

**AWASHIMA DIWA**

6107 Cliffside Trail

Columbia, MD

*Resident of Howard County*

**TANIA WISE**

2501 Brookfield Avenue, Unit 3

Baltimore, MD 21217

*Resident of Baltimore County*

**KEONNA HICKMAN**

2209 Fleetwood Avenue, Apt. C2

Baltimore, MD 21214

*Resident of Baltimore County*

**RICARDO HORSEY**

3633 Greenmont Avenue, Apt. 307

Baltimore, MD 21218

*Resident of Baltimore County*

**RHONDA NICK**

5716 Plainfield Avenue, Apt. A

Baltimore, MD 21206

*Resident of Baltimore County*

**TALIAH CURRY**

2827 Brighton Street

Baltimore, MD 21216

*Resident of Baltimore County*

**DAVON BOWMAN**

2209 Fleetwood Avenue, Apt. C2

Baltimore, MD 21214

*Resident of Baltimore County*

and

**LAURA WOOD**

11 Willow Avenue, Apt. 2A

Baltimore, MD 21206

*Resident of Baltimore County*

Plaintiffs,

v.

**IN THE CIRCUIT COURT FOR  
BALTIMORE CITY, MARYLAND  
CIVIL LAW DIVISION**

Jury Trial Requested

Class Claims

Civil Action No.:

RECORDED  
CIRCUIT COURT FOR  
BALTIMORE CITY  
19 JAN 24 PM 3:18  
CIVIL DIVISION

**LANDRY'S INC., d/b/a LANDRY'S RESTAURANTS, INC. and BUBBA GUMPSHRIMP CO. RESTAURANTS, INC.**

1510 West Loop South  
Houston, TX 77027

Serve: Resident Agent:  
The Corporation Trust, Inc.  
2405 York Road  
Suite 201  
Lutherville Timonium, MD 21093

Defendant.

**CLASS ACTION COMPLAINT**

Plaintiffs, by and through their undersigned counsel and The Law Offices of Peter T. Nicholl, hereby submit their Complaint against Landry's Inc., d/b/a Landry's Restaurants, Inc. and Bubba Gump Shrimp Co., Defendant, to recover unpaid wages, interest, reasonable attorneys' fees and costs under Maryland Wage and Hour Law, Maryland Code Annotated, Labor and Employment Article §§ 3-401, *et seq.* (hereinafter, "MWHL"); and unpaid wages, treble damages, interest, reasonable attorneys' fees and costs under the Maryland Wage Payment and Collection Law, Md. Code Ann., Lab. & Empl., §§ 3-501, *et seq.* (hereinafter, "MWPCCL"). In support thereof, Plaintiffs state as follows:

**INTRODUCTION AND BACKGROUND**

Landry's Inc. ("Defendant") is a multi-brand dining, hospitality and entertainment corporation that operates over six-hundred (600) establishments throughout the nation. Defendant hired Plaintiffs and other similarly situated employees to work at its Bubba Gump Shrimp Co. location in Maryland. Plaintiffs and other similarly situated employees hold or held the title of

server or bartender. In addition to serving patrons, their duties centered on extensive preparatory and janitorial tasks.

For the performance of their tasks, Defendant paid Plaintiffs and other similarly situated employees an hourly tip-credit. In addition to these wages, they also received tips. However, these payments did not result in Plaintiffs and others similarly situated being paid correctly. They were paid well below the standard minimum wage.

Plaintiffs and other similarly situated employees were not exempt from the minimum wage requirements. Employers are only permitted to pay tipped employees below the minimum wage if certain conditions are satisfied. These conditions are outlined within the tip-credit provisions of Maryland Wage and Hour Law (“MWHL”). These conditions are not satisfied if the untipped work related to an employee’s tipped occupation exceeds twenty percent (20%) of the employee’s workweek. They are also not satisfied if employees are required to perform work that is unrelated to their tipped occupation. Defendant failed to satisfy both conditions.

