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KING COUNTY  
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CASE #: 22-2-02547-6 SEA

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

ALICIA REYES FKA ALICIA HALL,  
individually and on behalf of all those similarly  
situated,

Plaintiff,

vs.

AMERICAN BEHAVIORAL HEALTH  
SYSTEMS, INC., a Washington Corporation,  
SPECIALTY SERVICES II, LLC and  
SPECIALTY SERVICES III, INC., a  
Washington Corporation,

Defendants.

No.

CLASS ACTION COMPLAINT FOR  
DAMAGES

Plaintiff claims against Defendants as follows:

**I. NATURE OF ACTION**

1.1. Plaintiff Alicia Hall, individually and on behalf of all individuals currently or formerly employed by Defendants in hourly-paid positions, brings this action for money damages and statutory penalties for violations of Washington's 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. Plaintiff additionally brings this action for Unlawful Discharge in violation of MWA, Unlawful Discharge in Violation of the Washington Family and

1 Medical Leave Act (“WFMLA”), RCW 50A; and for Wrongful Termination in Violation of Public  
2 Policy.

## 3 **II. JURISDICTION AND VENUE**

4 2.1. The Superior Court of Washington has jurisdiction of Plaintiff’s claims pursuant to  
5 RCW 2.08.010.

6 2.2. Venue in King County is appropriate pursuant to RCW 4.12.025.

7 2.3. One or more Defendants are located and transact business in King County and at  
8 least some of the acts and omissions alleged in this Complaint took place in the State of  
9 Washington and King County.

## 10 **III. PARTIES**

11 3.1. Defendant American Behavioral Health Systems, Inc., hereafter “American” is  
12 organized in Washington State and headquartered in Spokane, Washington and operates drug  
13 rehab and other medical facilities in various locations in Washington state. American is an  
14 employer for the purposes of the IWA, MWA, WPA and WRA.

15 3.2. Defendant Specialty Services II, LLC, hereafter, “Specialty II” is organized in  
16 Washington State and headquartered in Spokane, Washington where it operates drug rehab and  
17 other medical facilities. Specialty II is an employer for the purposes of IWA, MWA, WPA and  
18 WRA.

19 3.3. Defendant Specialty Services III, Inc., hereafter, “Specialty III” is organized in  
20 Washington State and headquartered in Port Angeles, Washington where it operates a drug rehab  
21 facility. Specialty III is an employer for the purposes of the IWA, MWA, WPA and WRA.

22 3.4. Plaintiff Alicia Hall is a resident of Port Angeles, Washington and was formerly  
23 employed by Defendants, jointly.

## 24 **IV. FACTUAL ALLEGATIONS**

25 4.1. Plaintiff and members of the putative class are or were employed by Defendants in  
26 Washington in hourly-paid positions on February 18, 2019, and thereafter.

1           4.2. Defendants failed to pay Plaintiff and members of the putative class for all hours  
2 worked, to include work done before and after clocking in and clocking out, missed mid-shift  
3 breaks, missed lunch breaks, answering text messages and emails after-hours and unpaid overtime.

4           4.3. Defendants routinely changed the timesheets of employees without notice to the  
5 employees by adding in lunch breaks that were not taken by the employee and reducing the hours  
6 worked.

7           4.4. Defendants created and maintained timekeeping systems, work schedules, staffing  
8 levels, job requirements and a working environment that discouraged Plaintiff and members of the  
9 putative class from taking rest periods and meal periods in compliance with Washington law.

10          4.5. At times, Plaintiff and members of the putative class were required to work more  
11 than three consecutive hours without a rest period.

12          4.6. With respect to Plaintiff and members of the putative class, Defendants failed to  
13 establish maintain a process to record of the occurrence, time and duration of paid rest periods.

14          4.7. With respect to Plaintiff and members of the putative class, Defendants failed to  
15 maintain accurate records of the occurrence, time and duration of paid rest periods.

16          4.8. With respect to Plaintiff and members of the putative class, Defendants failed to  
17 provide a process to report instances of when they were required to work over three hours without  
18 a rest period, when they did not receive a rest period in at least a ten-minute duration or when they  
19 failed to receive a rest period of at least ten minutes in length for each four hours worked.

20          4.9. Defendants did not ensure Plaintiff and members of the putative class received a  
21 ten-minute rest period on the employer's time for every four hours worked.

