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12 ARMIDA RUELAS, DE'ANDRE EUGENE COX,
13 BERT DAVIS, KATRISH JONES,
14 JOSEPH MEBRAHTU, DAHRYL REYNOLDS,
15 MONICA MASON, and LUIS NUNEZ-ROMERO

16 **UNITED STATES DISTRICT COURT**
17 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

18 ARMIDA RUELAS; DE'ANDRE EUGENE) Case No.
19 COX; BERT DAVIS; KATRISH JONES;)
20 JOSEPH MEBRAHTU; DAHRYL) **COMPLAINT FOR DAMAGES AND**
21 REYNOLDS; MONICA MASON; LUIS) **DECLARATORY AND INJUNCTIVE**
22 NUNEZ-ROMERO; and all others similarly) **RELIEF**
23 situated,)
24) **CLASS ACTION**
25 Plaintiffs,)
26) **Jury Trial Demanded**
27 vs.)
28)
29 COUNTY OF ALAMEDA; GREGORY J.)
30 AHERN, SHERIFF; ARAMARK)
31 CORRECTIONAL SERVICES, LLC; and)
32 DOES 1 through 10,)
33 Defendants.)

34 Plaintiffs ARMIDA RUELAS, DE'ANDRE EUGENE COX, BERT DAVIS,
35 KATRISH JONES, JOSEPH MEBRAHTU, DAHRYL REYNOLDS, MONICA MASON,
36 and LUIS NUNEZ-ROMERO complain against COUNTY OF ALAMEDA; GREGORY J.
37 AHERN, SHERIFF, ALAMEDA COUNTY; ARAMARK CORRECTIONAL SERVICES,
38 LLC; and DOES 1 through 10 as follows:

PRELIMINARY STATEMENT

1
2 1. Plaintiffs ARMIDA RUELAS, DE'ANDRE EUGENE COX, BERT DAVIS,
3 KATRISH JONES, JOSEPH MEBRAHTU, DAHRYL REYNOLDS, MONICA MASON
4 and LUIS NUNEZ-ROMERO are pre-trial detainees, detainees facing deportation,
5 federal detainees, and post-conviction prisoners confined in Santa Rita Jail in Alameda
6 County. Pursuant to a contract between the COUNTY OF ALAMEDA and ARAMARK
7 CORRECTIONAL SERVICES, LLC ("ARAMARK"), plaintiffs were or are currently
8 employed by ARAMARK to perform industrial food preparation services and cleaning.
9 ARAMARK is a private, for-profit company that sells food prepared by prisoners to
10 third parties outside the COUNTY OF ALAMEDA. Contrary to California law, plaintiffs
11 are not paid for their work and are forced to work for the profit of a private company
12 under threat of punitive measures by their jailers. Plaintiffs bring this complaint on
13 their own behalf and on behalf of all incarcerated employees of ARAMARK, past,
14 present and future.

JURISDICTION AND VENUE

15
16 2. This Court has jurisdiction over plaintiffs' claims pursuant to 28 U.S.C. §
17 1331 (claims arising under the U.S. Constitution) and § 1343(a)(3) (claims brought to
18 redress deprivations, under color of state authority, of rights, privileges, and
19 immunities secured by the U.S. Constitution), and 42 U.S.C. § 1983.

20 3. The state law claims in this action are so related to the claims in the action
21 within the original jurisdiction of this Court that they form part of the same case or
22 controversy under Article III of the United States Constitution. The Court's jurisdiction
23 over these claims is invoked under 28 U.S.C. § 1367.

24 4. Venue is proper in the United State District Court for the Northern
25 District of California pursuant to 28 U.S.C. § 1391(b)(1) because the defendants are
26 located in the Northern District of California and § 1391(b)(2) because all of the acts
27 and/or omissions complained of herein occurred within the Northern District of
28 California.

PARTIES

1
2 5. At all times relevant hereto, ARMIDA RUELAS was a prisoner at Santa
3 Rita Jail in the COUNTY OF ALAMEDA, and was employed by ARAMARK to perform
4 sanitation services in the industrial food preparation kitchen.

