

1 DAN SIEGEL, SBN 056400
2 ANNE BUTTERFIELD WEILLS, SBN 139845
3 EMILYROSE JOHNS, SBN 294319
4 SIEGEL, YEE, BRUNNER & MEHTA
5 475 14th Street, Suite 500
6 Oakland, California 94612
7 Telephone: (510) 839-1200
8 Facsimile: (510) 444-6698
9 Emails: danmsiegel@gmail.com; abweills@gmail.com;
10 emilyrose@siegelyee.com

11 Attorneys for Plaintiffs
12 ARMIDA RUELAS, DE'ANDRE EUGENE COX,
13 BERT DAVIS, KATRISH JONES,
14 JOSEPH MEBRAHTU, DAHRYL REYNOLDS,
15 MONICA MASON, LUIS NUNEZ-ROMERO, and
16 SCOTT ABBEY

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

19 ARMIDA RUELAS; DE'ANDRE EUGENE) Case No. 19-cv-07637-JST
20 COX; BERT DAVIS; KATRISH JONES;)
21 JOSEPH MEBRAHTU; DAHRYL) **FIRST AMENDED COMPLAINT**
22 REYNOLDS; MONICA MASON; LUIS) **FOR DAMAGES AND**
23 NUNEZ-ROMERO; SCOTT ABBEY and all) **DECLARATORY AND INJUNCTIVE**
24 others similarly situated,) **RELIEF**
25)
26 Plaintiffs,) **CLASS ACTION**
27)
28 vs.) **Jury Trial Demanded**
)

29 COUNTY OF ALAMEDA; GREGORY J.)
30 AHERN, SHERIFF; ARAMARK)
31 CORRECTIONAL SERVICES, LLC; and)
32 DOES 1 through 10,)
33)
34 Defendants.)

35 Plaintiffs ARMIDA RUELAS, DE'ANDRE EUGENE COX, BERT DAVIS,
36 KATRISH JONES, JOSEPH MEBRAHTU, DAHRYL REYNOLDS, MONICA MASON,
37 LUIS NUNEZ-ROMERO, and SCOTT ABBEY complain against COUNTY OF
38

1 ALAMEDA; GREGORY J. AHERN, SHERIFF, ALAMEDA COUNTY; ARAMARK
2 CORRECTIONAL SERVICES, LLC; and DOES 1 through 10 as follows:

3 **PRELIMINARY STATEMENT**

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

17 **JURISDICTION AND VENUE**

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

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

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

1 and/or omissions complained of herein occurred within the Northern District of
2 California.

3 **PARTIES**

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

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

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

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

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

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

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

25 12. At all times relevant hereto, LUIS NUNEZ-ROMERO was incarcerated at
26 Santa Rita Jail in the COUNTY OF ALAMEDA, and was employed by ARAMARK to
27 perform sanitation services in the industrial food preparation kitchen.
28

1 13. At all times relevant hereto, SCOTT ABBEY was incarcerated at Santa Rita
2 Jail in the COUNTY OF ALAMEDA, and was employed by ARAMARK to perform food
3 preparation in the industrial kitchen.

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

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

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

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

23 **STATEMENT OF FACTS**

24 18. In 1990, California voters approved Proposition 139, which allows
25 California counties to hire out prisoners confined in their jails to private entities,
26 provided the prisoners are paid comparable wages to non-incarcerated employees of
27 the private company.
28

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

7 20. Santa Rita Jail is Alameda County's jail. It houses persons who are
8 awaiting trial, persons who have been convicted of a crime and are awaiting sentencing,
9 persons in immigration detention, and persons who are convicted of crimes and serving
10 county jail sentences and, in some instances, state prison sentences.

11 21. Plaintiffs ARMIDA RUELAS, DE'ANDRE EUGENE COX, BERT DAVIS,
12 KATRISH JONES, JOSEPH MEBRAHTU, DAHRYL REYNOLDS, MONICA MASON,
13 LUIS NUNEZ-ROMERO, and SCOTT ABBEY are or were at one time incarcerated in
14 Santa Rita Jail, which is operated by the Alameda County Sheriff's Department.

