



CASE NO: A-22-846803-C
Department 16

COMJD
Christian Gabroy, Esq.
Nev. Bar No. 8805
Kaine Messer, Esq.
Nev. Bar No. 14240
GABROY | MESSER
The District at Green Valley Ranch
170 S. Green Valley Pkwy, Suite 280
Henderson, Nevada 89012
Tel. (702) 259-7777
Fax. (702) 259-7704
christian@gabroy.com
kmesser@gabroy.com

Mark R. Thierman, Nev. Bar No. 8285
mark@thiermanbuck.com
Joshua D. Buck, Nev. Bar No. 12187
josh@thiermanbuck.com
Leah L. Jones, Nev. Bar No. 13161
leah@thiermanbuck.com
THIERMAN BUCK LLP
7287 Lakeside Drive
Reno, Nevada 89511
Tel. (775) 284-1500
Fax. (775) 703-5027

Attorneys for Plaintiff

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

TREVON ROSS, on behalf of himself and
all others similarly situated,

Plaintiff,

vs.

LAS VEGAS PARKING, INC.; DOES 1
through 50; inclusive,

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

Gabroy | Messer
170 S. Green Valley Pkwy., Suite 280
Henderson, Nevada 89012
(702) 259-7777 FAX: (702) 259-7704

1
2 COMES NOW Plaintiff Trevon Ross, on behalf of himself and all others similarly
3 situated and alleges the following:

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

8 **JURISDICTION AND VENUE**

9 1. This Court has original jurisdiction over the state law claims alleged herein
10 because the amount in controversy exceeds \$15,000 and a party seeking to recover
11 unpaid wages has a private right of action pursuant to the Nevada Constitution, Article
12 15 Section 16, and Nevada Revised Statute (“NRS”) sections 608.050 and 608.140. See
13 *Neville v. Eighth Judicial Dist. Court in & for County of Clark*, 406 P.3d 499, 502 (Nev.
14 2017); *HG Staffing, LLC, et al. v Second Judicial District Court*, Nevada Supreme Court
15 Case No. 79118 (May 7, 2020).

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

18 3. Plaintiff made a proper demand for wages due pursuant to NRS 608.140
19 on January 12, 2022.

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

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

24 **PARTIES**

25 6. Plaintiff Trevon Ross (hereinafter “Plaintiff” or “Ross”) was at all relevant
26 times a resident of the State of Nevada and was employed by Defendant as a non-
27 exempt hourly employee from October of 2019 to November 2021.

28

1 7. Defendant Las Vegas Parking, Inc. (“Defendant”) is a domestic corporation
2 registered with the Nevada Secretary of State.

3 8. Defendant was doing business in this Judicial District in Clark County,
4 Nevada where the subject incidences occurred.

5 9. At all relevant times, each Defendant was an agent, employee, joint-
6 venturer, shareholder, director, member, co-conspirator, alter ego, master, or partner of
7 each of the other Defendants, and at all times mentioned herein were acting within the
8 scope and course and in pursuance of his, her, or its agency, joint venture, partnership,
9 employment, common enterprise, or actual or apparent authority in concert with each
10 other and the other Defendants.

11 10. At all relevant times, the acts and omissions of Defendants concurred and
12 contributed to the various acts and omissions of each and every one of the other
13 Defendants in proximately causing the complaints, injuries, and damages alleged herein.
14 At all relevant times herein, Defendants approved of, condoned and/or otherwise ratified
15 each and every one of the acts or omissions complained of herein. At all relevant times
16 herein, Defendants aided and abetted the acts and omissions of each and every one of
17 the other Defendants thereby proximately causing the damages as herein alleged.

18 11. The Defendants named herein are the employers of the Plaintiff and all
19 Class Members alleged herein. The Defendants are employers engaged in commerce
20 under the provisions of NRS 608.011. The identity of DOES 1-50 is unknown at the time
21 and the Complaint will be amended at such time when the identities are known to
22 Plaintiff. Plaintiff is informed and believes that each Defendants sued herein as DOE is
23 responsible in some manner for the acts, omissions, or representations alleged herein
24 and any reference to “Defendant” or “Defendants” herein shall mean “Defendants and
25 each of them.”

26 **FACTUAL ALLEGATIONS**

27 12. Plaintiff was employed by Defendant as a non-exempt employee from
28 October of 2019 to November 2021.

1 13. Defendant does not offer or provide insurance that is less than 10% of the
2 total gross income of Plaintiff and other similarly situated employees.

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

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

7 16. On many occasions, Plaintiff has worked a shift in the late afternoon and
8 evening hours and then returned the next day at an earlier start time than the previous
9 day's shift. The number of hours he worked in a workday under Nevada law was over 8
10 hours in a 24-hour period of time.

11 17. For instance, during the workweek of March 8, 2020, Defendant scheduled
12 Plaintiff to work and Plaintiff did work over 8 hours in a 24-hour period of time. See a true
13 and correct copy of Plaintiff's schedule attached hereto as Exhibit I.

