



**COMP**

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13 *Attorneys for Plaintiff*

**EIGHT JUDICIAL DISTRICT COURT**

**CLARK COUNTY, NEVADA**

16 LONDON AARON, on behalf of herself and  
17 all others similarly situated,

18 Plaintiff,

19 vs.

20 WENDY'S OF LAS VEGAS, INC.; CEDAR  
21 ENTERPRISE, INC.; and DOES 1 through  
22 50, inclusive,

23 Defendant(s).

Case No.: A-18-774902-C

Dept. No.: Department 1

**CLASS ACTION COMPLAINT**

- 1) Failure to Pay Overtime in Violation of NRS 608.018 and 608.140; and
- 2) Failure to Timely Pay All Wages Due and Owing in Violation of NRS 608.020-050 and 608.140; and
- 3) Injunctive Relief.

**ARBITRATION EXEMPTION  
CLAIMED: CLASS ACTION**

**LIEN REQUESTED PURSUANT TO NRS  
608.050**

**JURY TRIAL DEMANDED**

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1 COMES NOW Plaintiff LONDON AARON, 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 those  
4 allegations that pertain to the Plaintiff named herein and her counsel. Each allegation in the  
5 Complaint either has evidentiary support or is likely to have evidentiary support after a reasonable  
6 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 unpaid wages  
10 has a private right of action pursuant to the Nevada Constitution, Article 15 Section 16, and  
11 Nevada Revised Statute (“NRS”) Chapter 608. *See Neville v. Terrible Herbst, Inc.*, 133 Nev. Adv.  
12 Op. 95 (Dec. 7, 2017).

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

15 3. Venue is proper in this Court because one or more of the Defendants named herein  
16 maintains a principal place of business or otherwise is found in this judicial district and many of  
17 the acts complained of herein occurred in Clark County, Nevada.

18 **PARTIES**

19 4. Plaintiff LONDON AARON (hereinafter “Plaintiff” or “AARON”) is a natural  
20 person who is and was a resident of the State of Nevada and has been employed by Defendant as  
21 a non-exempt hourly employee from May 2014 to on or about October 4, 2017.

22 5. Defendant WENDY'S OF LAS VEGAS, INC. is an Ohio Corporation doing  
23 business in Nevada. Upon information and belief, Defendant WENDY'S OF LAS VEGAS, INC.  
24 owned and operated the fast food locations where Plaintiff and all other similarly situated putative  
25 class members worked during the relevant time period covered by this action up to and until  
26 March 13, 2017 and was Plaintiff and putative class members’ employer.

27 6. Defendant CEDAR ENTERPRISE, INC. is a Nevada corporation and one of the  
28 employing defendants in this action.



1 engaged in this type of unlawful and systematic “shift jamming” for years. Defendants owe  
2 Plaintiff and all other similarly situated employees their full overtime wages for the full 3-year  
3 liability period.

4 **CLASS ACTION ALLEGATIONS**

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

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

9 16. The **Nevada Overtime Class** is defined as “All hourly paid non-exempt persons  
10 employed by Defendants in the state of Nevada who earned less than 1 ½ times the applicable  
11 minimum wage and who worked over eight (8) hours in a workday at any time within 3 years  
12 from the filing of the complaint until judgment.”

13 17. The **Waiting Time Penalty Class** is defined as “All Nevada Minimum Wage  
14 Class, Nevada Wage Deduction Class, and Nevada Overtime Class Members who are former  
15 employees.”

16 18. Class treatment is appropriate under Rule 23’s class certification mechanism  
17 because:

18 a. The Classes are Sufficiently Numerous: Upon information and belief,  
19 Defendants employ, and have employed, in excess of 100 Nevada Overtime and Waiting  
20 Time Penalty Class Members within the applicable time period. Because Defendants are  
21 legally obligated to keep accurate payroll records, Plaintiff alleges that Defendants’  
22 records will establish the members of these Classes as well as their numerosity.

23 b. Plaintiff’s Claims is Typical to Those of Fellow Class Members: Each  
24 Class Member is and was subject to the same practices, plans, or policies as Plaintiff: (1)  
25 Whether Defendants compensated Plaintiff and members of the Nevada Overtime Class  
26 daily overtime wages when they worked over 8 hours in a workday; and (2) Whether  
27 Plaintiff and members of the Waiting Time Penalty Class are entitled to waiting time  
28 penalties for the failure to pay them minimum, regular, and overtime wages owed.

1 c. Common Questions of Law and Fact Exist: Common questions of law and  
2 and fact exist and predominate as to Plaintiff and the Class Members, including, without  
3 limitation: Whether Defendants failed to pay Plaintiff and the Nevada Overtime Class  
4 Members one and one half times their regular rate for all hours worked in excess of 8  
5 hours a workday; and Whether Defendants failed to pay Plaintiff and the Waiting Time  
6 Penalty Class Members all their wages due and owing in violation of NRS 608.020-050.

