

1 Thomas J. Milhaupt, SBN #124417
Melissa E. Cohen, SBN #128578
2 MILHAUPT AND COHEN, A Professional Corporation
816 Camarillo Springs Road, Suite F
3 Camarillo, CA 93012

4 Telephone (805) 482-0220
5 Facsimile (805) 482-0116

6 Darla A. Cunningham, SBN 227848
Don Featherstone, SBN 128990
7 LERNER, MOORE, SILVA, CUNNINGHAM & RUBEL PLC
141 North Arrowhead Ave., Suite 1
8 San Bernardino, CA 92408

9 Telephone (909) 889-1131
Facsimile (909) 383-7761

10 Attorneys for Plaintiffs

11
12 UNITED STATES DISTRICT COURT
13 CENTRAL DISTRICT OF CALIFORNIA

14
15
16 MATTHEW DASHIELL, on behalf of
17 himself and all others similarly situated,

18 Plaintiff,

19 and

20 COUNTY OF RIVERSIDE; and DOES 1-
10, inclusive,

21 Defendants.
22

Case No.:

COLLECTIVE ACTION

COMPLAINT FOR VIOLATIONS OF
THE FAIR LABOR STANDARDS ACT

23
24 Plaintiff, acting by and through his counsel, hereby alleges, on behalf of himself
25 and similarly situated, as follows:

26 SUMMARY OF THE CASE

27 1. Plaintiff Matthew Dashiell ("Dashiell") was a non-exempt employee of the
28 County of Riverside ("County") who, within the three year period preceding the filing of
this Complaint, performed recruit training activities for the County through the

1 Riverside County Sheriff's Academy ("Academy"), for the purpose of providing law
2 enforcement and related public protection services. In the course of providing such
3 services, Dashiell and the other County employees performing training activities for the
4 County through the Academy, regularly worked over forty (40) hours per week without
5 receiving payment for all hours worked over forty hours per week, including the
6 overtime premium pay for the hours worked as is required by law.

7 2. Plaintiff Dashiell brings this case under the collective action provision of
8 the Fair Labor Standards Act ("FLSA"), as set forth in 29 USC section 216(b), on behalf of
9 himself and other persons similarly employed by the County who, like Dashiell, within
10 the three years preceding the filing of this complaint, participated in training for
11 provision of law enforcement, public protection, and/or other public service activities
12 through the Academy ("Class"), and who, like Dashiell, were not paid overtime
13 premium pay at one and one half times the regular rate for all hours worked in excess of
14 forty (40) hours per work week in the course of their performing such activities.
15 Plaintiff, on behalf of himself and all persons who join this action, recovery of unpaid
16 wages, liquidated damages, interest, and attorney's fees and costs incurred in this action,
17 pursuant to 29 USC section 201 et seq. and as otherwise provided by law

18 3. The County's refusal and failure to pay Plaintiff overtime owed to him
19 under the FLSA violated 29 USC sections 201 et seq. including sections 207(a)(1) and
20 215(a). In addition, such conduct was and is a willful violation within the meaning of 29
21 USC section 255(a) because, at all relevant times, the County knew, and should have
22 known and/or recklessly disregarded that Plaintiff and the Class were and entitled to be
23 paid all wages owed for all hours worked for the County, including the overtime
24 premium pay owed Dashiell and the Class for the hours worked over forty (40) per
25 work week.

26 JURISDICTION AND VENUE

27 4. Section 216(b) of the FLSA authorizes this action for damages for violation
28 of FLSA's provisions requiring payment for all hours worked including overtime

1 premium.

2 5. This court has original federal question jurisdiction under 28 USC sections
3 1331 and 1337 because the FLSA relates to Congressional regulation of commerce.

4 6. Venue is proper in this District pursuant to 28 USC section 1391 because
5 the County of Riverside, a public entity, is located within this District.