5 6. At all times relevant hereto, DE'ANDRE EUGENE COX was incarcerated
6 at Santa Rita Jail in the COUNTY OF ALAMEDA, and was employed by ARAMARK to
7 perform industrial food preparation services.

8 7. At all times relevant hereto, BERT DAVIS was incarcerated at Santa Rita
9 Jail in the COUNTY OF ALAMEDA, and was employed by ARAMARK to perform
10 industrial food preparation services.

11 8. At all times relevant hereto, KATRISH JONES was incarcerated at Santa
12 Rita Jail in the COUNTY OF ALAMEDA, and was employed by ARAMARK to perform
13 sanitation services in the industrial food preparation kitchen.

14 9. At all times relevant hereto, JOSEPH MEBRAHTU was incarcerated at
15 Santa Rita Jail in the COUNTY OF ALAMEDA, and was employed by ARAMARK to
16 perform industrial food preparation services.

17 10. At all times relevant hereto, DAHRYL REYNOLDS was incarcerated at
18 Santa Rita Jail in the COUNTY OF ALAMEDA, and was employed by ARAMARK to
19 perform industrial food preparation services.

20 11. At all times relevant hereto, MONICA MASON was incarcerated at Santa
21 Rita Jail in the COUNTY OF ALAMEDA, and was employed by ARAMARK to perform
22 sanitation services in the industrial food preparation kitchen.

23 12. At all times relevant hereto, LUIS NUNEZ-ROMERO was incarcerated at
24 Santa Rita Jail in the COUNTY OF ALAMEDA, and was employed by ARAMARK to
25 perform sanitation services in the industrial food preparation kitchen.

26 13. Defendant COUNTY OF ALAMEDA is a public entity, operating under the
27 laws of the State of California, which is responsible for all of the acts and omissions of
28 the Alameda County Sheriff and all of the Sheriff's deputies, agents and employees,
including those named herein, and Santa Rita Jail.

1 14. At all times relevant hereto, defendant GREGORY J. AHERN was the
 2 Sheriff of Alameda County. In committing the acts and omissions described in the
 3 complaint, he was acting under color of law and within the course and scope of his
 4 employment. Defendant AHERN is sued in his individual and official capacities.

5 15. At all times relevant hereto, ARAMARK CORRECTIONAL SERVICES,
 6 LLC was a private, for-profit company that employed prisoners incarcerated in Santa
 7 Rita Jail, including plaintiffs, to perform uncompensated industrial food production
 8 services and sanitation services.

9 16. Plaintiffs are unaware of the true names and capacities of the defendants
 10 sued herein as DOES 1 through 10, inclusive. Plaintiffs are informed and believe and
 11 thereon allege that each DOE defendant is or was employed by COUNTY OF ALAMEDA
 12 or by ARAMARK. Plaintiff thereby sues such defendants by such fictitious names
 13 pursuant to Code of Civil Procedure Section 474. Plaintiffs will seek leave of the Court
 14 to amend this complaint when the true names of these defendants have been
 15 ascertained.

16 **STATEMENT OF FACTS**

17 17. In 1990, California voters approved Proposition 139, which allows
 18 California counties to hire out prisoners confined in their jails to private entities,
 19 provided the prisoners are paid comparable wages to non-incarcerated employees of
 20 the private company.

21 18. Pursuant to this voter-approved law, jails that hire out prisoners may
 22 make deductions for state and federal taxes, room and board, lawful restitution fines or
 23 victim compensation, and family support, but must provide no less than 20 percent of
 24 the wages directly to the prisoner. Prisoners may, in addition to receiving wages, be
 25 eligible for credits that reduce the length of time they serve in jail, which reduces
 26 incarceration costs.

27 19. Santa Rita Jail is Alameda County's jail. It houses persons who are
 28 awaiting trial, persons who have been convicted of a crime and are awaiting sentencing,

1 persons in immigration detention, and persons who are convicted of crimes and serving
2 county jail sentences and, in some instances, state prison sentences.