Because Plaintiffs and others similarly situated failed to receive the minimum wage for each hour of work, this in turn resulted in their failure to receive proper overtime payments. Defendant also habitually required Plaintiffs and others similarly situated to work “off-the-clock.” Defendant’s unlawful policies caused Plaintiffs to be denied the compensation they rightfully earned. Hundreds of similarly situated employees were also denied compensation.

## FACTUAL ALLEGATIONS COMMON TO ALL COUNTS

### *The Parties*

1. Plaintiff Awashima Diwa (hereinafter, “Diwa”) is an adult resident of Howard County, Baltimore.

2. Plaintiff Tania Wise (hereinafter, “Wise”) is an adult resident of Baltimore County, Maryland.

3. Plaintiff Keonna Hickman (hereinafter, “Hickman”) is an adult resident of Baltimore County, Maryland.

4. Plaintiff Ricardo Horsey (hereinafter, “Horsey”) is an adult resident of Baltimore County, Maryland.

5. Plaintiff Rhonda Nick (hereinafter, “Nick”) is an adult Resident of Baltimore County, Maryland.

6. Plaintiff Taliah Curry (hereinafter, “Curry”) is an adult resident of Baltimore County, Maryland.

7. Plaintiff Davon Bowman (hereinafter, “Bowman”) is an adult resident of Baltimore County, Maryland.

8. Plaintiff Laura Wood (hereinafter, “Wood”) is an adult resident of Baltimore County, Maryland.

9. Defendant Landry’s Inc. (hereinafter, “Defendant”) is an incorporated business engaged in the sale of food and beverage items.<sup>1</sup>

10. Defendant maintains its principal corporate office in Houston, Texas.

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<sup>1</sup>Any reference to Defendant shall include its corporate officers and all those empowered to act as agents of the corporation, either explicitly or implicitly, or who are designated as agents under the doctrine of apparent agency. To the extent individual agents of Defendant are responsible for any actions alleged in this Complaint, they are hereby incorporated by reference within the term “Defendant.”

11. Defendant operates over six-hundred (600) dining establishments across the United States and the District of Columbia.

12. The aforementioned establishments are all inter-dependent. They serve to function as an inter-reliant restaurant chain.

13. Approximately forty-two (42) of these establishments are operated under the name Bubba Gump Shrimp Co.

14. This Complaint is specific to Defendant's Bubba Gump Shrimp Co. restaurant in Baltimore, Maryland.

15. Defendant is subject to MWHL and the MWPCL by the nature of its business; Defendant is primarily engaged in the sale of food and beverage items.

16. Defendant is subject to MWHL and the MWPCL due to the amount in revenues generated; Defendant's annual dollar volume of business exceeds five hundred thousand dollars (\$500,000.00).

17. At all times relevant to this Complaint, Plaintiffs engaged in interstate commerce by the nature of the duties they performed as part of their employment with Defendant.

18. At all times throughout Plaintiffs' employment, Defendant fell within the purview of the term "employer" under MWHL, § 3-401(b) and the MWPCL, § 3-501(b).

19. Plaintiffs and others similarly situated worked as non-exempt employees for Defendant.

20. From approximately 2015 to June 2016, Plaintiff Diwa was employed as a server with Defendant.

21. From approximately 2017 to July 2018, Plaintiff Wise was employed as a server with Defendant.

22. From approximately 2012 to October 2018, Plaintiff Hickman was employed as a server with Defendant.

23. From approximately 2015 to October 2016, Plaintiff Horsey was employed as a bartender with Defendant.

24. From approximately 2014 to March 2018, Plaintiff Nick was employed as a server with Defendant.

25. From approximately 2012 to July 2017, Plaintiff Curry was employed as a server with Defendant.

26. From approximately 2012 to December 2017, Plaintiff Bowman was employed as a server with Defendant.

27. From approximately 2016 to June 2018, Plaintiff Wood was employed as a bartender with Defendant.

28. At all times relevant to this Complaint, Defendant controlled the administration of its business and set employee schedules, including the schedules of Plaintiffs and others similarly situated.