6 **THE PARTIES**

7 7. Plaintiff Matthew Dashiell was employed as law enforcement and public
8 protection trainee by the County from about March 2013 through his termination by the
9 County on about November 19, 2013. During the portion of his period of employment
10 from approximately March 2013 through approximately June 2013, Plaintiff Dashiell, as
11 did other similarly situated employees of the County receiving training through the
12 Academy, regularly worked at least fifteen (15) hours in excess of forty per week,
13 without receiving proper compensation for working such hours, in violation of the
14 FLSA. Plaintiff Dashiell's consent to the filing of this action is attached as Exhibit 1.

15 **JURISDICTION AND VENUE**

16 8. This court has original jurisdiction over this case under Section 1331 of
17 Title 28 of the United States code in that this case is brought under the Fair Labor
18 Standards Act of 1928, Section 201 et. seq. of Title 29 of the United States Code.
19 Pursuant to Code of Civil Procedure section 394, venue is proper because this action is
20 brought against the County of Riverside.

21 **FLSA COLLECTIVE ACTION ALLEGATIONS**

22 9. Plaintiff realleges and incorporates Paragraphs 1 through 8, inclusive, as
23 though fully set forth hereat.

24 10. Plaintiff is similarly situated to the other Class members in that he had
25 substantially similar job work requirements and pay provisions as the other affected
26 employees, and was subject to the County of Riverside's common practice, policy, and
27 plan, of unlawfully failing and refusing to pay them the overtime premium pay owed to
28 them for hours worked over 40 per work week, in violation of the FLSA.

1 11. This action for violation of the FLSA may be brought and maintained as an
2 “opt-in” collective action pursuant to Section 16(b) of the FLSA, 29 U.S.C. § 216(b),
3 because the claims of Plaintiff are similar to the claims of all persons similarly employed
4 by the County during the relevant period.

5 12. The names and addresses of all similarly situated County employees are
6 available in the County’s records and files. Notice should be provided to similarly
7 situated trainees via first class mail, email, and posting in the offices where they have
8 worked, as soon as practicable.

9 13. At all relevant times, the County was an employer within the meaning of
10 the FLSA. Pursuant to the FLSA, the County was required to compensate Plaintiff and
11 the Class at a rate of not less than one and one-half times his regular rate of pay for all
12 work performed in excess of forty (40) hours per week.

13 14. Plaintiff, and the other County employees who participated in recruit
14 training and related activities conducted by the County through the Academy during
15 the preceding three years, regularly were required to, and did, work significantly more
16 than forty (40) hours per week at during the time they participated in such activities. At
17 all relevant times, the County failed to pay Plaintiff and the other similarly situated
18 County employees the overtime premium pay they were owed for the work performed
19 beyond forty hours, under the FLSA.

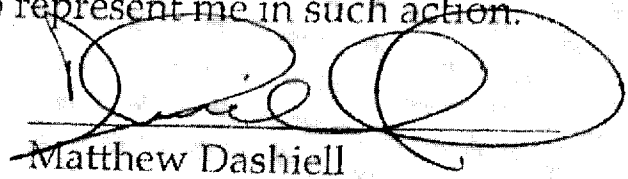
20 15. By failing to compensate Dashiell, and all other similarly situated trainees,
21 at a rate not less than one and one-half times the regular rate of pay for work performed
22 in excess of forty hours per week, the County violated the FLSA, 29 U.S.C. § 201 et seq.

23 16. Additionally, the County failed to record, report or preserve records of
24 overtime hours worked by Dashiell, or the other similarly situated County employees,
25 during the three years preceding the filing of this complaint. This failure additionally
26 violates the FLSA and the duties specified therein regarding maintenance of records as
27 to each nonexempt employee sufficient to determine Dashiell and the other similarly
28 situated employees' wages, hours and other conditions of employment.

CONSENT TO SUE UNDER THE FLSA

I, Matthew Dashiell, hereby consent to be a plaintiff in an action under the Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.*, to secure any unpaid wages, overtime pay, liquidated damages, attorneys' fees, costs and other relief arising out of my employment with the County of Riverside, and I authorize Lerner, Moore, Silva, Cunningham & Rubel, PLC and Milhaupt and Cohen, APC, to represent me in such action.

Dated: JAN 28, 2015


Matthew Dashiell