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

19 23. Prisoners prepare and package food in Santa Rita Jail's industrial kitchen
20 and clean and sanitize the kitchen after the conclusion of the day's food preparation.
21 When prisoner-employees are present in the kitchen, armed Sheriff's deputies are close
22 by to supervise prisoner-employees by threats of force and the withdrawal of privileges.
23 ARAMARK employees manage the kitchen operation and observe the Sheriff's deputies'
24 supervision of the prisoner-employees, including threats of force.

25 24. During the work day, armed COUNTY OF ALAMEDA Sheriff's deputies
26 supervise prisoners to ensure they do not break conduct rules. ARAMARK employees
27 and COUNTY OF ALAMEDA Sheriff's deputies both supervise prisoner-employees to
28 make sure they do not violate safety rules. ARAMARK employees supervise the quality

1 and amount of work that prisoners accomplish. ARAMARK employees also supervise
2 prisoner-employee conduct and report misconduct to the deputies for discipline.

3 25. ARAMARK establishes quotas for prisoners that dictate how much work
4 prisoners must complete before their shift ends. ARAMARK also determines from its
5 quotas how many prisoner-employees are required to work and how many shifts are
6 required.

7 26. If COUNTY OF ALAMEDA Sheriff's deputies are displeased with the
8 quality or quantity of the work performed or the conduct of a prisoner-employee, they
9 can remove their eligibility to work in the jail and subject them to disciplinary action. If
10 ARAMARK is displeased with a prisoner-employee, it can tell the COUNTY that the
11 prisoner-employee may not return to work for ARAMARK.

12 27. Defendants COUNTY OF ALAMEDA, SHERIFF AHERN, and ARAMARK
13 have arranged to divide the work day so that male prisoners are assigned to longer,
14 daytime shifts, and female prisoners are assigned to shorter, nighttime shifts. Women
15 prisoners are not provided the same opportunity to work and earn money as their
16 similarly situated male counterparts.

17 28. Defendants COUNTY OF ALAMEDA and SHERIFF AHERN determine
18 which prisoners are eligible to work and place them in worker housing units. Defendant
19 ARAMARK with guidance from COUNTY OF ALAMEDA on classification status,
20 assigns prisoner-employees to their specific tasks, such as working in the scullery,
21 working on the assembly lines, and sanitation. Defendant ARAMARK makes these
22 assignments and chooses team leaders based on ARAMARK employee's evaluations of
23 prisoner-employees' performance.

24 29. Plaintiffs ARMIDA RUELAS, DE'ANDRE EUGENE COX, BERT DAVIS,
25 KATRISH JONES, JOSEPH MEBRAHTU, DAHRYL REYNOLDS, MONICA MASON,
26 and LUIS NUNEZ-ROMERO were employed by ARAMARK to perform services
27 pursuant to this contract. They worked with other prisoners in Santa Rita Jail under the
28

1 supervision of ARAMARK employees and under guard of COUNTY OF ALAMEDA
2 Sheriff's Deputies.

3 30. No prisoner-employee is compensated for their work. Plaintiffs
4 performed and continue to perform work, including overtime, for no compensation.

5 31. Plaintiffs and other prisoner-employees of ARAMARK are coerced to
6 work. COUNTY OF ALAMEDA Sheriff's deputies threaten plaintiffs and other prisoner-
7 employees of ARAMARK that if they refuse to work, they will receive lengthier jail
8 sentences or be sent to solitary confinement, where they would be confined to a small
9 cell for 22 to 24 hours a day. COUNTY OF ALAMEDA Sheriff's deputies also threaten to
10 terminate prisoners' employment if they need to take a sick day or are injured.

11 32. Threats from Sheriff's deputies are sometimes made in the kitchen in the
12 presence of ARAMARK employees.