29. Defendant possessed and exercised the authority to determine the hours worked by Plaintiffs and other similarly situated employees.

30. Defendant had the authority to control Plaintiffs' tasks and the tasks of others similarly situated.

31. Defendant retained the power and authority to change the course of Plaintiffs' and other similarly situated employees' duties.

32. Defendant made all decisions relating to Plaintiffs' and other similarly situated employees' rates and method of pay.

33. Plaintiffs and members of the putative class recognized Defendant's authority and obeyed Defendant's instructions.

**Jurisdiction and Venue**

34. Pursuant to Md. Code Ann., Cts. & Jud. Proc. §§ 1-501 and 6-102, this Honorable Court has jurisdiction of this matter.

35. This Court has general subject matter jurisdiction over the nature of the claims; the amount in controversy is greater than five thousand dollars (\$5,000.00), exclusive of prejudgment and post-judgment interest, attorneys' fees and costs, in compliance with Md. Code Ann. Cts. & Jud. Proc. § 4-402(d)(1)(i).

36. Pursuant to Md. Code Ann., Cts. & Jud. Proc. § 6-201(a), venue is appropriate in this Honorable Court; Defendant regularly conducts business and habitually engages in its vocation in Baltimore City, Maryland. The facts central to Plaintiffs' claims also occurred in Baltimore City.

**Plaintiffs' Employment with Defendant**

37. Defendant operates numerous dining establishments that function as an inter-reliant restaurant chain. Included in this chain are Defendant's Bubba Gump Shrimp Co. restaurants.

38. Defendant hired Plaintiffs and other similarly situated employees to assist with the operation of its restaurants. They were hired to perform various food and beverage services.

39. Plaintiffs and others similarly situated held the titles of server and/or bartender. They performed the duties typically associated with these roles.

40. In their capacity as servers, Plaintiffs and others similarly situated would wait on tables, taking food and beverage orders. They were required to describe daily specials and regularly check on patrons. They also had to collect payment at the end of a customer's meal.

41. In their capacity as bartenders, Plaintiffs and others similarly situated would pour and mix drinks for patrons. They would also serve food to patrons who ate in the bar area.

42. Plaintiffs and others similarly situated would typically receive tips from patrons in exchange for the work described above.

43. They also performed other types of work that did not give them the ability to earn tips. This work did not involve interacting with customers, nor did it consist of serving food and beverages.

44. For instance, when scheduled to work the day shift, Plaintiffs and others similarly situated had to arrive to work before the restaurant was open to customers in order to perform various preparatory tasks.

45. Plaintiffs and others similarly situated had to perform all of the tasks needed for Defendant's restaurants to function. This included having to bus tables, run food, wash dishes and perform various janitorial tasks.

46. Plaintiffs and others similarly situated had to perform all of the aforementioned tasks before, during and after their shifts. These tasks did not give them the opportunity to earn tips. The performance of these tasks far exceeded twenty percent (20%) of their time each week.

47. Plaintiffs and other similarly situated employees performed their tasks to the extent required by Defendant.

48. Plaintiffs and others similarly situated were all classified as tipped employees. They were all paid the same hourly tipped-credit wage.

49. In addition to tips, from approximately June 2015 to June 2016, Plaintiff Diwa received bi-weekly payments reflecting an hourly tip-credit of three dollars and sixty-three cents (\$3.63) per hour.

50. From approximately 2017 to July 2018, Plaintiff Wise received bi-weekly payments reflecting an hourly tip-credit of three dollars and sixty-three cents (\$3.63) plus tips.

51. From approximately 2012 to October 2018, Plaintiff Hickman received bi-weekly payments reflecting an hourly tip-credit of three dollars and sixty-three cents (\$3.63), as well as tips.