22          4.10. Defendants did not compensate Plaintiff and members of the putative class for an  
23 additional ten minutes of work for each instance it required them to work greater than three  
24 consecutive hours without a rest period, received a rest period in a duration of less than ten minutes,  
25 or did not receive a rest period of at least ten minutes in duration for each four hours worked.



1 (1) Whether Defendants were required to pay Plaintiff and members of  
2 the putative class for all hours worked;

3 (2) Whether Defendants failed to pay Plaintiff and members of the  
4 putative class for all hours worked;

5 (3) Whether Defendants were required to keep records of the  
6 occurrence, time and duration of rest periods provided to Plaintiff and members of  
7 the putative class;

8 (4) Whether Defendants failed to keep records of the occurrence, time  
9 and duration of rest periods;

10 (5) Whether Defendants required Plaintiff and members of the putative  
11 class to work greater than three consecutive hours without a rest period;

12 (6) Whether Defendants failed to ensure Plaintiff and members of the  
13 putative class received a compliant rest period of at least ten minutes in length, on  
14 the employer's time, for each four hours worked;

15 (7) Whether Defendants was required to compensate Plaintiff and  
16 members of the putative class for an additional ten minutes of work for each  
17 instance it required them to work greater than three consecutive hours without a  
18 rest period or in which it failed to ensure Plaintiff and members of the putative class  
19 received a compliant rest period of at least ten minutes in length, on the employer's  
20 time, for each four hours worked;

21 (8) Whether Defendants failed to compensate Plaintiff and members of  
22 the putative class for an additional ten minutes of work for each instance it required  
23 them to work greater than three consecutive hours without a rest period or in which  
24 it failed to ensure Plaintiff and members of the putative class received a compliant  
25 rest period of at least ten minutes in length, on the employer's time, for each four  
26 hours worked;

1 (9) Whether Defendants failed to provide a compliant meal period of at  
2 least thirty minutes for shifts greater than five hours in length;

3 (10) Whether Plaintiff and members of the putative class, at times,  
4 worked greater than five consecutive hours without a meal period;

5 (11) Whether Defendants were required to compensate Plaintiff and  
6 members of the putative class for an additional thirty minutes of work for each  
7 instance it failed to provide a compliant meal period of at least thirty minutes for  
8 shifts greater than five hours in length or required them to work greater than five  
9 consecutive hours without a meal period;

10 (12) Whether Defendants failed to compensate Plaintiff and members of  
11 the putative class for an additional thirty minutes of work for each instance it failed  
12 to provide a compliant meal period of at least thirty minutes for shifts greater than  
13 five hours in length or required them to work greater than five consecutive hours  
14 without a meal period;

15 (13) Whether Defendants failed to pay Plaintiff and members of the  
16 putative class one and one-half their regular rate of pay for all hours over forty,  
17 inclusive of the additional time to compensate for noncompliant or miss meal and  
18 rest periods, in a workweek; and

19 (14) Whether Defendants acted willfully and with the intent of depriving  
20 wages or other compensation.

21 5.5. Pursuant to CR 23(a)(3), the named Plaintiff's claims are typical of the claims of  
22 all class members and of Defendants' anticipated defenses thereto.

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

25 5.7. Pursuant to CR 23(b)(3), class certification is appropriate here because questions  
26 of law or fact common to members of the class predominate over any questions affecting only

1 individual members, and because a class action is superior to other available methods for the fair  
2 and efficient adjudication of the controversy.

3 **VI. FIRST CAUSE OF ACTION – CLASSWIDE FAILURE TO**  
4 **PAY WAGES IN VIOLATION OF THE WASHINGTON**  
5 **MINIMUM WAGE ACT AND WAGE PAYMENT ACT**

6 6.1. Plaintiff restates and realleges the allegations set forth in all preceding paragraphs.

7 6.2. Defendants violated the MWA and WPA when they failed to compensate Plaintiff  
8 and members of the putative class for all hours worked.

9 6.3. As a result of Defendants' acts and omissions, Plaintiff and members of the putative  
10 class have been damaged in amounts as will be proven at trial.

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

17 7.1. Plaintiff restates and realleges the allegations set forth in all preceding paragraphs.

18 7.2. The Washington Industrial Welfare Act, RCW 49.12, and its implementing  
19 regulation, WAC 296-126-092, require employers to provide a rest period of not less than ten  
20 minutes, on the employer's time, for each four hours of working time.

21 7.3. Employees have an implied cause of action for violations of RCW 49.12 to protect  
22 them from conditions of labor that have a pernicious effect on their health. *Wingert v. Yellow*  
23 *Freight Systems, Inc.*, 146 Wn.2d 841, 850 (2002).