13 33. ARAMARK employees also coerce plaintiffs and other prisoner-
14 employees to work by threatening to report them to the Sheriff's deputies for
15 punishment if they attempt to leave work early due to illness or injury.

16 34. Such threats from COUNTY OF ALAMEDA Sheriff's deputies and
17 ARAMARK employees cause prisoners to work through illness and injury, sometimes
18 caused by the unsafe conditions in the industrial kitchen.

19 35. Although plaintiffs and other kitchen workers are not compensated for
20 their work, working in the kitchen means that plaintiffs can get out of their cells for
21 some portion of the day, which is beneficial to their physical and mental health, and
22 obtain additional food for their own enjoyment and nutrition.

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

25 37. In late October 2019, male prisoner-employees of ARAMARK and other
26 prisoner workers in the jail staged a worker strike to advocate for improved conditions
27 at the jail, including more nutritious food, lower commissary prices, access to cleaning
28 supplies, and daily exercise and recreation time. In response, Sheriff's deputies forced

1 female prisoners to work all shifts in their place so that ARAMARK could meet their
2 quotas by threatening the women that women prisoners would not be provided meals
3 unless they worked. Plaintiffs ARMIDA RUELAS and MONICA MASON were forced to
4 work under this threat.

5 38. ARAMARK sells the food prepared by plaintiffs to third parties for a
6 profit. ARAMARK receives an economic windfall as a result of the uncompensated
7 labor of prisoners confined in Santa Rita Jail.

8 39. The contract between ARAMARK and the COUNTY OF ALAMEDA
9 permits prisoner labor to be used for the profit of a private company without
10 compensation to the workers. Therefore, defendants COUNTY OF ALAMEDA and
11 SHERIFF GREGORY J. AHERN know or should have known that they are providing
12 uncompensated labor in violation of state and federal law.

13 40. Plaintiff ARMIDA RUELAS worked for ARAMARK. She began working in
14 or around June of 2019 when she was a pre-trial detainee. She continued to work
15 following her conviction but prior to sentencing. Ms. RUELAS performed work in the
16 kitchen's scullery washing items used for meal preparation and service and preparing
17 meals. Her work hours vary but she has typically worked at night for four-hour shifts
18 Monday through Friday performing work such as meal preparation and sanitation.
19 During some days of the late October 2019 workers strike, she was forced to work long
20 day time hours. She was never paid any wages for the work she performed.

21 41. Plaintiff DE'ANDRE EUGENE COX worked for ARAMARK while he was
22 incarcerated, beginning his work for ARAMARK while a pre-trial detainee. He worked
23 in the jail's kitchen, and his hours and days worked varied. On occasions he worked in
24 excess of eight hours a day or 40 hours a week. He was never paid any wages for the
25 work he performed.

26 42. Plaintiff BERT DAVIS worked for ARAMARK from approximately
27 October 29, 2018 to March 2019. He was a pre-trial detainee for most, if not all of the
28 time he worked. He worked in the jail's kitchen, performing work such as meal

1 preparation, and his hours and days worked varied. On occasions, he worked in excess
2 of eight hours a day or 40 hours a week. He was never paid any wages for the work he
3 performed.

4 43. Plaintiff KATRISH JONES worked for ARAMARK while she was
5 incarcerated, as a pre-trial detainee. She worked in the jail's kitchen performing work
6 such as meal preparation and sanitation, and her hours and days worked varied. She
7 was never paid any wages for the work she performed.

8 44. Plaintiff JOSEPH MEBRAHTU worked for ARAMARK while he was
9 incarcerated, at times while he was a pre-trial detainee. He worked in the jail's kitchen
10 performing work such as sanitation, and his hours and days worked varied. On
11 occasions, he worked in excess of eight hours a day or 40 hours a week. He was never
12 paid any wages for the work he performed.