52. From approximately 2015 to October 2016, Plaintiff Horsey received bi-weekly payments reflecting an hourly tip-credit of three dollars and sixty-three cents (\$3.63) per hour plus tips.

53. From approximately 2014 to March 2018, Plaintiff Nick was supposed to receive tips in addition to an hourly tip-credit of three dollars and sixty-three cents (\$3.63) per hour.<sup>2</sup>

54. From approximately 2012 to July 2017, Plaintiff Curry received bi-weekly payments reflecting an hourly tip-credit of three dollars and sixty-three cents (\$3.63) plus tips.

55. From approximately 2012 to December 2017, Plaintiff Bowman received an hourly tip-credit of three dollars and sixty-three cents (\$3.63), as well as tips.

56. From approximately 2016 to June 2018, in addition to tips, Plaintiff Wood received bi-weekly payments reflecting an hourly tip-credit of three dollars and sixty-three cents (\$3.63).

57. Plaintiffs and members of the putative class all worked similar schedules.

58. Plaintiff Diwa generally worked forty (40) to forty-five (45) hours per week. Her shifts were typically from 12:00 p.m. to 11:00 p.m., or 12:00 p.m. to 10:00 p.m.

59. Plaintiff Wise typically worked part-time. She usually worked the night shift and her hours were from 4:00 p.m. to 10:00 p.m., or 4:00 p.m. to 11:00 p.m.

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<sup>2</sup> Plaintiff Nick states that she never received a physical paycheck or a direct deposit from Defendant. She only received cash tips. Nick and others similarly situated faced extreme push back when they requested a paper copy of their paystubs.

60. Plaintiff Hickman typically worked morning shifts. She regularly worked two (2) weekdays and a Saturday or Sunday from 10:00 a.m. to 4:30 p.m. She was generally scheduled to work part-time.

61. Plaintiff Horsey worked full-time. He was generally scheduled to work Thursday through Tuesday. His shifts were typically from 11:00 a.m. to 10:00 p.m., or 4:00 p.m. to 12:00 a.m.

62. Plaintiff Nick generally worked part-time during certain seasons and full-time during others. She was typically scheduled to work from 10:00 a.m. to 4:30 p.m.

63. Plaintiff Curry's schedule was generally full-time. She usually worked five (5) days a week from 11:00 a.m. to 5:00 p.m.

64. Plaintiff Bowman consistently worked fifty (50) to sixty (60) hours six (6) days a week. He typically worked from 10:00 a.m. to 11:00 p.m.

65. Plaintiff Wood was scheduled to work full-time. She was generally scheduled to begin her day at 10:00 a.m. and would not leave until the restaurant closed.

66. Due to understaffing, Plaintiffs and others similarly situated consistently worked past their scheduled shifts.

67. During each shift, Plaintiffs and others similarly situated would regularly spend well over twenty percent (20%) of their time performing work that did not involve customer interactions. During the slow season, Plaintiffs and other similarly situated employees would often spend the majority of their time cleaning and completing other preparatory tasks. They did not have the opportunity to earn tips during periods when this work was performed.

68. This untipped work was completed while Plaintiffs and others similarly situated were still on-the-clock. They were only paid three dollars and sixty-three cents (\$3.63) per hour for the performance of this work.

69. Defendant failed to properly utilize its time system to account for the times when Plaintiffs and others similarly situated performed non-tipped producing tasks. At all times that Plaintiffs and others similarly situated were on-the-clock, the tip-credit wage rate was enforced.

70. Defendant also pressured Plaintiffs and other similarly situated employees to perform off-the-clock work. Before their shifts began, Plaintiffs and others similarly situated would regularly work off-the-clock prior to clocking in. It was also common for Plaintiffs and others similarly situated to continue to work after they had already clocked-out.

71. At the end of their shifts, Plaintiffs and others similarly situated were also required to tip out the bartenders and hosts. This payout was required regardless of whether they actually accrued tips during a shift. This could result in Plaintiffs and others similarly situated having to pay out of pocket.