7 d. Plaintiff is Adequate Representative of the Class: Plaintiff will fairly and  
8 adequately represent the interests of the Class because Plaintiff is a member of all the  
9 Classes, he has issues of law and fact in common with all members of the Classes, and his  
10 interests are not antagonistic to Class members. Plaintiff and his counsel are aware of  
11 their fiduciary responsibilities to Class Members and are determined to discharge those  
12 duties diligently by vigorously seeking the maximum possible recovery for Class  
13 Members.

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

22 **FIRST CAUSE OF ACTION**

23 **Failure to Pay Overtime Wages in Violation of NRS 608.018 and 608.140**

24 **(On Behalf of Plaintiff and the Nevada Overtime Class)**

25 19. Plaintiff realleges and incorporate by this reference all the paragraphs above in this  
26 Complaint as though fully set forth herein.

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

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21. NRS 608.018(1) provides as follows:

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

22. NRS 608.018(2) provides as follows:

An employer shall pay 1 1/2 times an employee’s regular wage rate whenever an employee who receives 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.

23. As described above, Defendants maintained 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.

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

**SECOND CAUSE OF ACTION**

**Waiting Time Penalties Pursuant to NRS 608.020-.050 and 608.140  
(On Behalf of Plaintiff and the Waiting Time Penalty Class)**

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

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

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

4 28. NRS 608.040(1)(a-b), in relevant part, imposes a penalty on an employer who fails  
5 to pay a discharged or quitting employee: “Within 3 days after the wages or compensation of a  
6 discharged employee becomes due; or on the day the wages or compensation is due to an  
7 employee who resigns or quits, the wages or compensation of the employee continues at the same  
8 rate from the day the employee resigned, quit, or was discharged until paid for 30-days, whichever  
9 is less.”

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

15 30. By failing to pay Plaintiff and the Waiting Time Penalty Class Members their  
16 minimum, regular, and overtime wages in violation of state law, Defendants have failed to timely  
17 remit all wages due and owing to Plaintiff and the Waiting Time Penalty Class Members.

18 31. Despite demand, Defendants willfully refuse and continue to refuse to pay Plaintiff  
19 and Waiting Time Penalty Class Members all the wages that were due and owing upon the  
20 termination of their employment.

21 32. Wherefore, Plaintiff and the Waiting Time Penalty Class Members demand thirty  
22 (30) days of pay as waiting penalties under NRS 608.040 and 608.140, and thirty (30) days of  
23 pay as waiting penalties under NRS 608.050 and 608.140, together with attorneys’ fees, costs,  
24 interest, and punitive damages, as provided by law.

25 **THIRD CAUSE OF ACTION**

26 **Injunctive/Declaratory Relief**

27 **(On Behalf of Plaintiff and the Overtime Class and Waiting Time Penalty Class Against**  
28 **Defendant)**

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

3           34. As Defendants have failed to compensate Plaintiff and members of the Overtime  
4 Class at the correct overtime wage rate for all the overtime hours that they worked pursuant to  
5 NRS 608.018, Defendant has wrongfully withheld wages properly-owed to the Plaintiff and the  
6 Overtime Class Members.

7           35. Plaintiff, and the Overtime Class, will suffer irreparable injury if Defendants are  
8 not enjoined from the future wrongful retention of wages owed.

9           36. As a result of the aforementioned unlawful payment practices, Plaintiff submits  
10 that there has been a likelihood of success on the merits that Plaintiff and the Class Members have  
11 been damaged and that there is irreparable harm.

12           37. Plaintiff requests that this Honorable Court enter an Order that restrains  
13 Defendants from attempting to enforce the alleged unlawful payment practices.

14           38. Plaintiff requests that this Honorable Court enter a declaration of rights/obligations  
15 in regards to all such unlawful payment practices in this matter.

16           39. Further, disputes and controversies have arisen between the parties relative to the  
17 lawfulness of the payment practices, and Plaintiff is entitled to have an order entered pursuant to  
18 Chapter 30 of the Nevada Revised Statutes construing the payment practices and adjudging and  
19 declaring Plaintiff and the Class Members' rights and remedies thereunder including such an  
20 Order stating that such payment practices are unlawful.

21           40. Plaintiff has been required to retain the services of an attorney and is entitled to a  
22 reasonable award of attorneys' fees and costs.

23   **PRAYER FOR RELIEF**

24           Wherefore Plaintiff, by himself and on behalf of Class Members, pray for relief as follows  
25 relating to their class action allegations:

- 26           1. For an order certifying this action as a class action on behalf the proposed Classes  
27               and providing notice to all Class Members so they may participate in this lawsuit;



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2. For an order appointing Plaintiff as the Representative of the Classes and her counsel as Class Counsel;
3. For damages according to proof for overtime compensation under NRS 608.018 and 608.140 for all hours worked over 8 hours per day;
4. For waiting time penalties pursuant to NRS 608.040-.050 and 608.140;
5. For a lien on the property where Plaintiff and all Nevada Class Members labored pursuant to NRS 608.050;
6. For interest as provided by law at the maximum legal rate;
7. For injunctive relief;
8. For declaratory relief;
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: May 22, 2018