3 20. Plaintiffs ARMIDA RUELAS, DE'ANDRE EUGENE COX, BERT DAVIS,
4 KATRISH JONES, JOSEPH MEBRAHTU, DAHRYL REYNOLDS, MONICA MASON,
5 and LUIS NUNEZ-ROMERO are or were at one time incarcerated in Santa Rita Jail,
6 which is operated by the Alameda County Sheriff's Department.

7 21. Alameda County contracted with ARAMARK CORRECTIONAL
8 SERVICES, LLC as early as July 1, 2015. The contract allows ARAMARK to employ
9 persons imprisoned in Santa Rita Jail without compensating them. As a result of the
10 contract, ARAMARK suffers or permits to work prisoners confined in Santa Rita Jail.

11 22. Prisoners prepare and package food in Santa Rita Jail's industrial kitchen
12 and clean and sanitize the kitchen after the conclusion of the day's food preparation.

13 23. Defendants divide the work day so that male prisoners are assigned to
14 longer, daytime shifts, and female prisoners are assigned to shorter, nighttime shifts.
15 Women prisoners are not provided the same opportunity to work and earn money as
16 their similarly situated male counterparts.

17 24. Plaintiffs ARMIDA RUELAS, DE'ANDRE EUGENE COX, BERT DAVIS,
18 KATRISH JONES, JOSEPH MEBRAHTU, DAHRYL REYNOLDS, MONICA MASON,
19 and LUIS NUNEZ-ROMERO were employed by ARAMARK to perform services
20 pursuant to this contract. They worked with other prisoners in Santa Rita Jail under the
21 supervision of ARAMARK employees and under guard of COUNTY OF ALAMEDA
22 Sheriff's Deputies.

23 25. No prisoner is compensated for their work. Plaintiffs performed and
24 continue to perform work, including overtime, for no compensation.

25 26. Plaintiffs and other prisoner-employees of ARAMARK are coerced to
26 work. COUNTY OF ALAMEDA Sheriff's deputies threaten plaintiffs and other prisoner-
27 employees of ARAMARK that if they refuse to work, they will receive lengthier jail
28 sentences or be sent to solitary confinement, where they would be confined to a small

1 cell for 22 to 24 hours a day. COUNTY OF ALAMEDA Sheriff's deputies also threaten to
2 terminate prisoners' employment if they need to take a sick day or are injured.

3 27. Such threats cause prisoners to work through illness and injury,
4 sometimes caused by the unsafe conditions in the industrial kitchen.

5 28. Although plaintiffs and other kitchen workers are not compensated for
6 their work, working in the kitchen means that plaintiffs can get out of their cells for
7 some portion of the day, which is beneficial to their physical and mental health.

8 29. Defendants deny plaintiffs wages without any process or hearing, either
9 prior to or following the denial, to determine why they should not receive their wages.

10 30. In late October 2019, male prisoner-employees of ARAMARK and other
11 prisoner workers in the jail staged a worker strike to advocate for improved conditions
12 at the jail, including more nutritious food, lower commissary prices, access to cleaning
13 supplies, and daily exercise and recreation time. In response, Sheriff's deputies forced
14 female prisoners to work all shifts in their place so that ARAMARK could meet their
15 quotas by threatening the women that women prisoners would not be provided meals
16 unless they worked. Plaintiffs ARMIDA RUELAS and MONICA MASON were forced to
17 work under this threat.

18 31. ARAMARK sells the food prepared by plaintiffs to third parties for a
19 profit. ARAMARK receives an economic windfall as a result of the uncompensated
20 labor of prisoners confined in Santa Rita Jail.

21 32. The contract between ARAMARK and the COUNTY OF ALAMEDA
22 permits prisoner labor to be used for the profit of a private company without
23 compensation to the workers. Therefore, defendants COUNTY OF ALAMEDA and
24 SHERIFF GREGORY J. AHERN know or should have known that they are providing
25 uncompensated labor in violation of state and federal law.