72. Defendant's management officials would enter fabricated tip amounts into the POS system on days when Plaintiffs and members of the class did not actually make tips. Fabricating the amount in tips that Plaintiffs and others similarly situated actually earned was another way that Defendant was able to evade the minimum wage requirements.<sup>3</sup>

73. A combination of all of Defendant's unlawful pay practices caused Plaintiffs and others similarly situated to be denied the wages they rightfully earned.

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<sup>3</sup> As a result of their consistent failure to earn tips, Plaintiffs and others similarly situated had to regularly file for partial unemployment. Defendant did not hesitate to approve these unemployment claims. Defendant was clearly aware that Plaintiffs and others similarly situated needed additional compensation to make up the deficit in wages.

74. Because Plaintiffs and other bartenders and servers were compensated below the minimum wage for untipped work and the work they performed off-the-clock, they failed to receive the required minimum wage.

75. There is no *bona fide* dispute that Plaintiffs and others similarly situated are owed the minimum wage during periods when they spent more than twenty percent (20%) of their time performing untipped work.

76. Furthermore, when Plaintiffs and other similarly situated employees were required to work over forty (40) hours a week, due to the violations alleged herein, they failed to receive “time-and-a-half” what should have been their regular rates of pay.

77. There is no *bona fide* dispute that Plaintiffs and other similarly situated employees are owed overtime wages for all hours worked over forty (40) in a workweek.

78. At no time did Plaintiffs’ and other similarly situated employees’ duties include work that would make them exempt from the overtime and minimum wage requirements.

79. Defendant was well aware that Plaintiffs and others similarly situated regularly worked in excess of forty (40) hours a week.

80. Defendant was well aware of the untipped work being performed by Plaintiffs and others similarly situated.

81. Defendant knew that Plaintiffs and other similarly situated employees customarily spent more than twenty percent (20%) of their time performing untipped work.

82. Defendant knew that Plaintiffs and others similarly situated regularly worked off-the-clock.

83. Defendant suffered and/or permitted Plaintiffs to work these hours.

84. In bad faith, Defendant withheld the overtime and minimum wages owed to Plaintiffs and others similarly situated.

85. Thus, on behalf of themselves and all those similarly situated, Plaintiffs seek their wages owed and other available relief through this Complaint.

**Class Action Allegations**

86. Plaintiffs bring this action Pursuant to Rule 23 of the Federal Rules of Civil Procedure on behalf of themselves and other current and former employees that were employed as servers and/or bartenders at Bubba Gump's Shrimp Co. in Baltimore, Maryland and were subject to the following practices and policies:

87. Denial of wages amounting to the minimum wage rate under MWHL by improperly applying the tip-credit provisions, despite: (a) requiring Plaintiffs and others similarly situated to perform work outside of their tipped occupation; (b) requiring them to perform non-tipped work that, even if it were related to their tipped occupation, exceeded twenty percent (20%) of their time worked in one or more individual workweeks; (c) failing to inform them of the tip-credit provisions of Maryland Law; and (d) failing to pay Plaintiffs and others similarly situated overtime wages at a rate of what should have been time and a half their regularly hourly wage rate for all hours worked over forty (40) in a given workweek.

88. The classes Plaintiffs seek to represent are defined as:

*MWHL Class*

All individuals who are or were employed by Defendant as servers and bartenders at Bubba Gump Shrimp Co. in Baltimore, Maryland for any period ranging from three (3) years prior to the filing of this Complaint to the present, who were paid a tip-credit and not paid the full minimum wage for all hours worked and overtime wages for all hours worked over forty (40) in a workweek, in violation of MWHL.

*MWPCL Class*

All individuals who were, but are no longer, employed by Defendant as servers and bartenders at Bubba Gump Shrimp Co. in Baltimore, Maryland for any period ranging from three (3) years prior to the filing of this Complaint to the present, who were paid a tip-credit and not paid correctly for all hours worked and thus, did not receive all wages owed to them before the termination of their employment, in violation of the MWPCL.