Respectfully Submitted,  
**THIERMAN BUCK LLP**

/s/ Joshua D. Buck  
Joshua D. Buck  
Mark R. Thierman  
Leah L. Jones

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**Exhibit List**

Exhibit A Report of Hours Worked by Plaintiff rom 4/24/17 to 9/15/17  
Exhibit B Report of the Amount of Overtime Owed to Plaintiff

# **EXHIBIT A**

# **EXHIBIT A**

# Detailed Hours Calculation

3/13/2017 to 3/14/2018



Name	Employee #	Bus. Date	WK	Store #	Time Card	Dept	Punch In	Punch Out	Hours	Other Pay \$	Req.	OT	Prm.	Cum. Req.	Cum. OT	Cum. Prm.
Aaron, London-Christie	619180825	04/24/2017	7	4634		Shift	04/24/17 09:02A	04/24/17 06:02P	9.000		8.000	1.000	0.000	8.000	1.000	0.000
Aaron, London-Christie	619180825	04/25/2017	7	4634		Shift	04/25/17 10:09A	04/25/17 06:09P	8.000		8.000	0.000	0.000	16.000	1.000	0.000
Aaron, London-Christie	619180825	04/26/2017	7	4634		Shift	04/26/17 09:11A	04/26/17 04:59P	7.800		7.800	0.000	0.000	23.800	1.000	0.000
Aaron, London-Christie	619180825	04/27/2017	7	4634		Shift	04/27/17 09:03A	04/27/17 06:06P	9.050		8.000	1.050	0.000	31.800	2.050	0.000
Aaron, London-Christie	619180825	04/28/2017	7	4634		Shift	04/28/17 08:15A	04/28/17 06:13P	9.967		8.000	1.967	0.000	39.800	4.017	0.000
Aaron, London-Christie	619180825	05/01/2017	8	4634		Shift	05/01/17 08:08A	05/01/17 04:48P	8.683		8.000	0.683	0.000	47.800	4.700	0.000
Aaron, London-Christie	619180825	05/02/2017	8	4634		Shift	05/02/17 10:08A	05/02/17 06:11P	8.050		8.000	0.050	0.000	55.800	4.750	0.000
Aaron, London-Christie	619180825	05/03/2017	8	4634		Shift	05/03/17 07:04A	05/03/17 03:04P	8.000		8.000	0.000	0.000	63.800	4.750	0.000
Aaron, London-Christie	619180825	05/04/2017	8	4634		Shift	05/04/17 10:07A	05/04/17 11:41A	1.567		1.567	0.000	0.000	65.367	4.750	0.000
Aaron, London-Christie	619180825	05/05/2017	8	4634		Shift	05/05/17 10:00A	05/05/17 05:36P	6.600		7.600	0.000	0.000	72.967	4.750	0.000
Aaron, London-Christie	619180825	05/06/2017	8	4634		Shift	05/06/17 04:18P	05/06/17 10:19P	6.017		6.017	0.000	0.000	78.984	4.750	0.000
Aaron, London-Christie	619180825	05/08/2017	9	4634		Shift	05/08/17 06:57A	05/08/17 04:02P	9.083		8.000	1.083	0.000	86.984	5.833	0.000
Aaron, London-Christie	619180825	05/09/2017	9	4634		Shift	05/09/17 10:20A	05/09/17 04:06P	5.767		5.767	0.000	0.000	92.751	5.833	0.000
Aaron, London-Christie	619180825	05/10/2017	9	4634		Shift	05/10/17 06:56A	05/10/17 02:58P	8.033		8.000	0.033	0.000	100.751	5.866	0.000
Aaron, London-Christie	619180825	05/11/2017	9	4634		Shift	05/11/17 10:00A	05/11/17 06:12P	8.200		8.000	0.200	0.000	108.751	6.066	0.000
Aaron, London-Christie	619180825	05/12/2017	9	4634		Shift	05/12/17 08:09A	05/12/17 03:02P	6.883		6.883	0.000	0.000	115.634	6.066	0.000
Aaron, London-Christie	619180825	05/15/2017	10	4634		Shift	05/15/17 07:57A	05/15/17 04:12P	8.250		8.000	0.250	0.000	123.634	6.316	0.000
Aaron, London-Christie	619180825	05/16/2017	10	4634		Shift	05/16/17 06:59A	05/16/17 03:55P	8.933		8.000	0.933	0.000	131.634	7.249	0.000
Aaron, London-Christie	619180825	05/17/2017	10	4634		Shift	05/17/17 09:57A	05/17/17 04:39P	6.700		6.700	0.000	0.000	138.334	7.249	0.000