26 33. Plaintiff ARMIDA RUELAS currently works for ARAMARK. She began
27 working in or around June of 2019 when she was a pre-trial detainee. She continued to
28 work following her conviction but prior to sentencing. Ms. RUELAS currently performs

1 work in the kitchen's scullery washing items used for meal preparation and service and
2 preparing meals. Her work hours vary but she has typically worked at night for four-
3 hour shifts Monday through Friday performing work such as meal preparation and
4 sanitation. During some days of the late October 2019 workers strike, she was forced to
5 work long day time hours. She was never paid any wages for the work she performed.

6 34. Plaintiff DE'ANDRE EUGENE COX worked for ARAMARK while he was
7 incarcerated. He worked in the jail's kitchen, and his hours and days worked varied. On
8 occasions he worked in excess of eight hours a day or 40 hours a week. He was never
9 paid any wages for the work he performed.

10 35. Plaintiff BERT DAVIS worked for ARAMARK from approximately
11 October 29, 2018 to March 2019. He was a pretrial detainee for most, if not all of the
12 time he worked. He worked in the jail's kitchen, performing work such as meal
13 preparation, and his hours and days worked varied. On occasions, he worked in excess
14 of eight hours a day or 40 hours a week. He was never paid any wages for the work he
15 performed.

16 36. Plaintiff KATRISH JONES worked for ARAMARK while she was
17 incarcerated. She worked in the jail's kitchen performing work such as meal
18 preparation and sanitation, and her hours and days worked varied. She was never paid
19 any wages for the work she performed.

20 37. Plaintiff JOSEPH MEBRAHTU worked for ARAMARK while he was
21 incarcerated. He worked in the jail's kitchen performing work such as sanitation, and
22 his hours and days worked varied. On occasions, he worked in excess of eight hours a
23 day or 40 hours a week. He was never paid any wages for the work he performed.

24 38. Plaintiff DAHRYL REYNOLDS worked for ARAMARK from
25 approximately June of 2019 to November 2019. He worked in the scullery and in meal
26 preparation. His hours and days worked vary. On occasion, he worked in excess of eight
27 hours a day or 40 hours a week. He was never paid any wages for the work he
28 performed.

1 39. Plaintiff MONICA MASON works for ARAMARK and has been employed
2 on and off from approximately May 2019 when she was a pre-trial detainee. She
3 continued to work following her conviction but prior to sentencing. Ms. MASON
4 performs work in the kitchen's scullery washing items used for food preparation and
5 service. Her work hours vary, but she typically worked at night for four-hour shifts
6 Monday through Friday and now works longer shifts on the weekends. During some
7 days of the October 2019 workers strike, she was forced to work long day time hours.
8 She was never paid any wages for the work she performed.

9 40. Plaintiff LUIS NUNEZ-ROMERO works for ARAMARK. He was hired in
10 May of 2019, and he continued to work in the kitchen until the end of October 2019. He
11 is a detainee in immigration proceedings and has been for the duration of his
12 employment. Mr. NUNEZ-ROMERO worked in the kitchen's warehouse and performed
13 work such as food preparation. He worked six days a week for approximately eight to 12
14 hours a day. Previously, he worked seven days a week. He was never paid any wages for
15 the work he performed.

16 **CLASS ALLEGATIONS**

17 41. Plaintiffs bring this action on behalf of themselves and all others similarly
18 situated pursuant to Federal Rule of Civil Procedure 23(a) on the basis that there is a
19 well-defined community of interest in this litigation, the proposed class is easily
20 ascertainable, and the proposed class is quite numerous.

21 42. Plaintiffs seek to represent the following class: All individuals
22 incarcerated in Santa Rita Jail who perform or performed services for ARAMARK
23 CORRECTIONAL SERVICES, LLC in their jail kitchen facility any time during the
24 period that began four years prior to the filing of the original complaint in this action
25 until the final disposition of this action.

