



CASE NO: A-24-899689-C
Department 8

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Attorneys for Plaintiff

**DISTRICT COURT
CLARK COUNTY, NEVADA**

TALaura MOORE, on behalf of herself
and all others similarly situated,

Plaintiff,

vs.

ST. MORITZ SECURITY SERVICES,
INC.; DOES 1 through 50; inclusive,

Defendant(s).

Case No.:
Dept.:

CLASS ACTION COMPLAINT

**Arbitration Exemption Claimed:
Class Action**

- 1) Failure to Pay Overtime in Violation of NRS §§ 608.018 and 608.140;
- 2) Failure to Timely Pay All Wages Due and Owing in Violation of NRS §§ 608.020-050 and 608.140;
- 3) Failure to Compensate for All Hours Worked in Violation of NRS 608.140 and 608.016, and;
- 4) Injunctive Relief.

**LIEN REQUESTED PURSUANT TO
NRS § 608.050**

JURY TRIAL DEMANDED

GABROY | MESSER
170 South Green Valley Pkwy., Suite 280
Henderson, Nevada 89012
(702) 259-7777 FAX: (702) 259-7704

1 Plaintiff Talaura Moore (“Plaintiff” or “Moore”) on behalf of herself and all others
2 similarly situated and alleges the following:

3 All allegations in the Complaint are based upon information and belief except for
4 those allegations that pertain to the Plaintiff named herein and her counsel. Each
5 allegation in the Complaint either has evidentiary support or is likely to have evidentiary
6 support after a reasonable opportunity for further investigation and discovery.

7 **JURISDICTION AND VENUE**

8 1. This Court has original jurisdiction over the state law claims alleged herein
9 because the amount in controversy exceeds \$15,000.00 and a party seeking to recover
10 unpaid wages has a private right of action pursuant to the Nevada Constitution, Article
11 15 Section 16, and Nevada Revised Statute (“NRS”) sections 608.050 and 608.140. See
12 *Neville v. Eighth Judicial Dist. Court in & for County of Clark*, 406 P.3d 499, 502 (Nev.
13 2017); *HG Staffing, LLC, et al. v Second Judicial District Court*, Nevada Supreme Court
14 Case No. 79118 (May 7, 2020).

15 2. Plaintiff also claims a private cause of action to foreclose a lien against the
16 property owner for wages due pursuant to NRS § 608.050.

17 3. Plaintiff made a proper demand for wages due pursuant to NRS § 608.140
18 on August 8, 2024.

19 4. Venue is proper in this Court because the Defendants named herein
20 maintain a principal place of business or otherwise are found in this judicial district and
21 many of the acts complained of herein occurred in Clark County, Nevada.

22 5. Plaintiff demands a jury trial on all issues triable by jury herein.

23 **PARTIES**

24 6. Plaintiff was at all relevant times a resident of the State of Nevada and was
25 employed by Defendant as a non-exempt hourly employee from January 2024 to July
26 2024.

1 Nevada law was over 8 hours in a 24-hour period of time.

2 17. For instance, during the workweek of February 20, 2024, Defendant
3 scheduled Plaintiff to work and Plaintiff did work over 8 hours in a 24-hour period of time.
4 See a true and correct copy of Plaintiff's time records attached hereto as Exhibit I.

5 18. But despite having worked more than 8 hours in a 24-hour period of time,
6 Defendant failed to compensate Plaintiff at 1 ½ times her regular rate of pay for the
7 overtime hours she worked. See a true and correct copy of Plaintiff's paystub attached
8 hereto as Exhibit II.

9 19. Upon information and belief, Defendant maintains a company-wide policy
10 and practice of refusing to pay full daily overtime wages to Nevada employees who
11 worked over 8 hours in a workday.

12 20. This "no full daily overtime" policy has always been common to all non-
13 exempt hourly paid employees at Defendant's locations in the state of Nevada.

14 **CLASS ACTION ALLEGATIONS**

15 21. Plaintiff realleges and incorporates by this reference all the paragraphs
16 above in this Complaint as though fully set forth herein.

17 22. Plaintiff brings this action on behalf of herself and all other similarly situated
18 employees as a class action under Rule 23 of the Nevada Rules of Civil Procedure.

19 23. The **Nevada Overtime Class** is defined as "All hourly paid non-exempt
20 persons employed by Defendants in the state of Nevada who earned less than 1 ½ times
21 the applicable minimum wage and who worked over eight (8) hours in a workday at any
22 time within 3 years from August 8, 2024 until judgment."

23 24. The **Waiting Time Wages Class** is defined as "All Nevada Overtime Class
24 Members who are former employees of Defendants."