89. Plaintiffs are members of the proposed class they seek to represent.

90. *Typicality*: Plaintiffs' claims are typical of those of the classes. Specifically, each and every class member of both the MWHL class and the MWPCL class worked as a server or bartender for Defendant. Each and every MWHL class members performed non-tipped work for more than twenty percent (20%) of their workweek. Each and every MWHL class member failed to receive the Maryland minimum wage. Every member of the MWPCL class failed to receive all wages owed to them at the end of their employment. As a result, each and every class member suffered the same harm.

91. *Commonality*: There are questions of law and fact common to the classes. Among the common questions of law and fact applicable to Plaintiffs and the classes are:

- i. Whether the MWHL class is similarly situated because they all performed the same basic duties and were subject to Defendant's common policy and practice of not paying them the full minimum wage;
- ii. Whether Defendant employed the MWHL class within the meaning of MWHL;
- iii. Whether Defendant violated MWHL by failing to pay Plaintiffs and the MWHL class the full minimum wage;

- iv. Whether Defendant violated MWHL by failing to pay Plaintiffs and the MWHL class overtime compensation for hours worked in excess of forty (40) hours per workweek;
- v. Whether Defendant's violations of MWHL were willful;
- vi. Whether Defendant employed the MWPCCL class within the meaning of the MWPCCL;
- vii. Whether Defendant failed to provide Plaintiffs and other members of the MWPCCL class with all wages due at the time their employment ended, in violation of the MWPCCL;
- viii. Whether Defendant's violations of MWPCCL were willful; and
- ix. Whether Defendant is liable for damages claimed herein, including but not limited to, compensatory, liquidated or treble, statutory, interest, costs and attorneys' fees.

92. *Numerosity*: The individuals in the class are sufficiently numerous that joinder of all members is impracticable. Although the precise number of such individuals is currently unknown, on information and belief, the class includes hundreds of employees who are readily identifiable through Defendant's pay records.

93. *Adequacy*: Plaintiffs will fully and adequately protect the interests of the classes. They seek the same recovery as the classes, predicated upon the same violations of the law and the same damage theory. Plaintiffs have also retained counsel who are qualified and experienced in the prosecution of statewide wage and hour class actions. Neither Plaintiffs nor their counsel have interests that are contrary to, or conflicting with, the interests of the classes.

94. *Predominance*: The common issues of law and fact predominate over any individual issues. Each class member's claim is controlled by Maryland's wage and hour statutory scheme and

one set of facts. This is based on Defendant's failure to pay minimum wage or overtime as required by MWHL and its subsequent failure to pay all wages due at the end of an individual's employment, as required by the MWPCL. Similarly, the damages are eminently certifiable in that Defendant's records will provide the amount and frequency each class member was paid as well as the amount of time each class member worked.

95. This action is maintainable as a class action. The prosecution of separate actions by individual members of the classes would create a risk of inconsistent or varying adjudications with respect to individual members of the classes. This would establish incompatible standards of conduct for Defendant. If they were to pursue their claims separately, the numerous adjudications that would be required to protect the individual interests of the class members would constitute a considerable drain and burden on judicial resources.

96. Accordingly, the Court should certify the proposed classes.

### **COUNTS AND VIOLATION OF LAW**

#### **Count I. Failure to Pay the Minimum Wage**

97. Plaintiffs hereby fully incorporate in this Count all allegations contained within Plaintiffs' Complaint.

98. Pursuant to Maryland Wage and Hour Law, Maryland Labor and Employment Code Ann. § 3-413, each employer shall pay wages at a rate that is the greater of the federal or state minimum wage.

99. Plaintiffs have not received compensation from Defendant reflecting the prescribed minimum wage rate for all hours worked for Defendant; rather, Defendant unlawfully failed to ensure that Plaintiffs received at least the minimum wage rate for each hour of work.