Aaron, London-Christie	619180825	05/18/2017	10	4634		Shift	05/18/17 10:09A	05/18/17 06:08P	7.983		7.983	0.000	0.000	146.317	7.249	0.000
Aaron, London-Christie	619180825	05/19/2017	10	4634		Shift	05/19/17 09:13A	05/19/17 05:34P	8.350		8.000	0.350	0.000	154.317	7.599	0.000
Aaron, London-Christie	619180825	05/22/2017	11	4634		Shift	05/22/17 07:00A	05/22/17 04:13P	9.217		8.000	1.217	0.000	162.317	8.816	0.000
Aaron, London-Christie	619180825	05/23/2017	11	4634		Shift	05/23/17 10:00A	05/23/17 05:15P	7.250		7.250	0.000	0.000	169.567	8.816	0.000
Aaron, London-Christie	619180825	05/24/2017	11	4634		Shift	05/24/17 06:59A	05/24/17 03:01P	8.033		8.000	0.033	0.000	177.567	8.849	0.000
Aaron, London-Christie	619180825	05/26/2017	11	4634		Shift	05/26/17 10:05A	05/26/17 06:05P	8.000		8.000	0.000	0.000	185.567	8.849	0.000
Aaron, London-Christie	619180825	05/28/2017	11	4634		Shift	05/28/17 07:06A	05/28/17 04:43P	9.617		8.000	1.617	0.000	193.567	10.466	0.000
Aaron, London-Christie	619180825	05/29/2017	12	4634		Shift	05/29/17 07:09A	05/29/17 04:41P	9.533		8.000	1.533	0.000	201.567	11.999	0.000
Aaron, London-Christie	619180825	05/30/2017	12	4634		Shift	05/30/17 10:04A	05/30/17 02:13P	4.150		4.150	0.000	0.000	205.717	11.999	0.000
Aaron, London-Christie	619180825	05/31/2017	12	4634		Shift	05/31/17 06:59A	05/31/17 03:09P	8.167		8.000	0.167	0.000	213.717	12.166	0.000
Aaron, London-Christie	619180825	07/03/2017	17	4634		Shift	07/03/17 10:27A	07/03/17 06:30P	8.050		8.000	0.050	0.000	221.717	12.216	0.000
Aaron, London-Christie	619180825	07/04/2017	17	4634		Shift	07/04/17 09:59A	07/04/17 05:28P	7.483		7.483	0.000	0.000	229.200	12.216	0.000
Aaron, London-Christie	619180825	07/05/2017	17	4634		Shift	07/05/17 07:02A	07/05/17 03:02P	8.000		8.000	0.000	0.000	237.200	12.216	0.000
Aaron, London-Christie	619180825	07/06/2017	17	4634		Shift	07/06/17 10:00A	07/06/17 03:46P	5.767		5.767	0.000	0.000	242.967	12.216	0.000
Aaron, London-Christie	619180825	07/17/2017	19	4634		Shift	07/17/17 06:52A	07/17/17 05:04P	10.200		8.000	2.200	0.000	250.967	14.416	0.000
Aaron, London-Christie	619180825	07/18/2017	19	4634		Shift	07/18/17 10:36A	07/18/17 06:04P	7.467		7.467	0.000	0.000	258.434	14.416	0.000
Aaron, London-Christie	619180825	07/19/2017	19	4634		Shift	07/19/17 08:23A	07/19/17 02:03P	5.667		5.667	0.000	0.000	264.101	14.416	0.000
Aaron, London-Christie	619180825	07/21/2017	19	4634		Shift	07/21/17 09:59A	07/21/17 04:00A	18.017		8.000	4.000	0.000	272.101	18.416	6.017
Aaron, London-Christie	619180825	07/27/2017	20	4634		Shift	07/27/17 05:51P	07/28/17 01:35A	7.733		7.733	0.000	0.000	279.834	18.416	6.017
Aaron, London-Christie	619180825	07/28/2017	20	4634		Shift	07/28/17 06:12P	07/29/17 01:43A	7.517		7.517	0.000	0.000	287.351	18.416	6.017
Aaron, London-Christie	619180825	07/29/2017	20	4634		Shift	07/29/17 05:18P	07/30/17 02:00A	8.700		8.000	0.700	0.000	295.351	19.116	6.017
Aaron, London-Christie	619180825	07/30/2017	20	4634		Shift	07/30/17 05:25P	07/31/17 01:40A	8.250		8.000	0.250	0.000	303.351	19.366	6.017