13 45. Plaintiff DAHRYL REYNOLDS worked for ARAMARK from
14 approximately June of 2019 to November 2019 as a pre-trial detainee. He worked in the
15 scullery and in meal preparation. His hours and days worked vary. On occasion, he
16 worked in excess of eight hours a day or 40 hours a week. He was never paid any wages
17 for the work he performed.

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

26 47. Plaintiff LUIS NUNEZ-ROMERO worked for ARAMARK. He was hired in
27 May of 2019, and he continued to work in the kitchen until the end of October 2019. He
28 was a detainee in immigration proceedings and has been for the duration of his

1 employment. Mr. NUNEZ-ROMERO worked in the kitchen's warehouse and performed
2 work such as food preparation. He worked six days a week for approximately eight to 12
3 hours a day. Previously, he worked seven days a week. He was never paid any wages for
4 the work he performed.

5 48. Plaintiff SCOTT ABBEY worked for ARAMARK. He worked in the kitchen
6 as a pre-trial detainee from approximately November 2018 to March 2019. Mr. ABBEY
7 worked on the special diet sandwich assembly line. He typically worked five days a
8 week. His hours varied. He was never paid any wages for the work he performed.

9 **CLASS ALLEGATIONS**

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

14 50. Plaintiffs seek to represent the following class: All individuals
15 incarcerated in Santa Rita Jail who were not duly convicted and sentenced who perform
16 or performed services for ARAMARK CORRECTIONAL SERVICES, LLC in their jail
17 kitchen facility any time during the period that began four years prior to the filing of the
18 original complaint in this action until the final disposition of this action.

19 51. Plaintiffs ARMIDA RUELAS, MONICA MASON, BERT DAVIS, KATRISH
20 JONES, DAHRYL REYNOLDS , DE'ANDRE EUGENE COX JOSEPH MEBRATHU, and
21 SCOTT ABBEY seek to represent the following subclass: All persons incarcerated in
22 Santa Rita Jail who perform or performed services for ARAMARK CORRECTIONAL
23 SERVICES, LLC in their jail kitchen facility who worked as pretrial detainees, any time
24 during the period that began when ARAMARK began suffering or permitting pretrial
25 detainees to work until the final disposition of this action. This subclass will be known
26 as the Pretrial Detainee Subclass.

27 52. Plaintiffs ARMIDA RUELAS, KATRISH JONES, and MONICA MASON
28 seek to represent the following subclass: All women incarcerated in Santa Rita Jail who

1 perform services for ARAMARK CORRECTIONAL SERVICES, LLC in their jail kitchen
2 facility pursuant to a policy, procedure, and/or practice that assigns women prisoners
3 to shorter, nighttime shifts in the jail kitchen, any time during the period that began
4 when ARAMARK began suffering or permitting women prisoners to work until the final
5 disposition of this action. This subclass will be known as the Women Prisoner Subclass.

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

13 54. On information and belief, the injury and loss of money to plaintiffs and
14 the putative class and subclasses are substantial, exceeding one million dollars and as
15 much as several million dollars. Plaintiffs and the putative class were regularly
16 subjected to the constitutional and statutory violations described in this Complaint. On
17 information and belief, the legal and factual issues are common to the class and affect
18 all class members.

19 55. Plaintiffs reserve the right to amend or modify the class and subclass
20 descriptions with greater specificity or further division into subclasses, as well as to
21 limit the class or subclasses to particular issues, as warranted.

22 **Numerosity**

23 56. The potential members of the class and of the subclasses as defined are so
24 numerous that joinder of all of them is impracticable. While the precise number of class
25 members has not been determined at this time, plaintiffs are informed and believe that
26 the class is comprised of more than 100 individuals.

1 **EXHAUSTION**

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

8 **FIRST CLAIM FOR RELIEF**
9 **INVOLUNTARY SERVITUDE IN VIOLATION OF THE THIRTEENTH**
10 **AMENDMENT**
11 (42 U.S.C. § 1983)

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

15 74. Plaintiffs incorporate by reference paragraphs 1 through 73 above as
16 though fully set forth herein.