100. Defendant willfully and intentionally did not compensate Plaintiffs for the total minimum amount of wages they were owed by preventing Plaintiffs from recording all of their work hours.

101. There is no bona fide dispute that Plaintiffs are not exempt from the minimum wage provisions of MWHL for the work they performed for Defendant.

102. Under MWHL, Plaintiffs are entitled to additional wages from Defendant for all hours worked at a rate of pay no less than the current minimum wage.

**Count II. Violation of MWHL**

103. Plaintiffs hereby fully incorporate in this Count all allegations contained within Plaintiffs' Complaint.

104. Pursuant to Md. Code Ann., Lab. & Empl. § 3-415, each employer shall pay an overtime wage of at least one and one half (1.5) times an employee's regular hourly rate.

105. Pursuant to Md. Code Ann., Lab. & Empl. § 3-420(a), an employer shall compute the wage for overtime under Md. Code Ann., Lab. & Empl. § 3-415 on the basis of each hour over forty (40) that an employee works during one (1) workweek.

106. Plaintiffs have not received compensation from Defendant reflecting the prescribed overtime wage rate for all hours worked in excess of forty (40) in a week.

107. Defendant willfully and intentionally did not compensate Plaintiffs for the overtime wages they are owed.

108. There is no bona fide dispute that Plaintiffs are owed overtime wages for the work they performed for Defendant over forty (40) hours in a week.

109. Under MWHL, Plaintiffs are entitled to additional wages from Defendant for all overtime hours worked at a rate of one and one-half (1.5) times their regular hourly wage rate.

Count III. Violation of The MWPCCL

110. Plaintiffs hereby fully incorporate in this Count all allegations contained within Plaintiffs' Complaint.

111. Plaintiffs are entitled to wages under the Maryland Wage Payment Collection Law ("MWPCCL"), Md. Code Ann., Lab. & Empl. §§3-501, *et. seq.*, which provides that each employer shall pay an employee all wages due for the work that the employee performed before the end of his or her employment, on or before the day on which the employee would have otherwise been paid the wages.

112. Wages include "any [...] remuneration promised for service." Md. Code Ann., Lab. & Empl. § 3-501(c)(2)(v).

113. In accordance with § 3-505(a), Plaintiffs have not received compensation from Defendant for all wages owed before the termination of their employment. Defendant willfully and intentionally withheld these wages.

114. There is no bona fide dispute that Plaintiffs are owed wages for the work they performed for Defendant.

115. At no time did Plaintiffs' duties include work for Defendant that would exempt them from the provisions mandated within the MWPCCL.

116. The wages owed to Plaintiffs were not the subject of a valid deduction. MWPCCL § 3-503.

117. The monies wrongfully withheld from Plaintiffs meet the definition of wages. MWPCCL §§ 3-501(c).

118. Defendant failed to pay Plaintiffs all wages owed to them by the date encompassing their final day of employment.

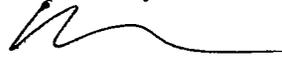
119. Because those wages were withheld in absence of a *bona fide* dispute, were not the subject of a valid deduction and not paid prior to Plaintiffs' and other similarly situated employees' final day of work, Plaintiffs are entitled to treble damages.

**Relief Requested**

Plaintiffs request the following relief:

120. Judgment against Defendant for its violation of MWHL and the MWPCCL by withholding the wages owed to Plaintiffs and all members of the class. Plaintiffs are seeking an amount greater than \$75,000.00; pre-judgment and post-judgment interest; an award to Plaintiffs of all wages owed, which includes treble damages; designation of this action as a class action under Maryland Rule of Civil Procedure Rule 2-231; reasonable attorneys' fees and costs pursuant to Md. Code Ann., Lab. & Empl. § 3-427(a); and any additional relief available to Plaintiffs by law.

Respectfully submitted,



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