# Detailed Hours Calculation

3/13/2017 to 3/14/2018



Name	Employee #	Bus. Date	WK	Store #	Time Card	Dept	Punch In	Punch Out	Hours	Other Pay \$	Req.	OT	Pretn.	Cum. Req.	Cum. OT	Cum. Pretn.	
Aaron, London-Christie	619180825	07/31/2017	21	4634		Shift	07/31/17 10:00A	07/31/17 12:41P	2.683		2.683	0.000	0.000	0.000	306.034	19.366	6.017
Aaron, London-Christie	619180825	08/01/2017	21	4634		Shift	08/01/17 09:35A	08/01/17 05:02P	7.450		7.450	0.000	0.000	0.000	313.484	19.366	6.017
Aaron, London-Christie	619180825	08/04/2017	21	4634		Shift	08/04/17 07:05A	08/04/17 05:12P	10.117		8.000	2.117	0.000	0.000	321.484	21.483	6.017
Aaron, London-Christie	619180825	08/05/2017	21	4634		Shift	08/05/17 06:59A	08/05/17 05:13P	10.233		8.000	2.233	0.000	0.000	329.484	23.716	6.017
Aaron, London-Christie	619180825	08/06/2017	21	4634		Shift	08/06/17 07:41A	08/06/17 05:41P	10.000		8.000	2.000	0.000	0.000	337.484	25.716	6.017
Aaron, London-Christie	619180825	08/07/2017	22	4634		Shift	08/07/17 09:52A	08/07/17 05:10P	7.300		7.300	0.000	0.000	0.000	344.784	25.716	6.017
Aaron, London-Christie	619180825	08/08/2017	22	4634		Shift	08/08/17 09:07A	08/08/17 02:00P	4.883		4.883	0.000	0.000	0.000	349.667	25.716	6.017
Aaron, London-Christie	619180825	08/09/2017	22	4634		Shift	08/09/17 07:00A	08/09/17 03:00P	8.000		8.000	0.000	0.000	0.000	357.667	25.716	6.017
Aaron, London-Christie	619180825	08/10/2017	22	4634		Shift	08/10/17 07:00A	08/10/17 04:03P	9.950		8.000	1.950	0.000	0.000	365.667	26.766	6.017
Aaron, London-Christie	619180825	08/11/2017	22	4634		Shift	08/11/17 10:09A	08/11/17 03:03P	4.900		4.900	0.000	0.000	0.000	370.567	26.766	6.017
Aaron, London-Christie	619180825	08/13/2017	22	4634		Shift	08/13/17 09:01A	08/13/17 03:26P	6.417		6.417	0.000	0.000	0.000	376.984	26.766	6.017
Aaron, London-Christie	619180825	08/14/2017	23	4634		Shift	08/14/17 10:01A	08/14/17 05:01P	7.000		7.000	0.000	0.000	0.000	383.984	26.766	6.017
Aaron, London-Christie	619180825	08/15/2017	23	4634		Shift	08/15/17 09:18A	08/15/17 05:13P	7.917		7.917	0.000	0.000	0.000	391.901	26.766	6.017
Aaron, London-Christie	619180825	08/16/2017	23	4634		Shift	08/16/17 07:00A	08/16/17 03:01P	8.017		8.000	0.017	0.000	0.000	399.901	26.783	6.017
Aaron, London-Christie	619180825	08/17/2017	23	4634		Shift	08/17/17 09:06A	08/17/17 04:22P	7.267		7.267	0.000	0.000	0.000	407.168	26.783	6.017
Aaron, London-Christie	619180825	08/18/2017	23	4634		Shift	08/18/17 09:01A	08/18/17 05:09P	8.133		8.000	0.133	0.000	0.000	415.168	26.916	6.017
Aaron, London-Christie	619180825	08/21/2017	24	4634		Shift	08/21/17 09:00A	08/21/17 05:00P	8.000		8.000	0.000	0.000	0.000	423.168	26.916	6.017
Aaron, London-Christie	619180825	08/23/2017	24	4634		Shift	08/23/17 06:56A	08/23/17 02:57P	8.017		8.000	0.017	0.000	0.000	431.168	26.933	6.017
Aaron, London-Christie	619180825	08/25/2017	24	4634		Shift	08/25/17 08:00A	08/25/17 04:01P	8.017		8.000	0.017	0.000	0.000	439.168	26.950	6.017
Aaron, London-Christie	619180825	08/26/2017	24	4634		Shift	08/26/17 07:00A	08/26/17 05:51P	10.850		8.000	2.850	0.000	0.000	447.168	29.800	6.017
Aaron, London-Christie	619180825	08/27/2017	24	4634		Shift	08/27/17 07:00A	08/27/17 05:09P	10.150		8.000	2.150	0.000	0.000	455.168	31.950	6.017
Aaron, London-Christie	619180825	08/30/2017	25	4634		Shift	08/30/17 06:59A	08/30/17 03:06P	8.117		8.000	0.117	0.000	0.000	463.168	32.067	6.017
Aaron, London-Christie	619180825	08/31/2017	25	4634		Shift	08/31/17 08:04A	08/31/17 09:17A	1.217		1.217	0.000	0.000	0.000	464.385	32.067	6.017
Aaron, London-Christie	619180825	09/01/2017	25	4634		Shift	09/01/17 09:03A	09/01/17 05:58P	8.917		8.000	0.917	0.000	0.000	472.385	32.984	6.017
Aaron, London-Christie	619180825	09/02/2017	25	4634		Shift	09/02/17 07:00A	09/02/17 04:20P	9.333		8.000	1.333	0.000	0.000	480.385	34.317	6.017
Aaron, London-Christie	619180825	09/03/2017	25	4634		Shift	09/03/17 06:58A	09/03/17 04:24P	9.433		8.000	1.433	0.000	0.000	488.385	35.750	6.017
Aaron, London-Christie	619180825	09/04/2017	26	4634		Shift	09/04/17 07:02A	09/04/17 03:02P	8.000		8.000	0.000	0.000	0.000	496.385	35.750	6.017
Aaron, London-Christie	619180825	09/05/2017	26	4634		Shift	09/05/17 08:01A	09/05/17 04:05P	8.067		8.000	0.067	0.000	0.000	504.385	35.817	6.017
Aaron, London-Christie	619180825	09/06/2017	26	4634		Shift	09/06/17 06:59A	09/06/17 02:57P	7.967		7.967	0.000	0.000	0.000	512.352	35.817	6.017
Aaron, London-Christie	619180825	09/07/2017	26	4634		Shift	09/07/17 08:02A	09/07/17 08:39A	0.617		0.617	0.000	0.000	0.000	512.969	35.817	6.017
Aaron, London-Christie	619180825	09/09/2017	26	4634		Shift	09/09/17 06:57A	09/09/17 04:04P	9.117		8.000	1.117	0.000	0.000	520.969	36.934	6.017
Aaron, London-Christie	619180825	09/10/2017	26	4634		Shift	09/10/17 07:20A	09/10/17 04:14P	8.900		7.416	1.484	0.000	0.000	528.385	38.418	6.017
Aaron, London-Christie	619180825	09/11/2017	27	4634		Shift	09/11/17 08:00A	09/11/17 03:59P	7.983		7.983	0.000	0.000	0.000	536.368	38.418	6.017
Aaron, London-Christie	619180825	09/12/2017	27	4634		Shift	09/12/17 09:19A	09/12/17 05:00P	7.683		7.683	0.000	0.000	0.000	544.051	38.418	6.017
Aaron, London-Christie	619180825	09/13/2017	27	4634		Shift	09/13/17 07:04A	09/13/17 03:02P	7.967		7.967	0.000	0.000	0.000	552.018	38.418	6.017
Aaron, London-Christie	619180825	09/14/2017	27	4634		Shift	09/14/17 08:22A	09/14/17 08:36A	0.233		0.233	0.000	0.000	0.000	552.251	38.418	6.017
Aaron, London-Christie	619180825	09/15/2017	27	4634		Shift	09/15/17 07:42A	09/15/17 07:49A	0.117		0.117	0.000	0.000	0.000	552.368	38.418	6.017

