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IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON
IN AND FOR KING COUNTY

DEBRA BARNETT, GEORGIE HARTWIG,
and BELLA BLAUBERGS, on their own
behalf and on behalf of all others similarly
situated,

Plaintiffs,

v.

WAL-MART STORES, INC., a Delaware
corporation, d/b/a WAL-MART, d/b/a SAM'S
CLUB, d/b/a SUPERCENTER,

Defendant.

NO. 01-2-24553-8 SEA

THIRD AMENDED CLASS ACTION
COMPLAINT FOR DAMAGES,
RESTITUTION, AND INJUNCTIVE
RELIEF

Plaintiffs, by their undersigned attorneys, for their Class Action Complaint against Defendant Wal-Mart Stores, Inc., d/b/a Wal-Mart, d/b/a Sam's Club, d/b/a Supercenter, allege as follows:

I. NATURE OF ACTION

1.1. Plaintiffs Debra Barnett, Georgie Hartwig and Bella Blaubergs ("Plaintiffs") bring this action against Wal-Mart Stores, Inc. (including all Washington Wal-Mart stores, Supercenters and Sam's Clubs, collectively "Wal-Mart" or "Defendant") for engaging in a systematic scheme of wage abuse against its hourly paid employees in the state of Washington. This scheme involved, inter alia, failing to record and pay for hourly employees' off-the-clock work and overtime, and preventing such employees from taking and/or completing their rest



1 and meal breaks. As a result of its systematic scheme of failing to properly pay its hourly
2 employees throughout Washington, Wal-Mart has violated Washington common and statutory
3 laws as described more particularly below.

4 **II. JURISDICTION AND VENUE**

5 2.1. Venue is proper in King County because Plaintiff Barnett resides in King
6 County and worked for Defendant at a Wal-Mart store located in King County where the
7 violations alleged herein on her behalf occurred. In addition, Defendant transacts business in
8 King County and many of the specific acts, as well as the course of conduct charged herein,
9 occurred in King County.

10 2.2. The Defendant is within the jurisdiction of this Court. Wal-Mart does tens of
11 millions of dollars of business in the State of Washington and operates stores in King County.
12 Thus, Defendant has obtained the benefits of the laws of the State of Washington and the
13 Washington retail and labor markets.

14 2.3. The total amount in controversy of the named Plaintiffs' claims is less than
15 Seventy-Five Thousand Dollars (\$75,000). In addition, as master of their complaint, Plaintiffs
16 assert no claims arising under federal law. Rather, Plaintiffs allege claims for relief based
17 solely on, and arising from, Washington law. The claims of Plaintiffs and the Class members
18 are individual claims for violations of Washington law described herein. These claims do not
19 unite or enforce a single title or right to which Plaintiffs and the Class have a common and
20 undivided interest.

21 **III. PARTIES**

22 3.1. Plaintiff Debra Barnett. Plaintiff Barnett worked from approximately
23 October 1995 to March 1999 at the Wal-Mart Discount Store in Auburn, Washington, located
24 in King County. On multiple occasions during her employment as a cashier and customer
25 service manager ("CSM"), Plaintiff Barnett worked time off the clock for which she was never
26 paid, worked overtime for which she was not paid, and was denied meal and rest breaks.

1 Plaintiff Barnett, as the lead CSM, ran the cashier meetings, scheduled the cashiers, and
2 performed other time-consuming tasks. Plaintiff Barnett estimates that on average she worked
3 16-20 hours per month for which she was not compensated. These estimates do not include the
4 substantial hours for which she received no compensation during the holidays and at inventory
5 time.

6 3.2. Plaintiff Georgie Hartwig. Plaintiff Hartwig worked from March 14, 1994, to
7 October 9, 2000, at the Wal-Mart Discount Store in Colville, Washington, located in Stevens
8 County. On multiple occasions during her employment as a freight receiving coordinator, sales
9 associate, morning stocker, and department manager, Plaintiff Hartwig worked time off the
10 clock for which she was never paid, worked overtime for which she was not paid, was locked
11 into the store at night, and was denied meal and rest breaks. On average, Plaintiff Hartwig
12 estimates that she worked between two to five hours per week for which she was not
13 compensated. These estimates do not include the substantial hours for which she was not paid
14 during the holidays and at inventory time.

15 3.3. Plaintiff Bella Blaubergs. Plaintiff Bella Blaubergs worked from December
16 1997 to March 1999 at the Wal-Mart store in Mt. Vernon, Washington, located in Skagit
17 County. She worked as a fitting room attendant, a greeter, and a sales associate in the fabrics
18 and crafts department. While employed by Wal-Mart, Plaintiff Blaubergs worked time off the
19 clock for which she was not paid, worked overtime for which she was not paid, was locked in
20 the store at night after clocking out, and was regularly unable to take meal and rest breaks.

21 3.4. Defendant Wal-Mart Stores, Inc. is a Delaware corporation with its headquarters
22 in Bentonville, Arkansas. Wal-Mart Stores, Inc. is a corporation doing tens of millions of
23 dollars of business within the State of Washington. Indeed, Wal-Mart Stores, Inc. operates a
24 total of approximately 30 stores (including Wal-Mart Stores, Supercenters and Sam's Clubs) in
25 Washington. Wal-Mart Stores, Inc. is an employer of thousands of employees in the State of
26 Washington.