24 7.4. A rest period violation is a wage violation with employees entitled to ten minutes  
25 of additional compensation for each instance they are required to work longer than three  
26 consecutive hours without a rest break. *Id* at 849.

7.5. Defendants violated the IWA and its implementing regulation by failing to ensure  
Plaintiff and members of the putative class received a ten-minute paid rest period for every four  
hours worked and by failing to keep records of the occurrence, time and duration of rest periods

1 taken, by failing to implement a process for Plaintiff and members of the putative class to report  
2 missed or otherwise noncompliant rest periods and by creating work schedules, staffing levels and  
3 conditions of work that discouraged paid rest periods.

4 7.6. Defendants violated the MWA and WPA when it failed to compensate Plaintiff and  
5 members of the putative class for an additional ten minutes of work for each instance a rest period  
6 was not provided in compliance with IWA.

7 7.7. As a result of Defendants' acts and omissions, Plaintiff and members of the putative  
8 class have been damaged in amounts as will be proven at trial.

9 **VIII. THIRD CAUSE OF ACTION – CLASSWIDE FAILURE TO**  
10 **PROVIDE MEAL PERIODS IN VIOLATION OF THE**  
11 **WASHINGTON INDUSTRIAL WELFARE ACT AND FAILURE**  
12 **TO COMPENSATE FOR VIOLATIONS OF THE**  
13 **WASHINGTON MINIMUM WAGE ACT AND WASHINGTON**  
14 **WAGE PAYMENT ACT**

15 8.1. Plaintiff restates and realleges the allegations set forth in all preceding paragraphs.

16 8.2. The Washington Industrial Welfare Act, RCW 49.12, and its implementing  
17 regulation, WAC 296-126-092, require employers to provide thirty-minute meal periods to their  
18 employees for work shifts greater than five hours in length and prohibits employees from working  
19 more than five consecutive hours without a meal period.

20 8.3. Employees have an implied cause of action for violations of RCW 49.12 to protect  
21 them from conditions of labor that have a pernicious effect on their health. *Wingert v. Yellow*  
22 *Freight Systems, Inc.*, 146 Wn.2d 841, 850 (2002).

23 8.4. A meal period violation is a wage violation with employees entitled to thirty  
24 minutes of additional compensation for each instance they are required to work more than five  
25 consecutive hours without a compliant meal period. *Hill v. Garda CL Nw., Inc.*, 191 Wn.2d 553,  
26 560 (2018), citing *Hill v. Garda CL Nw., Inc.*, 198 Wn.App 326, 361 (2017).

8.5. Defendants violated the IWA and its implementing regulation by failing to provide  
Plaintiff and members of the putative class with compliant thirty-minute meal periods and by

1 creating work schedules, staffing levels and conditions of work that discouraged compliant meal  
2 periods.

3 8.6. Defendants violated the MWA and WPA when it failed to compensate Plaintiff and  
4 members of the putative class for thirty minutes of work for each instance a meal period was not  
5 provided in compliance with the IWA.

6 8.7. 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 **IX. FOURTH CAUSE OF ACTION – CLASSWIDE FAILURE**  
9 **TO PAY OVERTIME WAGES IN VIOLATION OF THE**  
10 **WASHINGTON MINIMUM WAGE ACT**

11 9.1. Plaintiff restates and realleges the allegations set forth in all preceding paragraphs.

12 9.2. In weeks where the total number of compensable hours including additional  
13 compensable time for Defendants' failure to provide rest periods and meal periods exceeded forty;  
14 Defendants violated the Washington State Minimum Wage Act, RCW 49.46.130, by failing to pay  
15 Plaintiff and members of the putative one and one-half times their regular rate of pay for those  
16 hours.

17 9.3. As a result of Defendants' acts and omissions, Plaintiff and members of the putative  
18 class have been damaged in amounts as will be proven at trial.

19 **X. FIFTH CAUSE OF ACTION – CLASSWIDE WILLFUL**  
20 **WITHHOLDING OF WAGES IN VIOLATION OF THE**  
21 **WASHINGTON WAGE REBATE ACT**

22 10.1. Plaintiff restates and realleges the allegations set forth in all preceding paragraphs.

23 10.2. There is no fairly debatable issue of law or any objectively or subjectively  
24 reasonable dispute whether Defendants needed to pay Plaintiff and members of the putative class  
25 for all hours worked.