# **EXHIBIT B**

# **EXHIBIT B**



# Wendy's

## Shift Jam Analysis

Name	Shift Ct	Date	Punch IN	Punch OUT	Shift Hours	Hours Between Shifts	Shift Jam Count	Shift Jam OT Hours
Aaron, London-Chnstie	1	04/24/17	4/24/17 9:02 AM	4/24/17 6:02 PM	9.00	16.12	0	
Aaron, London-Chnstie	1	04/25/17	4/25/17 10:09 AM	4/25/17 6:09 PM	8.00	15.03	1	0.97
Aaron, London-Chnstie	1	04/26/17	4/26/17 9:11 AM	4/26/17 4:59 PM	7.80	16.07	0	
Aaron, London-Chnstie	1	04/27/17	4/27/17 9:03 AM	4/27/17 6:06 PM	9.05	14.15	1	1.85
Aaron, London-Chnstie	1	04/28/17	4/28/17 8:15 AM	4/28/17 6:13 PM	9.97	61.92	0	
Aaron, London-Chnstie	1	05/01/17	5/1/17 8:08 AM	5/1/17 4:49 PM	8.68	17.32	0	
Aaron, London-Chnstie	1	05/02/17	5/2/17 10:08 AM	5/2/17 6:11 PM	8.05	12.88	1	3.12
Aaron, London-Chnstie	1	05/03/17	5/3/17 7:04 AM	5/3/17 3:04 PM	8.00	19.05	0	
Aaron, London-Chnstie	1	05/04/17	5/4/17 10:07 AM	5/4/17 11:41 AM	1.57	22.32	0	
Aaron, London-Chnstie	1	05/05/17	5/5/17 10:00 AM	5/5/17 5:36 PM	7.60	22.70	0	
Aaron, London-Chnstie	1	05/06/17	5/6/17 4:18 PM	5/6/17 10:19 PM	6.02	32.63	0	
Aaron, London-Chnstie	1	05/08/17	5/8/17 6:57 AM	5/8/17 4:02 PM	9.08	18.30	0	
Aaron, London-Chnstie	1	05/09/17	5/9/17 10:20 AM	5/9/17 4:06 PM	5.77	14.83	1	0.00
Aaron, London-Chnstie	1	05/10/17	5/10/17 6:56 AM	5/10/17 2:58 PM	8.03	19.03	0	
Aaron, London-Chnstie	1	05/11/17	5/11/17 10:00 AM	5/11/17 6:12 PM	8.20	13.95	1	2.05
Aaron, London-Chnstie	1	05/12/17	5/12/17 8:09 AM	5/12/17 3:02 PM	6.88	64.92	0	
Aaron, London-Chnstie	1	05/15/17	5/15/17 7:57 AM	5/15/17 4:12 PM	8.25	14.78	1	1.22
Aaron, London-Chnstie	1	05/16/17	5/16/17 6:59 AM	5/16/17 3:55 PM	8.93	18.03	0	
Aaron, London-Chnstie	1	05/17/17	5/17/17 9:57 AM	5/17/17 4:39 PM	6.70	17.50	0	
Aaron, London-Chnstie	1	05/18/17	5/18/17 10:09 AM	5/18/17 6:08 PM	7.98	15.08	1	0.90
Aaron, London-Chnstie	1	05/19/17	5/19/17 9:13 AM	5/19/17 5:34 PM	8.35	61.43	0	
Aaron, London-Chnstie	1	05/22/17	5/22/17 7:00 AM	5/22/17 4:13 PM	9.22	17.78	0	
Aaron, London-Chnstie	1	05/23/17	5/23/17 10:00 AM	5/23/17 5:15 PM	7.25	13.73	1	1.52
Aaron, London-Chnstie	1	05/24/17	5/24/17 6:59 AM	5/24/17 3:01 PM	8.03	43.07	0	
Aaron, London-Chnstie	1	05/26/17	5/26/17 10:05 AM	5/26/17 6:05 PM	8.00	37.02	0	
Aaron, London-Chnstie	1	05/28/17	5/28/17 7:06 AM	5/28/17 4:43 PM	9.62	14.43	1	1.57
Aaron, London-Chnstie	1	05/29/17	5/29/17 7:09 AM	5/29/17 4:41 PM	9.53	17.38	0	
Aaron, London-Chnstie	1	05/30/17	5/30/17 10:04 AM	5/30/17 2:13 PM	4.15	16.77	0	
Aaron, London-Chnstie	1	05/31/17	5/31/17 6:59 AM	5/31/17 3:09 PM	8.17	787.30	0	
Aaron, London-Chnstie	1	07/03/17	7/3/17 10:27 AM	7/3/17 6:30 PM	8.05	15.48	1	0.52
Aaron, London-Chnstie	1	07/04/17	7/4/17 9:59 AM	7/4/17 5:28 PM	7.48	13.57	1	1.91
Aaron, London-Chnstie	1	07/05/17	7/5/17 7:02 AM	7/5/17 3:02 PM	8.00	18.97	0	
Aaron, London-Chnstie	1	07/06/17	7/6/17 10:00 AM	7/6/17 3:46 PM	5.77	255.10	0	

