

ENDORSED
FILED
Superior Court of California
County of San Francisco

JUN 29 2015

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12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
FOR THE COUNTY OF SAN FRANCISCO

13
14 BARRY TARANTO, individually and on
15 behalf of all others similarly situated,

16
17 Plaintiffs,

18 v.

19 WASHIO, INC.,

20
21 Defendant.

Case No. **CGC 15-546584**

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23 **CLASS ACTION COMPLAINT AND**
JURY DEMAND

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1. FAILURE TO REIMBURSE FOR BUSINESS EXPENSES IN VIOLATION OF CAL. LAB. CODE §2802
 2. UNLAWFUL AND/OR UNFAIR BUSINESS PRACTICES (CAL. BUS. & PROF. CODE §§17200-17208)

1 with the internal laws of the State of California without giving effect to any choice or conflict of
2 law provision or rule (whether of the State of California or any other jurisdiction) that would
3 cause the application of laws of any jurisdictions other than those of the State of California.”
4 Thus, California law applies to the drivers’ challenge to their classification as independent
5 contractors under their contract with Washio.

6
7 **V. CLASS ACTION ALLEGATIONS**

8 17. Plaintiff brings this action as a class action pursuant to Cal. Code of Civ. Proc.
9 §382 on behalf of Washio drivers across the United States.

10 18. Plaintiff and other class members have uniformly been misclassified as
11 independent contractors.

12 19. The members of the class are so numerous that joinder of all class members is
13 impracticable.

14 20. Common questions of law and fact exist as to members of the class who have
15 been misclassified as independent contractors. Among the questions of law and fact that are
16 common to these drivers are:

- 17 a. Whether class members have been required to follow uniform procedures and
18 policies regarding their work for Washio;
- 19 b. Whether the work performed by class members—providing laundry delivery
20 service to customers—is within Washio’s usual course of business, and whether
21 such service is fully integrated into Washio’s business;
- 22 c. Whether these class members have been required to bear the expenses of their
23 employment, such as expenses for their vehicles, gas, and other expenses.

24 21. The named plaintiff is a member of the class, who suffered damages as a result of
25 Defendant’s conduct and actions alleged herein.

26 22. The named plaintiff’s claims are typical of the claims of the class, and the named
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1 business acts or practices, in that Defendant has violated California Labor Code Section 2802. As
2 a result of Defendant's unlawful conduct, Plaintiffs and class members suffered injury in fact and
3 lost money and property, including, but not limited to business expenses that drivers were
4 required to pay. Pursuant to California Business and Professions Code § 17203, Plaintiffs and
5 class members seek declaratory and injunctive relief for Defendant's unlawful conduct and to
6 recover restitution. Pursuant to California Code of Civil Procedure § 1021.5, Plaintiffs and class
7 members who worked for Washio are entitled to recover reasonable attorneys' fees, costs, and
8 expenses incurred in bringing this action.
9

10 JURY DEMAND

11 Plaintiffs request a trial by jury on all their claims.

12 WHEREFORE, Plaintiffs request that this Court certify this case as a national class
13 action (applying California law), pursuant to Cal. Code of Civ. Proc. § 382; award
14 reimbursement for all expenses that drivers who were misclassified as independent
15 contractors were required to bear; award pre- and post-judgment interest; award
16 reasonable attorneys' fees, costs, and expenses; and award any other relief to which
17 the plaintiffs may be entitled.
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Respectfully submitted,

BARRY TARANTO, individually, and on behalf of
all others similarly situated,

By their attorneys,



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