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CASE NO: A-19-793579-C
Department 32

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Attorneys for Plaintiff

**EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA**

16 ALEXIS HARRIS, on behalf of herself
17 and all others similarly situated,

17 Plaintiff,

18 vs.

19 HAT WORLD, INC. d/b/a and a/k/a LIDS
20 LOCKER ROOM; DOES 1 through 50;
21 inclusive,

21 Defendant(s).

Case No.:
Dept. No.:

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; and,
- 3) Injunctive Relief.

**LIEN REQUESTED PURSUANT TO
NRS 608.050**

JURY TRIAL DEMANDED

1 COMES NOW Plaintiff Alexis Harris, on behalf of herself and all others similarly
2 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 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).

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

16 3. Plaintiff made a proper demand for wages due pursuant to NRS 608.140
17 on April 19, 2019.

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

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

22 **PARTIES**

23 6. Plaintiff Alexis Harris (hereinafter "Plaintiff" or "Harris") was at all relevant
24 times a resident of the State of Nevada and was employed by Defendant as a non-
25 exempt hourly employee from February of 2018 to March of 2019.

26 7. Defendant Hat World, Inc. d/b/a and a/k/a Lids Locker Room ("Defendant")
27 is a foreign corporation registered with the Nevada Secretary of State.
28

1 14. Defendant maintains an unlawful policy of not paying daily overtime to non-
2 exempt hourly employees who earn 1 ½ times less than the applicable minimum wage.

3 15. Plaintiff has frequently worked over 8 hours in any 24-hour workday.

4 16. On many occasions, Plaintiff has worked a shift until the late evening hours
5 and then returned early the next morning to work a day shift. The number of hours she
6 worked in a workday under Nevada law was over 8 hours in a 24-hour period of time.

7 17. For instance, during the workweek of March 4, 2019 Defendant scheduled
8 Plaintiff to work and Plaintiff did work over 8 hours in a 24-hour period of time. See a true
9 and correct copy of Plaintiff's schedule attached hereto as Exhibit I.

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

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

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

19 **CLASS ACTION ALLEGATIONS**

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

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

24 23. The **Nevada Overtime Class** is defined as "All hourly paid non-exempt
25 persons employed by Defendant in the state of Nevada who earned less than 1 ½ times
26 the applicable minimum wage and who worked over eight (8) hours in a workday at any
27 time within 3 years from April 19, 2019 until judgment."
28

1 24. The **Waiting Time Penalty Class** is defined as “All Nevada Overtime
2 Class Members who are former employees of Defendant.”

3 25. Class treatment is appropriate under Rule 23’s class certification
4 mechanism because:

5 a. The Classes are Sufficiently Numerous: Upon information and belief,
6 Defendant employs, and has employed, in excess of 500 Nevada Overtime Class
7 Members within the applicable time period. Because Defendant is legally obligated to
8 keep accurate payroll records, Plaintiff alleges that Defendant’s records will establish the
9 members of the Classes as well as their numerosity.

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

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

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

1 e. Predominance/Superior Mechanism: Class claims predominate and
2 a class action is superior to other available means for the fair and efficient adjudication of
3 this controversy. Each Class Member has been damaged and is entitled to recovery by
4 reason of Defendant's illegal policy and/or practice of failing to compensate its
5 employees in accordance with Nevada wage and hour law. The prosecution of individual
6 remedies by each Class Member will tend to establish inconsistent standards of conduct
7 for Defendant and result in the impairment of Class Members' rights and the disposition
8 of their interest through actions to which they were not parties.

9 **FIRST CAUSE OF ACTION**

10 **Failure to Pay Overtime Wages in Violation of NRS 608.018 and 608.140**
11 **(On Behalf of Plaintiff and the Nevada Overtime Class)**

12 26. Plaintiff realleges and incorporates by this reference all the paragraphs
13 above in this Complaint as though fully set forth herein.

14 27. NRS 608.140 provides that an employee has a private right of action for
15 unpaid wages.

16 28. NRS 608.018(1) provides as follows:

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

21 29. NRS 608.018(2) provides as follows:

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

25 30. As described above, Defendant maintains a policy and/or practice of illegal
26 shift jamming (i.e., refusing to pay daily overtime when Plaintiff and members of the
27 Nevada Overtime Class worked over 8 hours in a workday). As a result, Plaintiff and
28

1 Nevada Overtime Class Members have been denied overtime compensation according
2 to Nevada law.

3 31. Wherefore, Plaintiff demands for herself and all Nevada Overtime Class
4 Members that Defendant pays Plaintiff and Nevada Overtime Class Members one and
5 one-half times their "regular rate" of pay for all hours worked in excess of eight (8) hours
6 in a workday during the relevant time period together with attorneys' fees, costs, and
7 interest as provided by law.

8 **SECOND CAUSE OF ACTION**
9 **Waiting Time Penalties Pursuant to NRS 608.020-.050 and 608.140**
10 **(On Behalf of Plaintiff and the Waiting Time Penalty Class)**

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

13 33. NRS 608.140 provides that an employee has a private right of action for
14 unpaid wages.

15 34. NRS 608.020 provides that "[w]henver an employer discharges an
16 employee, the wages and compensation earned and unpaid at the time of such
17 discharge shall become due and payable immediately."