Name	Shift Ct	Date	Punch IN	Punch OUT	Shift Hours	Hours Between Shifts	Shift Jam Count	Shift Jam OT Hours
Aaron, London-Chnstie	1	07/17/17	7/17/17 6:52 AM	7/17/17 5:04 PM	10.20	17.53	0	
Aaron, London-Chnstie	1	07/18/17	7/18/17 10:36 AM	7/18/17 6:04 PM	7.47	14.32	1	1.11
Aaron, London-Chnstie	1	07/19/17	7/19/17 8:23 AM	7/19/17 2:03 PM	5.67	43.93	0	
Aaron, London-Chnstie	1	07/21/17	7/21/17 9:59 AM	7/22/17 4:00 AM	18.02	133.85	0	
Aaron, London-Chnstie	1	07/27/17	7/27/17 5:51 PM	7/28/17 1:35 AM	7.73	16.62	0	
Aaron, London-Chnstie	1	07/28/17	7/28/17 6:12 PM	7/29/17 1:43 AM	7.52	15.58	1	0.00
Aaron, London-Chnstie	1	07/29/17	7/29/17 5:18 PM	7/30/17 2:00 AM	8.70	15.42	1	0.58
Aaron, London-Chnstie	1	07/30/17	7/30/17 5:25 PM	7/31/17 1:40 AM	8.25	8.33	1	2.68
Aaron, London-Chnstie	1	07/31/17	7/31/17 10:00 AM	7/31/17 12:41 PM	2.68	20.90	0	
Aaron, London-Chnstie	1	08/01/17	8/1/17 9:35 AM	8/1/17 5:02 PM	7.45	62.05	0	
Aaron, London-Chnstie	1	08/04/17	8/4/17 7:05 AM	8/4/17 5:12 PM	10.12	13.78	1	2.22
Aaron, London-Chnstie	1	08/05/17	8/5/17 6:59 AM	8/5/17 5:13 PM	10.23	14.47	1	1.53
Aaron, London-Chnstie	1	08/06/17	8/6/17 7:41 AM	8/6/17 5:41 PM	10.00	16.18	0	
Aaron, London-Chnstie	1	08/07/17	8/7/17 9:52 AM	8/7/17 5:10 PM	7.30	15.95	1	0.00
Aaron, London-Chnstie	1	08/08/17	8/8/17 9:07 AM	8/8/17 2:00 PM	4.88	17.00	0	
Aaron, London-Chnstie	1	08/09/17	8/9/17 7:00 AM	8/9/17 3:00 PM	8.00	16.00	0	
Aaron, London-Chnstie	1	08/10/17	8/10/17 7:00 AM	8/10/17 4:03 PM	9.05	18.10	0	
Aaron, London-Chnstie	1	08/11/17	8/11/17 10:09 AM	8/11/17 3:03 PM	4.90	41.97	0	
Aaron, London-Chnstie	1	08/13/17	8/13/17 9:01 AM	8/13/17 3:26 PM	6.42	18.58	0	
Aaron, London-Chnstie	1	08/14/17	8/14/17 10:01 AM	8/14/17 5:01 PM	7.00	16.28	0	
Aaron, London-Chnstie	1	08/15/17	8/15/17 9:18 AM	8/15/17 5:13 PM	7.92	13.78	1	2.14
Aaron, London-Chnstie	1	08/16/17	8/16/17 7:00 AM	8/16/17 3:01 PM	8.02	18.08	0	
Aaron, London-Chnstie	1	08/17/17	8/17/17 9:06 AM	8/17/17 4:22 PM	7.27	16.65	0	
Aaron, London-Chnstie	1	08/18/17	8/18/17 9:01 AM	8/18/17 5:09 PM	8.13	63.85	0	
Aaron, London-Chnstie	1	08/21/17	8/21/17 9:00 AM	8/21/17 5:00 PM	8.00	37.93	0	
Aaron, London-Chnstie	1	08/23/17	8/23/17 6:56 AM	8/23/17 2:57 PM	8.02	41.05	0	
Aaron, London-Chnstie	1	08/25/17	8/25/17 8:00 AM	8/25/17 4:01 PM	8.02	14.98	1	1.02
Aaron, London-Chnstie	1	08/26/17	8/26/17 7:00 AM	8/26/17 5:51 PM	10.85	13.15	1	2.85
Aaron, London-Chnstie	1	08/27/17	8/27/17 7:00 AM	8/27/17 5:09 PM	10.15	61.83	0	
Aaron, London-Chnstie	1	08/30/17	8/30/17 6:59 AM	8/30/17 3:06 PM	8.12	16.97	0	
Aaron, London-Chnstie	1	08/31/17	8/31/17 8:04 AM	8/31/17 9:17 AM	1.22	23.77	0	
Aaron, London-Chnstie	1	09/01/17	9/1/17 9:03 AM	9/1/17 5:58 PM	8.92	13.03	1	2.97
Aaron, London-Chnstie	1	09/02/17	9/2/17 7:00 AM	9/2/17 4:20 PM	9.33	14.63	1	1.37
Aaron, London-Chnstie	1	09/03/17	9/3/17 6:58 AM	9/3/17 4:24 PM	9.43	14.63	1	1.37
Aaron, London-Chnstie	1	09/04/17	9/4/17 7:02 AM	9/4/17 3:02 PM	8.00	16.98	0	
Aaron, London-Chnstie	1	09/05/17	9/5/17 8:01 AM	9/5/17 4:05 PM	8.07	14.90	1	1.10