25 25. The **Unpaid Working Time Class** is defined as "All hourly paid non-
26 exempt persons employed by Defendants in the state of Nevada who were not
27 compensated for all compensable time within 3 years from August 8, 2024 until
28 judgment."

1 26. Class treatment is appropriate under Rule 23's class certification
2 mechanism because:

3 a. The Classes are Sufficiently Numerous: Upon information and belief,
4 Defendants employ, and have employed, in excess of 40 Nevada Overtime Class
5 Members within the applicable time period. Because Defendant is legally obligated to
6 keep accurate payroll records, Plaintiff alleges that Defendant's records will establish the
7 members of the Classes as well as their numerosity.

8 b. Plaintiff's Claim is Typical to Those of Fellow Class Members: Each
9 Class Member is and was subject to the same practices, plans, or policies as Plaintiff:
10 whether Defendant compensated Plaintiff and members of the Class daily overtime
11 wages when they worked over 8 hours in a workday and whether members of the
12 Waiting Time Wages Class are entitled to waiting time wages for the failure to pay them
13 minimum, regular, and overtime wages owed.

14 c. Common Questions of Law and Fact Exist: Common questions of
15 law and fact exist and predominate as to Plaintiff and the Class Members, including,
16 without limitation: whether Defendant failed to pay Plaintiff and the Class Members one
17 and one-half times their regular rate for all hours worked in excess of 8 hours a workday
18 and whether Defendant failed to pay the Waiting Time Wages Class Members all their
19 wages due and owing in violation of NRS § 608.020-050.

20 d. Plaintiff is Adequate Representative of the Class: Plaintiff will fairly
21 and adequately represent the interests of the Classes because Plaintiff is a member of
22 the Classes, she has issues of law and fact in common with all members of the Classes,
23 and her interests are not antagonistic to Class members. Plaintiff and her counsel are
24 aware of their fiduciary responsibilities to Class Members and are determined to
25 discharge those duties diligently by vigorously seeking the maximum possible recovery
26 for Class Members.

27 e. Predominance/Superior Mechanism: Class claims predominate and
28 a class action is superior to other available means for the fair and efficient adjudication of

1 this controversy. Each Class Member has been damaged and is entitled to recovery by
2 reason of Defendant's illegal policy and/or practice of failing to compensate its
3 employees in accordance with Nevada wage and hour law. The prosecution of individual
4 remedies by each Class Member will tend to establish inconsistent standards of conduct
5 for Defendant and result in the impairment of Class Members' rights and the disposition
6 of their interest through actions to which they were not parties.

7 **FIRST CAUSE OF ACTION**
8 **Failure to Pay Overtime Wages in Violation of NRS §§ 608.018 and 608.140**
9 **(On Behalf of Plaintiff and the Nevada Overtime Class)**

10 27. Plaintiff realleges and incorporates by this reference all the paragraphs
11 above in this Complaint as though fully set forth herein.

12 28. NRS § 608.140 provides that an employee has a private right of action for
13 unpaid wages.

14 29. NRS § 608.018(1) provides as follows:

15 An employer shall pay 1 1/2 times an employee's
16 regular wage rate whenever an employee who receives
17 compensation for employment at a rate less than 1 1/2 times
18 the minimum rate prescribed pursuant to NRS 608.250
19 works: (a) More than 40 hours in any scheduled week of
20 work; or (b) More than 8 hours in any workday unless by
21 mutual agreement the employee works a scheduled 10
22 hours per day for 4 calendar days within any scheduled
23 week of work.

24 30. NRS § 608.018(2) provides as follows:

25 An employer shall pay 1 1/2 times an employee's regular
26 wage rate whenever an employee who receives
27 compensation for employment at a rate not less than 1 1/2
28 times the minimum rate prescribed pursuant to NRS 608.250
works more than 40 hours in any scheduled week of work.

31. As described above, Defendant maintains a policy and/or practice of illegal
shift jamming (i.e., refusing to pay daily overtime when Plaintiff and members of the
Nevada Overtime Class worked over 8 hours in a workday). As a result, Plaintiff and
Nevada Overtime Class Members have been denied overtime compensation according
to Nevada law.

1 until the employee is paid in full, without rendering any service therefore; but the
2 employee shall cease to draw such wages or salary 30 days after such default.”

3 39. By failing to pay Waiting Time Wages Class Members their minimum,
4 regular, and overtime wages in violation of state and federal law, Defendant has failed to
5 timely remit all wages due and owing to the Waiting Time Wages Class Members.

6 40. Despite demand, Defendant willfully refused and continue to refuse to pay
7 Waiting Time Wages Class Members all the wages that were due and owing upon the
8 termination of their employment.

