less than two hours nor more than five hours from the beginning
19 of their shifts;

20 (8) whether Defendants failed to provide Plaintiff and members of the
21 putative class with meal periods in a duration of at least thirty minutes commencing
22 no less than two hours nor more than five hours from the beginning of their shifts;

23 (9) whether Defendants were required to provide second meal periods
24 in a duration of at least thirty minutes for shifts greater than ten and one-half hours
25 in duration or otherwise required Plaintiff and members of the putative class to
26 work greater than five consecutive hours without or between meal periods;

1 (10) whether Defendants failed to provide second meal periods in a
2 duration of at least thirty minutes for shifts greater than ten and one-half hours in
3 duration or otherwise required Plaintiff and members of the putative class to work
4 greater than five consecutive hours without or between meal periods;

5 (11) whether Defendants were required to compensate Plaintiff and
6 members of the putative class with an additional thirty minutes of work, at their
7 regular rate of pay, for each instance of when they were not provided a meal period
8 of at least thirty minutes commencing no less than two hours nor more than five
9 hours from beginning of their shift for shifts greater than five hours in duration,
10 when they were not provided a second meal period for shifts greater than ten and
11 one-half hours in duration, or when they were otherwise required to work over five
12 consecutive hours without or between meal periods;

13 (12) whether Defendants failed to compensate Plaintiff and members of
14 the putative class with an additional thirty minutes of work, at their regular rate of
15 pay, for each instance of when they were not provided a meal period of at least
16 thirty minutes commencing no less than two hours nor more than five hours from
17 beginning of their shift for shifts greater than five hours in duration, when they were
18 not provided a second meal period for shifts greater than ten and one-half hours in
19 duration, or when they were otherwise required to work over five consecutive hours
20 without or between meal periods;

21 (13) Whether Defendants were required to compensate Plaintiff and
22 members of the putative class at a rate one and one-half times their regular rate
23 when they worked greater than forty hours in a workweek, inclusive of additional
24 wages to compensate for missed or otherwise noncompliant meal or rest periods;

25 (14) Whether Defendants failed to compensate Plaintiff and members of
26 the putative class at a rate one and one-half times their regular rate when they

1 worked greater than forty hours in a workweek, inclusive of additional wages to
2 compensate for missed or otherwise noncompliant meal or rest periods;

3 (15) whether Defendants acted willfully and with the intent of depriving
4 wages or other compensation.

5 5.5. Pursuant to CR 23(a)(3), the named Plaintiff's claims are typical of the claims of
6 all class members and of Defendants' anticipated defenses thereto.

7 5.6. The named Plaintiff and her counsel will fairly and adequately protect the interests
8 of the class as required by CR 23(a)(4).

9 5.7. Pursuant to CR 23(b)(3), class certification is appropriate here because questions
10 of law or fact common to members of the class predominate over any questions affecting only
11 individual members, and because a class action is superior to other available methods for the fair
12 and efficient adjudication of the controversy.

13 **VI. FIRST CAUSE OF ACTION – CLASSWIDE FAILURE TO PROVIDE MEAL**
14 **PERIODS IN VIOLATION OF THE WASHINGTON INDUSTRIAL**
15 **WELFARE ACT AND FAILURE TO COMPENSATE FOR VIOLATIONS OF**
16 **THE WASHINGTON MINIMUM WAGE ACT**

17 6.1. Plaintiff restates and realleges the allegations set forth in all preceding paragraphs.

18 6.2. The Washington Industrial Welfare Act, RCW 49.12, and its implementing
19 regulation, WAC 296-126-092, require employers to provide thirty-minute meal periods to their
20 employees for work shifts greater than five hours in length and prohibits employees from working
21 more than five consecutive hours without a meal period.

22 6.3. Employees have an implied cause of action for violations of RCW 49.12 to protect
23 them from conditions of labor that have a pernicious effect on their health. *Wingert v. Yellow*
Freight Systems, Inc., 146 Wn.2d 841, 850 (2002).

24 6.4. A meal period violation is a wage violation with employees entitled to thirty
25 minutes of additional compensation for each instance they are required to work more than five
26

1 consecutive hours without a compliant meal period. *Hill v. Garda CL Nw., Inc.*, 191 Wn.2d 553,
2 560 (2018), citing *Hill v. Garda CL Nw., Inc.*, 198 Wn. App 326, 361 (2017).

3 6.5. Defendants violated the Industrial Welfare Act and its implementing regulation by
4 failing to provide Plaintiff and members of the putative class with compliant thirty-minute meal
5 periods and by creating work schedules, staffing levels and conditions of work that discouraged
6 compliant meal periods.