Name	Shift Ct	Date	Punch IN	Punch OUT	Shift Hours	Hours Between Shifts	Shift Jam Count	Shift Jam OT Hours
Aaron, London-Chnstie	1	09/06/17	9/6/17 6:59 AM	9/6/17 2:57 PM	7.97	17.08	0	
Aaron, London-Chnstie	1	09/07/17	9/7/17 8:02 AM	9/7/17 8:39 AM	0.62	46.30	0	
Aaron, London-Chnstie	1	09/09/17	9/9/17 6:57 AM	9/9/17 4:04 PM	9.12	15.27	1	0.73
Aaron, London-Chnstie	1	09/10/17	9/10/17 7:20 AM	9/10/17 4:14 PM	8.90	15.77	1	0.23
Aaron, London-Chnstie	1	09/11/17	9/11/17 8:00 AM	9/11/17 3:59 PM	7.98	17.33	0	
Aaron, London-Chnstie	1	09/12/17	9/12/17 9:19 AM	9/12/17 5:00 PM	7.68	14.07	1	1.61
Aaron, London-Chnstie	1	09/13/17	9/13/17 7:04 AM	9/13/17 3:02 PM	7.97	17.33	0	
Aaron, London-Chnstie	1	09/14/17	9/14/17 8:22 AM	9/14/17 8:36 AM	0.23	23.10	0	
Aaron, London-Chnstie	1	09/15/17	9/15/17 7:42 AM	9/15/17 7:49 AM	0.12			
	<u>78</u>						<u>28</u>	<u>39.14</u>

Data Points	Count	% of Total	Amount
Total Shift Count	78		
Shift Jam Count	28	35.9%	
Shift Jam w/OT Hours	25	32.1%	
Total OT Hours - Shift Jam			39.14
Avg. OT Hours - Per Shift Jam	(39.14 OT Hours / 25 Jam Ct)		1.57
Damages		Amount	
Total OT Hours		39.14	
ST Rate @ 0.5 (\$10.15 * 0.5)		\$5.08	
Unpaid Premium Dollars		<u>\$198.83</u>	