18 35. NRS 608.030 provides that "[w]henver an employee resigns or quits his or
19 her employment, the wages and compensation earned and unpaid at the time of the
20 employee's resignation or quitting must be paid no later than...[t]he day on which the
21 employee would have regularly been paid the wages or compensation; or[s]even days
22 after the employee resigns or quits...whichever is earlier."

23 36. NRS 608.040(1)(a-b), in relevant part, imposes a penalty on an employer
24 who fails to pay a discharged or quitting employee: "Within 3 days after the wages or
25 compensation of a discharged employee becomes due; or on the day the wages or
26 compensation is due to an employee who resigns or quits, the wages or compensation of
27 the employee continues at the same rate from the day the employee resigned, quit, or
28 was discharged until paid for 30-days, whichever is less."

1 requests that this Honorable Court enter an Order that restrains Defendant from
2 attempting to enforce the alleged unlawful payment practices.

3 45. Plaintiff requests that this Honorable Court enter a declaration of
4 rights/obligations in regards to all such unlawful payment practices in this matter.

5 46. Further, disputes and controversies have arisen between the parties
6 relative to the lawfulness of the payment practices, and Plaintiff is entitled to have an
7 order entered pursuant to Chapter 30 of the Nevada Revised Statutes construing the
8 payment practices and adjudging and declaring Plaintiff and the Class Members' rights
9 and remedies thereunder including such an Order stating that such payment practices
10 are unlawful.

11 47. Plaintiff has been required to retain the services of an attorney and is
12 entitled to a reasonable award of attorneys' fees and costs.

13 **PRAYER FOR RELIEF**

14 Wherefore Plaintiff, by herself and on behalf of all Class Members, prays for
15 relief as follows relating to her class action allegations:

- 16 1. For an order certifying this action as a class action on behalf the
17 proposed Classes and providing notice to all Class Members so they may
18 participate in this lawsuit;
- 19 2. For an order appointing Plaintiff as the Representative of the Classes and
20 her counsel as Class Counsel;
- 21 3. For damages according to proof for overtime compensation under NRS
22 608.018 and 608.140 for all hours worked over 8 hours per day;
- 23 4. For waiting time penalties pursuant to NRS 608.040-.050 and 608.140;
- 24 5. For a lien on the property where Plaintiff and all Nevada Class Members
25 labored pursuant to NRS 608.050;
- 26 6. For interest as provided by law at the maximum legal rate;
- 27 7. For injunctive relief;
- 28 8. For declaratory relief;

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- 9. For punitive damages;
- 10. For reasonable attorneys' fees authorized by statute;
- 11. For costs of suit incurred herein;
- 12. For pre-judgment and post-judgment interest, as provided by law; and,
- 13. For such other and further relief as the Court may deem just and proper.

DATED: April 25, 2019

Respectfully Submitted,

GABROY LAW OFFICES

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EXHIBIT I

Alexis Harris 546150
3/3/19 - 3/9/19

Sun 3/3/19 -

Mon 3/4/19 3:30 PM - 9:30 PM Selling Time

Tue 3/5/19 8:30 AM - 2:30 PM Selling Time

Wed 3/6/19 -

Thu 3/7/19 11:00 AM - 5:00 PM Selling Time

Fri 3/8/19 8:30 AM - 3:30 PM Selling Time

Sat 3/9/19 2:30 PM - 9:30 PM Selling Time

Check the schedule posted in the store for the mos

EXHIBIT II

Voucher Date 3/22/2019 12:00:00 Voucher Number

Direct Deposit Advice

*** This is not a check ***

Direct Deposit Amount ***** 1,182.07

546150 Alexis M. Harris

Alexis M. Harris March 22, 2019 5142

Empl Id	546150	Ln08-34008-HWRET-HWRET	Period Begin	03/04/19	Net Pay	1,182.07
Check	546150	Line Date 02/27/18 Status T	Period End	03/17/19	Dir Den	1,182.07
			Check Type	Rec		

Earnings Summary

Total Gross Pay	Hours	Rate	Current Amt	Ytd Amt
Regular	7.09	11.00	77.99	4,576.66
Regular	5.99	11.00	65.89	
Regular	6.11	11.00	67.21	
Regular	7.08	11.00	77.88	
Regular	7.05	11.00	77.55	
Regular	6.08	11.00	66.88	
Regular	7.07	11.00	77.77	
Regular	7.13	11.00	78.43	
Regular	7.01	11.00	77.11	
Regular	7.88	11.00	86.68	
Overtime	0.00		0.00	180.85
Bonus Regular	0.00		696.32	1,067.32
OT Bonus	0.00		0.00	5.51
	67.61		1,440.03	5,824.34

Payment Summary for Voucher

Total Gross Pay	1,440.03
Federal Taxes	-257.96
State and Local Taxes	0.00
Other Deductions	0.00
Net Pay	1,182.07
Direct Deposits	-1,182.07
Net Check	0.00

Taxes	Status	Taxable	Current Amt	Ytd Amt
Federal Income Tax	S-0	1,440.03	147.80	235.31
OASDI		1,440.03	89.28	361.11
Medicare		1,440.03	20.88	84.45
Nevada SITW		1,440.03	0.00	0.00
			257.96	680.87

Additional Information

Time Off Balances

Direct Deposits

Bank	Account	Current Amt
BANK OF AMERICA, N.A. Ends with ****		1,182.07
		1,182.07

The user that submitted the print job did not have the appropriate security to view Social Security Numbers.