26 10.3. The failure to pay wages for all hours worked by Plaintiff and members of the  
putative class was not the result of administrative or clerical errors.

1 10.4. There is no fairly debatable issue of law or any objectively or subjectively  
2 reasonable dispute whether additional wages are owed to compensate for meal and rest periods not  
3 provided in compliance with Washington law.

4 10.5. The failure to pay additional wages to compensate for meal and rest periods not  
5 provided in compliance with Washington law was not the result of administrative or clerical errors.

6 10.6. By the foregoing, Defendants' actions in failing to pay the additional wages to  
7 compensate for failing to provide meal and rest periods in compliance with Washington law  
8 constitutes willful withholding of wages due in violation of RCW 49.52.050 and 070.

9 10.7. As a result of Defendants' acts and omissions, Plaintiff and members of the putative  
10 class have been damaged in amounts as will be proven at trial.

11 **XI. SIXTH CAUSE OF ACTION – UNLAWFUL DISCHARGE**  
12 **IN VIOLATION OF THE WASHINGTON MINIMUM WAGE**  
13 **ACT**

14 11.1. Plaintiff restates and realleges the allegations set forth in all preceding paragraphs.

15 11.2. RCW 49.46.210(1)(b)(2) provides allows employees to use paid sick leave for  
16 personal illness or to provide care for a family member with a health condition.

17 11.3. Pursuant to RCW 49.46.210(2)(c), Plaintiff had a right to use her accrued sick leave  
18 when she had a personal illness or to care for her ill family members.

19 11.4. RCW 49.46.210(4) prohibits employers from discharging an employee for  
20 exercising his or her rights under MWA including the use of paid sick leave.

21 11.5. When Defendants terminated Plaintiff due to her absences for personal illness or to  
22 care for an ill child, Defendants violated RCW 49.46.210(4).

23 11.6. As a result of Defendants' acts and omissions, Plaintiff has been damaged in  
24 amounts as will be proven at trial.

25 **XII. SEVENTH CAUSE OF ACTION – UNLAWFUL**  
26 **DISCHARGE IN VIOLATION OF THE WASHINGTON**  
**FAMILY AND MEDICAL LEAVE ACT**

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

1 12.2. RCW 50A.40.010(1)(a) prohibits employers from discharging an employee for  
2 exercising or attempting to exercise his or her rights under RCW 50A.05.005, et. seq.

3 12.3. When Defendants terminated Plaintiff for absences involving personal illness or to  
4 care for the illness of a family members, they violated RCW 50A.40.010, et seq.

5 12.4. As a result of Defendants' acts and omissions, Plaintiff has been damaged in  
6 amounts as will be proven at trial.

7 **XIII. EIGHTH CAUSE OF ACTION – WRONGFUL**  
8 **TERMINATION IN VIOLATION OF PUBLIC POLICY**

9 13.1. Plaintiff restates and realleges the allegations set forth in all preceding paragraphs.

10 13.2. There is a clear public policy that employees be allowed to receive paid sick leave  
11 as illustrated by RCW 49.46.200, “[t]he demands of the workplace and of families need to be  
12 balanced to promote public health, family stability, and economic security. It is in the public  
13 interest to provide reasonable paid sick leave for employees to care for the health of themselves  
14 and their families.”

15 13.3. Washington has a clear public policy that employees be allowed to receive paid  
16 sick leave:

17 “[t]he legislature declares it to be in the public interest to create a family and  
18 medical leave insurance program to provide reasonable paid family leave for the  
19 birth or placement of a child with the employee, for the care of a family member  
20 who has a serious health condition, and for a qualifying exigency under the federal  
21 family and medical leave act, and reasonable paid medical leave for an employee's  
22 own serious health condition and to reasonably assist businesses in implementing  
23 and maintaining a program to support their employees and family.”

24 *RCW 50A.05.05 (2020).*

25 13.4. Employees will be discouraged to exercise their rights to paid sick leave if  
26 employers are able to retaliate with pretextual termination.

13.5. When Defendants terminated Plaintiff for absences involving personal illness or to  
care for an ill family member, they committed the tort of Wrongful Termination in Violation of  
Public Policy.



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DATED this 18th day of February, 2022.

ENTENTE LAW PLLC

s/ James B. Pizl  
James B. Pizl, WSBA #28969

MCCANNA LAW PLLC

s/ James K. McCanna  
James K. McCanna, WSBA #22656

*Attorneys for Plaintiff*