26 43. Plaintiffs ARMIDA RUELAS, MONICA MASON, and BERT DAVIS seek
27 to represent the following subclass: All persons incarcerated in Santa Rita Jail who
28 perform or performed services for ARAMARK CORRECTIONAL SERVICES, LLC in

1 their jail kitchen facility who worked as pretrial detainees, any time during the period
2 that began when ARAMARK began suffering or permitting pretrial detainees to work
3 until the final disposition of this action. This subclass will be known as the Pretrial
4 Detainee Subclass.

5 44. Plaintiffs ARMIDA RUELAS, KATRISH JONES, and MONICA MASON
6 seek to represent the following subclass: All women incarcerated in Santa Rita Jail who
7 perform services for ARAMARK CORRECTIONAL SERVICES, LLC in their jail kitchen
8 facility pursuant to a policy, procedure, and/or practice that assigns women prisoners
9 to shorter, nighttime shifts in the jail kitchen, any time during the period that began
10 when ARAMARK began suffering or permitting women prisoners to work until the final
11 disposition of this action. This subclass will be known as the Women Prisoner Subclass.

12 45. Plaintiff LUIS ROMERO-NUNEZ seeks to represent the following
13 subclass: All detainees awaiting immigration proceedings incarcerated in Santa Rita
14 Jail who perform services for ARAMARK CORRECTIONAL SERVICES, LLC in their
15 jail kitchen facility any time during the period that began when ARAMARK began
16 suffering or permitting detainees awaiting immigration proceedings to work until the
17 final disposition of this action. This subclass will be known as the Immigration
18 Detainee Subclass.

19 46. On information and belief, the injury and loss of money to plaintiffs and
20 the putative class and subclasses are substantial, exceeding one million dollars and as
21 much as several million dollars. Plaintiffs and the putative class were regularly
22 subjected to the constitutional and statutory violations described in this Complaint. On
23 information and belief, the legal and factual issues are common to the class and affect
24 all class members.

25 47. Plaintiffs reserve the right to amend or modify the class and subclass
26 descriptions with greater specificity or further division into subclasses, as well as to
27 limit the class or subclasses to particular issues, as warranted.
28

1 **Numerosity**

2 48. The potential members of the class and of the subclasses as defined are so
3 numerous that joinder of all of them is impracticable. While the precise number of class
4 members has not been determined at this time, plaintiffs are informed and believe that
5 the class is comprised of more than 100 individuals.

6 49. On information and belief, ARAMARK's employment records and
7 COUNTY OF ALAMEDA custody records will provide information as to the number
8 and location of all class members.

9 **Commonality and Predominance**

10 50. There are questions of law and fact that are common to the class and
11 subclasses and predominate over individualized questions. These common questions of
12 law and fact include, without limitation:

13 51. Whether COUNTY OF ALAMEDA and GREGORY J. AHERN force
14 detainees into involuntary servitude by forcing them to work for a private company
15 without compensation;

16 52. Whether COUNTY OF ALAMEDA and GREGORY J. AHERN fail to
17 provide equal protection to women incarcerated in Santa Rita Jail allowing them less
18 out of cell time to work than their male counter parts;

19 53. Whether COUNTY OF ALAMEDA, GREGORY J. AHERN, and
20 ARAMARK violate the Equal Pay Act by employing a policy, practice or custom of
21 assigning men to longer, daytime shifts while assigning women to shorter, nighttime
22 shifts and denying them the opportunity to work equal hours and make equal pay to
23 their similarly situated male counter parts;

24 54. Whether ARAMARK violated the California Labor Code by not
25 compensating plaintiffs and putative class members;

26 55. Whether ARAMARK violated the California Labor Code by not
27 compensating plaintiffs and putative class members at the minimum wage rate
28 established by law;

1 questions affecting only individual members of the class. Each member of the class has
2 been damaged and is entitled to recovery by reason of the unlawful policies and
3 practices described herein. Class members are unlikely to otherwise obtain effective
4 representation to ensure full enforcement of their rights absent class certification.