14 18. But despite having worked more than 8 hours in a 24-hour period of time,
15 Defendant failed to compensate Plaintiff at 1 ½ times his regular rate of pay for the
16 overtime hours he worked. See a true and correct copy of Plaintiff's March 17, 2020 pay
17 statement attached hereto as Exhibit II.

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

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

23 **CLASS ACTION ALLEGATIONS**

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

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

1 23. The **Nevada Overtime Class** is defined as “All hourly paid non-exempt
2 persons employed by Defendant in the state of Nevada who earned less than 1 ½ times
3 the applicable minimum wage and who worked over eight (8) hours in a workday at any
4 time within 3 years from January 12, 2022 until judgment.”

5 24. The **Waiting Time Wages Class** is defined as “All Nevada Overtime Class
6 Members who are former employees of Defendant.”

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

9 a. The Classes are Sufficiently Numerous: Upon information and belief,
10 Defendant employs, and has employed, in excess of 40 Nevada Overtime Class
11 Members within the applicable time period. Because Defendant is legally obligated to
12 keep accurate payroll records, Plaintiff alleges that Defendant’s records will establish the
13 members of the Classes as well as their numerosity.

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

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

26 d. Plaintiff is Adequate Representative of the Class: Plaintiff will fairly
27 and adequately represent the interests of the Classes because Plaintiff is a member of
28 the Nevada Overtime Class, he has issues of law and fact in common with all members

1 of the Classes, and his interests are not antagonistic to Class members. Plaintiff and his
2 counsel are aware of their fiduciary responsibilities to Class Members and are
3 determined to discharge those duties diligently by vigorously seeking the maximum
4 possible recovery for Class Members.

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

13 **FIRST CAUSE OF ACTION**
14 **Failure to Pay Overtime Wages in Violation of NRS 608.018 and 608.140**
15 **(On Behalf of Plaintiff and the Nevada Overtime Class)**

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

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

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

21 An employer shall pay 1 1/2 times an employee's
22 regular wage rate whenever an employee who receives
23 compensation for employment at a rate less than 1 1/2 times
24 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.

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

26 An employer shall pay 1 1/2 times an employee's regular
27 wage rate whenever an employee who receives
28 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.

1
2 30. As described above, Defendant maintains a policy and/or practice of illegal
3 shift jamming (i.e., refusing to pay daily overtime when Plaintiff and members of the
4 Nevada Overtime Class worked over 8 hours in a workday). As a result, Plaintiff and
5 Nevada Overtime Class Members have been denied overtime compensation according
6 to Nevada law.

7 31. Wherefore, Plaintiff demands for himself and all Nevada Overtime Class
8 Members that Defendant pays Plaintiff and Nevada Overtime Class Members one and
9 one-half times their “regular rate” of pay for all hours worked in excess of eight (8) hours
10 in a workday during the relevant time period together with attorneys’ fees, costs, and
11 interest as provided by law.

12 **SECOND CAUSE OF ACTION**
Waiting Time Wages Pursuant to NRS 608.020-.050 and 608.140
(On Behalf of Plaintiff and the Waiting Time Wages Class)

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

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

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

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

25 36. NRS 608.040(1)(a-b), in relevant part, imposes additional wages on an
26 employer who fails to pay a discharged or quitting employee: “Within 3 days after the
27 wages or compensation of a discharged employee becomes due; or on the day the
28

1 wages or compensation is due to an employee who resigns or quits, the wages or
2 compensation of the employee continues at the same rate from the day the employee
3 resigned, quit, or was discharged until paid for 30-days, whichever is less.”

4 37. NRS 608.050 grants an “employee lien” to each discharged or laid-off
5 employee for the purpose of collecting the wages or compensation owed to them “in the
6 sum agreed upon in the contract of employment for each day the employer is in default,
7 until the employee is paid in full, without rendering any service therefore; but the
8 employee shall cease to draw such wages or salary 30 days after such default.”

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

12 39. Despite demand, Defendant willfully refused and continues to refuse to pay
13 Waiting Time Wages Class Members all the wages that were due and owing upon the
14 termination of their employment.

15 40. Wherefore, the Waiting Time Wages Class Members demand thirty (30)
16 days of pay as waiting wages under NRS 608.040 and 608.140, and thirty (30) days of
17 pay as waiting wages under NRS 608.050 and 608.140, together with attorneys’ fees,
18 costs, interest, and punitive damages, as provided by law.

19 **THIRD CAUSE OF ACTION**
20 **Injunctive/Declaratory Relief**
21 **(On Behalf of Plaintiff and the Nevada Overtime Class)**

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

24 42. As Defendant has failed to compensate Plaintiff and members of the
25 Overtime Class at the correct overtime wage rate for all the overtime hours that they
26 worked pursuant to NRS 608.018, Defendant has wrongfully withheld wages properly-
27 owed to the Plaintiff and the Overtime Class Members.