7 6.6. Defendants violated the Minimum Wage Act when it failed to compensate Plaintiff
8 and members of the putative class for thirty minutes of work for each it did not provide a meal
9 period in a duration of thirty minutes commencing between the second and fifth hour from the start
10 of their shift or when it required them to work greater than five consecutive hours without or
11 between meal periods.

12 6.7. As a result of Defendants' acts and omissions, Plaintiff and members of the putative
13 class have been damaged in amounts as will be proven at trial.

14 **VII. SECOND CAUSE OF ACTION – CLASSWIDE FAILURE ENSURE REST**
15 **PERIODS IN VIOLATION OF THE WASHINGTON INDUSTRIAL**
16 **WELFARE ACT AND FAILURE TO COMPENSATE FOR VIOLATIONS IN**
17 **VIOLATION OF THE WASHINGTON MINIMUM WAGE ACT**

18 7.1. Plaintiff restates and realleges the allegations set forth in all preceding paragraphs.

19 7.2. The Washington Industrial Welfare Act, RCW 49.12, and its implementing
20 regulation, WAC 296-126-092, require employers to provide a rest period of not less than ten
21 minutes, on the employer's time, for each four hours of working time.

22 7.3. Employees have an implied cause of action for violations of RCW 49.12 to protect
23 them from conditions of labor that have a pernicious effect on their health. *Wingert v. Yellow Freight*
24 *Systems, Inc.*, 146 Wn.2d 841, 850 (2002).

25 7.4. A rest period violation is a wage violation with employees entitled to ten minutes of
26 additional compensation for each instance they are required or allowed to work longer than three
consecutive hours without a rest break. *Id* at 849.

1 7.5. Defendants violated the Industrial Welfare Act and its implementing regulation by
2 failing to ensure Plaintiff and members of the putative class received a ten-minute paid rest period for
3 every four hours worked and by failing to keep records of the occurrence, time and duration of rest
4 periods taken, by failing to implement a process for Plaintiff and members of the putative class to
5 report missed or otherwise noncompliant rest periods and by creating work schedules, staffing levels
6 and conditions of work that discouraged paid rest periods.

7 7.6. Defendants violated the Minimum Wage Act when they failed to compensate Plaintiff
8 and members of the putative class for an additional ten minutes of work for each instance it required
9 them to work greater than three consecutive hours without a rest period, provided a rest period in
10 a duration of less than ten minutes, or did not provide a rest period of at least ten minutes in
11 duration for each four hours worked.

12 7.7. As a result of Defendants' acts and omissions, Plaintiff and members of the putative
13 class have been damaged in amounts as will be proven at trial.

14 **VIII. THIRD CAUSE OF ACTION – CLASSWIDE FAILURE TO PAY OVERTIME**
15 **IN VIOLATION OF THE WASHINGTON MINIMUM WAGE ACT**

16 8.1. Plaintiff restates and realleges the allegations set forth in all preceding paragraphs.

17 8.2. Defendants violated the MWA by failing to pay overtime wages at a rate of one and
18 one-half times their applicable regular rate of pay for all hours worked over forty in a workweek
19 by Plaintiff and members of the putative class, inclusive of additional time to compensate for
20 missed or otherwise noncompliant meal or rest periods.

21 8.3. As a result of Defendants' acts and omissions, Plaintiff and members of the putative
22 class have been damaged in amounts as will be proven at trial.

1 **IX. FOURTH CAUSE OF ACTION – CLASSWIDE WILLFUL WITHHOLDING**
2 **OF WAGES IN VIOLATION OF THE WASHINGTON WAGE REBATE ACT**

3 9.1. Plaintiff restates and realleges the allegations set forth in all preceding paragraphs.

4 9.2. By the foregoing, Defendants’ actions constitute willful withholding of wages due
5 in violation of RCW 49.52.050 and 070.

6 9.3. As a result of Defendants’ acts and omissions, Plaintiff and members of the putative
7 class have been damaged in amounts as will be proven at trial.

8 **X. PRAYER FOR RELIEF**

9 WHEREFORE, Plaintiff requests this Court enter an order against Defendants, jointly
10 and severally, granting the following relief:

11 A. Certification of this case as a class action pursuant to CR 23(a) and (b)(3);

12 B. Damages for unpaid wages in amounts to be proven at trial;

13 C. Exemplary damages pursuant to RCW 49.52.070;

14 D. Attorneys’ fees and costs pursuant to RCW 49.46.090, 49.48.030, and 49.52.070;

15 E. Additional Attorneys’ fees pursuant to all applicable factors outlined in *Bowers v.*
16 *Transamerica Title Ins.*, 100 Wn.2d 581, 593-597 (1983);

17 F. Prejudgment interest pursuant to RCW 19.52.010; and

18 G. Such other and further relief as the Court deems just and proper.
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DATED this the 29th day of August, 2023

ENTENTE LAW PLLC

s/ James B. Pizl

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