5 64. Class action treatment will allow those similarly situated persons to
6 litigate their claims in the manner that is most efficient and economical for the parties
7 and the judicial system. Plaintiffs are unaware of any difficulties that are likely to be
8 encountered in the management of this action that would preclude its maintenance as a
9 class action.

10 **EXHAUSTION**

11 65. Plaintiffs ARMIDA RUELAS, DE'ANDRE EUGENE COX, BERT DAVIS,
12 KATRISH JONES, JOSEPH MEBRAHTU, and DAHRYL REYNOLDS each filed a
13 California Government Claim on his or her behalf and on behalf of others similarly
14 situated regarding the matters asserted herein with the COUNTY OF ALAMEDA
15 pursuant to California Government Code §§ 910, *et seq.* on August 8, 2019. The
16 COUNTY OF ALAMEDA denied their claims on August 19, 2019.

17 66. Plaintiffs MONICA MASON and LUIS NUNEZ-ROMERO filed a California
18 Government Claim on their behalf and on behalf of others similarly situated regarding
19 the matters asserted herein with the COUNTY OF ALAMEDA pursuant to California
20 Government Code §§ 910, *et seq.* on November 8, 2019.

21 **FIRST CLAIM FOR RELIEF** 22 **INVOLUNTARY SERVITUDE IN VIOLATION OF THE THIRTEENTH** 23 **AMENDMENT** (42 U.S.C. § 1983)

24 (By ARMIDA RUELAS, MONICA MASON, and BERT DAVIS and the Pretrial Detainee
25 Subclass and LUIS ROMERO-NUNEZ and the Immigration Detainee Subclass Against
26 COUNTY OF ALAMEDA and GREGORY J. AHERN)

27 67. Plaintiffs incorporate by reference paragraphs 1 through 66 above as
28 though fully set forth herein.

68. By virtue of the foregoing, plaintiffs and the putative subclasses were
forced to perform work for defendants without pay. Plaintiffs and the putative

1 subclasses were and continue to be coerced to work without compensation under threat
2 of physical punishment and restraint.

3 69. The work plaintiffs performed was not a part of daily housekeeping duties
4 in the jail's personal and communal living areas. Rather, it was forced labor for the
5 profit of ARAMARK.

6 **SECOND CLAIM FOR RELIEF**
7 **VIOLATION OF THE TRAFFICKING VICTIMS PROTECTION ACT**
(18 U.S.C. § 1589)

8 (By ARMIDA RUELAS, MONICA MASON, and BERT DAVIS and the Pretrial Detainee
9 Subclass and LUIS ROMERO-NUNEZ and the Immigration Detainee Subclass Against
All Defendants)

10 70. Plaintiffs incorporate by reference paragraphs 1 through 69 above as
11 though fully set forth herein.

12 71. By virtue of the foregoing, plaintiffs and the putative subclasses were
13 forced to perform work for defendants without pay. Plaintiffs and the putative
14 subclasses were and continue to be coerced to work without compensation under threat
15 of physical punishment and restraint.

16 72. The work plaintiffs performed was not a part of daily housekeeping duties
17 in the jail's personal and communal living areas. Rather, it was forced labor for the
18 profit of ARAMARK.

19 **THIRD CLAIM FOR RELIEF**
20 **VIOLATION OF THE EQUAL PROTECTION CLAUSE OF THE**
21 **FOURTEENTH AMENDMENT**
(42 U.S.C. § 1983)

22 (By ARMIDA RUELAS, KATRISH JONES, and MONICA MASON and the Women
23 Prisoner Subclass Against COUNTY OF ALAMEDA and GREGORY J. AHERN)

24 73. Plaintiffs incorporate by reference paragraphs 1 through 72 above as
25 though fully set forth herein.

26 74. By virtue of the foregoing, female plaintiffs and members of the putative
27 subclass are assigned to shifts typically lasting only four hours and occurring during
28 nighttime hours while male prisoners are assigned to shifts typically lasting eight hours
or more and occurring during daytime hours.