28 43. Plaintiff and the Nevada Overtime Class will suffer irreparable injury if
Defendant is not enjoined from the future wrongful retention of wages owed.

1 44. As a result of the aforementioned unlawful payment practices, Plaintiff
2 submits that there has been a likelihood of success on the merits that Plaintiff and the
3 Class Members have been damaged, that there is irreparable harm, and Plaintiff
4 requests that this Honorable Court enter an Order that restrains Defendant from
5 attempting to enforce the alleged unlawful payment practices.

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

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

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

16 **PRAYER FOR RELIEF**

17 Wherefore Plaintiff, by himself and on behalf of all Class Members, prays for
18 relief as follows relating to his class action allegations:

- 19 1. For an order certifying this action as a class action on behalf the
20 proposed Classes and providing notice to all Class Members so they may
21 participate in this lawsuit;
- 22 2. For an order appointing Plaintiff as the Representative of the Classes and
23 him counsel as Class Counsel;
- 24 3. For damages according to proof for overtime compensation under NRS
25 608.018 and 608.140 for all hours worked over 8 hours per day;
- 26 4. For waiting time wages pursuant to NRS 608.040-.050 and 608.140;
- 27 5. For a lien on the property where Plaintiff and all Nevada Class Members
28 labored pursuant to NRS 608.050;

- 1 6. For interest as provided by law at the maximum legal rate;
- 2 7. For injunctive relief;
- 3 8. For declaratory relief;
- 4 9. For punitive damages;
- 5 10. For reasonable attorneys' fees authorized by statute;
- 6 11. For costs of suit incurred herein;
- 7 12. For pre-judgment and post-judgment interest, as provided by law; and,
- 8 13. For such other and further relief as the Court may deem just and proper.

9 DATED: January 18, 2022

 Respectfully Submitted,

 GABROY | MESSER

 By: /s/ Christian Gabroy
 Christian Gabroy, Esq.
 Kaine Messer, Esq.
 The District at Green Valley Ranch
 170 S. Green Valley Pkwy, Suite 280
 Henderson, NV 89012
 christian@gabroy.com
 kmesser@gabroy.com

 Mark R. Thierman, Esq.
 Joshua D. Buck, Esq.
 Leah L. Jones, Esq.
 THIERMAN BUCK LLP
 7287 Lakeside Drive
 Reno, Nevada 89511
 mark@thiermanbuck.com
 josh@thiermanbuck.com
 leah@thiermanbuck.com

 Attorneys for Plaintiff

EXHIBIT I



SAT, FEB 29, 2020

7.50

4:00p-11:30p



at Stirling Club as Valet

WED, MAR 04, 2020

7.25

3:45p-11:00p



at Stirling Club as Valet

THU, MAR 05, 2020

7.25

3:45p-11:00p



at Stirling Club as Valet

FRI, MAR 06, 2020

7.25

3:45p-11:00p



at Stirling Club as Valet

SAT, MAR 07, 2020

8.25

3:45p~12:00a



at Stirling Club as Valet

SUN, MAR 08, 2020

8.00

9:15a-5:15p



at Stirling Club as Valet

Total Paid Hours

67.25



Dashboard



Schedule



Time Sheets



WorkChat

1



More

EXHIBIT II

** ROSS, TREVON 5/9 Type/Seq:D01-New Batch:042 PC:S-
91910250342:LAS VEGAS PARKING INC ██████████ Op-Yr:CRB-2020

Check# G1-3010914 Date: 03/02/20 PerBeg: 02/11/20 PerEnd: 02/25/20 Entry: JD

Type	Description	Basis	Rate/Hrs	Amount
Earn	A01 Regular	9.00	66.00	594.00
Ded	B1D Direct Deposit	.00	.00	522.91
Tax	CFE Federal	594.00	10.00	25.65
Tax	CFI FICA - OASDI	594.00	6.20	36.83
Tax	CFJ FICA - Medicare	594.00	1.45	8.61
Tax	CNV Nevada	594.00	.00	.00

Gross: 594.00 Ded: -522.91 Tax: -71.09 Contr: .00
** Net Check ** \$.00 **

** ROSS, TREVON 6/9 Type/Seq:D01-New Batch:053 PC:S-
91910250342:LAS VEGAS PARKING INC SSN: 6007 Op-Yr:CRB-2020

Check# G1-3012027 Date: 03/17/20 PerBeg: 02/25/20 PerEnd: 03/10/20 Entry: JD

Type	Description	Basis	Rate/Hrs	Amount
Earn	A01 Regular	9.00	67.00	603.00
Earn	A02 Overtime	13.50	.25	3.38
Ded	B1D Direct Deposit	.00	.00	533.10
Tax	CFE Federal	606.38	10.00	26.89
Tax	CFI FICA - OASDI	606.38	6.20	37.60
Tax	CFJ FICA - Medicare	606.38	1.45	8.79
Tax	CNV Nevada	606.38	.00	.00

Gross: 606.38 Ded: -533.10 Tax: -73.28 Contr: .00
** Net Check ** \$.00 **