9 41. Wherefore, the Waiting Time Wages Class Members demand thirty (30)
10 days of pay as waiting wages under NRS §§ 608.040 and 608.140, and thirty (30) days
11 of pay as waiting wages under NRS §§ 608.050 and 608.140, together with attorneys’
12 fees, costs, interest, and punitive damages, as provided by law.

13 **THIRD CAUSE OF ACTION**
14 **Failure to Pay Wages for All Hours Worked**
15 **in Violation of NRS 608.140 §§ and 608.016**
16 **(On Behalf of Plaintiff and the Unpaid Working Time Class)**

17 42. Plaintiff realleges and incorporates by this reference all the paragraphs
18 above in this Complaint as though fully set forth herein.

19 43. NRS § 608.140 provides that an employee has a private right of action for
20 unpaid wages.

21 44. NRS § 608.016 entitled, “Payment for each hour of work; trial or break-in
22 period not excepted” states that: “An employer shall pay to the employee wages for each
23 hour the employee works. An employer shall not require an employee to work without
24 wages during a trial or break-in period.”

25 45. Nevada Administrative Code (“NAC”) 608.115(1), entitled “Payment for
26 time worked. (NRS 607.160, 608.016, 608.250)” states: “An employer shall pay an
27 employee for all time worked by the employee at the direction of the employer, including
28 time worked by the employee that is outside the scheduled hours of work of the
employee.”

EXHIBIT I

TRACK TIK

< Feb 1st - Feb 29th 135.32 Hours >

02/20/2024

14:00 THE ESTATES AT SEVEN HILLS
22:00 UNARMED OFFICER (TERRACINA) (2022)

02/21/2024

05:59 THE ESTATES AT SEVEN HILLS
16:28 UNARMED OFFICER (RAPALLO) (2022)

02/22/2024

14:00 THE ESTATES AT SEVEN HILLS
22:00 UNARMED OFFICER (VENEZIA) (2022)

02/23/2024

11:00 THE ESTATES AT SEVEN HILLS
20:00 UNARMED OFFICER (RAPALLO) (2022)

02/26/2024

14:00 THE ESTATES AT SEVEN HILLS
22:00 UNARMED OFFICER (TERRACINA) (2022)

02/27/2024

14:00 THE ESTATES AT SEVEN HILLS
22:00 UNARMED OFFICER (TERRACINA) (2022)

02/28/2024

06:00 THE ESTATES AT SEVEN HILLS
14:00 UNARMED OFFICER (RAPALLO) (2022)

02/29/2024

14:00 THE ESTATES AT SEVEN HILLS
22:00 UNARMED OFFICER (VENEZIA) (2022)

EXHIBIT II

Statement for Mar 7, 2024



CO. FILE DEPT. CLOCK VCHR. NO. 056
DBZ 816315 000975 0000103615 1

ST. MORITZ SECURITY SERVICES INC.
4600 CLAIRTON BLVD.
PITTSBURGH, PA. 15236
COMPANY PH# 800-218-9156

Earnings Statement



Period Beginning: 02/16/2024
Period Ending: 02/29/2024
Pay Date: 03/07/2024

TALaura MOORE

Filing Status: Single/Married filing separately
Exemptions/Allowances:
Federal: Standard Withholding Table

Earnings		rate	hours	this period	year to date	Other Benefits and Information	
Regular		16.5000	74.48	1,228.92	2,474.84		
Overtime		24.7500	1.00	24.75	24.75	Tot Work Hours	75.48
Adj Regular					90.88	Sick Accrual	1.45
					2,590.47	Sick Allowed	2.90
						Sick Balance	2.90
Gross Pay				\$1,253.67		Important Notes	
Deductions		Statutory				BASIS OF PAY: HOURLY	
	Social Security Tax			-77.73	160.61	Additional Tax Withholding Information	
	Medicare Tax			-18.18	37.56	Exemptions/Allowances: NV: No State Income Tax	
	Net Pay			\$1,157.76			
	Checking			-1,157.76			
	Net Check			\$0.00			

Your federal taxable wages this period are \$1,253.67

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ST. MORITZ SECURITY SERVICES INC.
4600 CLAIRTON BLVD.
PITTSBURGH, PA. 15236
COMPANY PH# 800-218-9156

Advice number: 00000103615
Pay date: 03/07/2024

Deposited to the account of TALaura MOORE account number XXXXXXXX transit ABA XXXX XXXX amount \$1,157.76

THIS IS NOT A CHECK
VOID AFTER 30 DAYS

NON-NEGOTIABLE