1 75. Out of cell time is crucial for the physical and mental health of prisoners.
2 Further, the more hours a prisoner works, the financial compensation that they are
3 entitled to under California law increases.

4 76. Female plaintiffs and members of the putative subclass have been denied
5 these benefits and opportunities to earn compensation based solely on their sex.

6 77. Defendants' policy and practice does not serve important governmental
7 objectives. Further, assigning women to work shorter, nighttime shifts while assigning
8 men to work longer, daytime shifts is not substantially related to the achievement of
9 important government objectives.

10 **FOURTH CLAIM FOR RELIEF**
11 **FAILURE TO PROVIDE DUE PROCESS IN VIOLATION OF THE**
12 **FOURTEENTH AMENDMENT**

13 (42 U.S.C § 1983)

14 (By All Plaintiffs and the Class Against COUNTY OF ALAMEDA and GREGORY J.
15 AHERN)

16 78. Plaintiffs incorporate by reference paragraphs 1 through 77 above as
17 though fully set forth herein.

18 79. California, by statute, established the rights of all prisoners to receive
19 compensation for work performed for the benefit of a for profit company.

20 80. In doing so, California established a property right in the payment of
21 wages that cannot be denied without due process of law.

22 81. Due process of law requires a meaningful opportunity to be heard at the
23 time the wages were due before denying prisoners wages.

24 82. Defendants routinely and deliberately deny plaintiffs and the putative
25 class wages for their work.

26 83. Plaintiffs were provided no opportunity to be heard prior to the
27 defendants' failure to pay wages and thus have been denied property without due
28 process of law.

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**FIFTH CLAIM FOR RELIEF
FAILURE TO PAY WAGES**

(Cal. Lab. Code §§ 201, 202, 218)

(By All Plaintiffs and the Class Against All Defendants)

84. Plaintiffs incorporate by reference paragraphs 1 through 83 above as though fully set forth herein.

85. By virtue of the foregoing, plaintiffs and the putative class performed work for defendants.

86. Defendants failed to pay plaintiffs and the putative class for their work and owe plaintiffs and the putative class wages pursuant to statutory and constitutional law.

**SIXTH CLAIM FOR RELIEF
FAILURE TO PAY MINIMUM WAGE**

(Cal. Lab. Code § 1194)

(By All Plaintiffs and the Class Against All Defendants)

87. Plaintiffs incorporate by reference paragraphs 1 through 86 above as though fully set forth herein.

88. By virtue of the foregoing, plaintiffs and the putative class performed work for defendants.

89. Plaintiffs and the putative class were paid less than the minimum wage by defendants for all hours worked.

**SEVENTH CLAIM FOR RELIEF
FAILURE TO PAY OVERTIME PREMIUM WAGES**

(Cal. Lab. Code § 1194)

(By All Plaintiffs and the Class Against All Defendants)

90. Plaintiffs incorporate by reference paragraphs 1 through 89 above as though fully set forth herein.

91. Plaintiffs performed work for defendants.

92. Plaintiffs worked overtime hours.

93. Defendants knew or should have known that plaintiffs had worked overtime hours.

94. Plaintiffs were not paid for all of the overtime hours worked.

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1 **EIGHTH CLAIM FOR RELIEF**
2 **FAILURE TO PAY EQUAL WAGES IN VIOLATION OF THE CALIFORNIA**
3 **EQUAL PAY ACT**

4 (Cal. Lab. Code § 1197.5)

5 (By ARMIDA RUELAS, KATRISH JONES, and MONICA MASON and the Women
6 Prisoners Subclass Against all Defendants)

7 95. Plaintiffs incorporate by reference paragraphs 1 through 94 above as
8 though fully set forth herein.

9 96. Plaintiffs ARMIDA RUELAS, KATRISH JONES, MONICA MASON and
10 the putative subclass were assigned to work fewer and less desirable hours than their
11 male counterparts working for ARAMARK.

12 97. Plaintiffs ARMIDA RUELAS, KATRISH JONES, MONICA MASON and
13 the putative subclass were performing substantially similar work as the male prisoners
14 with regard to skill, effort and responsibility.

15 98. Plaintiffs ARMIDA RUELAS, KATRISH JONES, MONICA MASON and
16 the putative subclass were working under similar working conditions as their male
17 counterparts.

18 99. Defendants, in assigning women prisoners fewer and less desirable hours
19 to work based on gender, have denied plaintiffs ARMIDA RUELAS, KATRISH JONES,
20 MONICA MASON and the putative subclass the opportunity to earn equal wages to
21 men.

22 **NINTH CAUSE OF ACTION**
23 **UNFAIR COMPETITION**

24 (Cal. Bus. & Prof. Code § 17200 *et seq.*)

25 (By All Plaintiffs and the Class Against ARAMARK CORRECTIONAL SERVICES, INC.)

26 100. Plaintiffs incorporate by reference paragraphs 1 through 99 above as
27 though fully set forth herein.

28 101. California Business and Professions Code §§ 17200, *et seq.* prohibit unfair
 competition, including any unlawful or unfair business act or practice.

 102. Defendant ARAMARK engaged in an unlawful business practice when it
 used uncompensated labor to produce a product for profit.

1 103. This business practice is forbidden by law and against public policy as it
2 gives Aramark an unfair advantage over similar business.

3 104. Defendant ARAMARK continues to exploit incarcerated employees to gain
4 market share, and plaintiffs are informed and believe that defendant ARAMARK will
5 continue such exploitation.

6 105. As a result of defendant ARAMARK's unlawful business practice, plaintiffs
7 lost money in the form of wages that they were rightfully owed.

8 106. The failure to pay wages to incarcerated employees also constitutes an
9 unfair business practice because the harm to victims that results from this practice
10 outweighs its utility to the business, the practice offends public policy, and the practice
11 is immoral, unethical, oppressive, unscrupulous, and substantially injurious to
12 consumers.

13 **TENTH CLAIM FOR RELIEF**
14 **VIOLATION OF CALIFORNIA BANE ACT**
(Cal. Civil Code § 52.1)

15 (By All Plaintiffs and the Class Against All Defendants)

16 107. Plaintiffs incorporate by reference paragraphs 1 through 106 above as
17 though fully set forth herein.

18 108. By virtue of the foregoing, defendants and their agents and employees
19 interfered by threats, intimidation, and/or coercion with the rights of plaintiffs, secured
20 by the United States Constitution and the California Constitution.

21 **PUNITIVE DAMAGES**

22 109. By virtue of the foregoing, defendants ARAMARK and Does 1-3 acted with
23 malice and oppression and the intent to deprive and did deprive plaintiffs and the
24 putative class of their rights to be free from forced labor without compensation.

25 **DAMAGES**

26 110. As a result of the actions of defendants and its employees, plaintiffs have
27 been injured and have suffered damages as follows:

28 a. They have been financially injured and damaged including, but not
limited to, by the loss of wages and overtime premiums due to plaintiffs and the

1 putative class;

2 b. They have suffered emotional distress.

3
4 WHEREFORE, plaintiffs request that this Court grant them relief as follows:

5 (1) General damages, in an amount to be determined;

6 (2) Special damages, in an amount to be determined;

7 (3) Punitive damages, in an amount to be determined;

8 (4) Reasonable attorney's fees under 42 U.S.C. § 1988 and Cal. Code Civ. P.
9 §1021.5;

10 (5) Declaratory relief finding that defendants' acts and practices as described
11 herein violate the constitutional and statutory rights of plaintiffs and the
12 putative classes and subclasses;

13 (6) Injunctive relief requiring defendants to cease and desist from the acts and
14 practices described herein;

15 (7) Costs of suit; and

16 (8) Such other and further relief as the Court may deem proper.

17 **DEMAND FOR TRIAL BY JURY**

18 Plaintiffs hereby demand a trial by jury of all issues so triable in this case.

19
20 Dated: November 18, 2019

21 SIEGEL, YEE, BRUNNER & MEHTA

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