17 75. By virtue of the foregoing, plaintiffs and the putative subclasses were
18 forced to perform work for defendants without pay. Plaintiffs and the putative
19 subclasses were and continue to be coerced to work without compensation under threat
20 of physical punishment and restraint.

21 76. The work plaintiffs performed was not a part of daily housekeeping duties
22 in the jail's personal and communal living areas. Rather, it was forced labor for the
23 profit of ARAMARK.

24 **SECOND CLAIM FOR RELIEF**
25 **VIOLATION OF THE TRAFFICKING VICTIMS PROTECTION ACT**
26 (18 U.S.C. § 1589)

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

77. Plaintiffs incorporate by reference paragraphs 1 through 76 above as
though fully set forth herein.

78. 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 79. 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 **THIRD CLAIM FOR RELIEF**
7 **VIOLATION OF THE EQUAL PROTECTION CLAUSE OF THE**
8 **FOURTEENTH AMENDMENT**

(42 U.S.C. § 1983)

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

11 80. Plaintiffs incorporate by reference paragraphs 1 through 79 above as
12 though fully set forth herein.

13 81. By virtue of the foregoing, female plaintiffs and members of the putative
14 subclass are assigned to shifts typically lasting only four hours and occurring during
15 nighttime hours while male prisoners are assigned to shifts typically lasting eight hours
16 or more and occurring during daytime hours.

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

20 83. Female plaintiffs and members of the putative subclass have been denied
21 these benefits and opportunities to earn compensation based solely on their sex.

22 84. Defendants' policy and practice does not serve important governmental
23 objectives. Further, assigning women to work shorter, nighttime shifts while assigning
24 men to work longer, daytime shifts is not substantially related to the achievement of
25 important government objectives.

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1 **FOURTH CLAIM FOR RELIEF**
2 **FAILURE TO PROVIDE DUE PROCESS IN VIOLATION OF THE**
3 **FOURTEENTH AMENDMENT**

4 (42 U.S.C § 1983)

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

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

9 86. California, by statute, established the rights of all prisoners to receive
10 compensation for work performed for the benefit of a for profit company.

11 87. In doing so, California established a property right in the payment of
12 wages that cannot be denied without due process of law.

13 88. Due process of law requires a meaningful opportunity to be heard at the
14 time the wages were due before denying prisoners wages.

15 89. Defendants routinely and deliberately deny plaintiffs and the putative
16 class wages for their work.

17 90. Plaintiffs were provided no opportunity to be heard prior to the
18 defendants' failure to pay wages and thus have been denied property without due
19 process of law.

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

22 (Cal. Lab. Code §§ 201, 202, 218)

23 (By All Plaintiffs and the Class Against ARAMARK and by ARMIDA RUELAS,
24 DE'ANDRE EUGENE COX, BERT DAVIS, KATRISH JONES, and DAHRYL
25 REYNOLDS against COUNTY OF ALAMEDA and SHERIFF GREGORY J. AHERN.)

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

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

 93. 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.

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

(Cal. Lab. Code § 1194)

(By All Plaintiffs and the Class Against ARAMARK and by ARMIDA RUELAS, DE'ANDRE EUGENE COX, BERT DAVIS, KATRISH JONES, and DAHRYL REYNOLDS against COUNTY OF ALAMEDA and SHERIFF GREGORY J. AHERN.)

94. Plaintiffs incorporate by reference paragraphs 1 through 93 above as though fully set forth herein.

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

96. 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 ARAMARK and by ARMIDA RUELAS, DE'ANDRE EUGENE COX, BERT DAVIS, KATRISH JONES, and DAHRYL REYNOLDS against COUNTY OF ALAMEDA and SHERIFF GREGORY J. AHERN.)

97. Plaintiffs incorporate by reference paragraphs 1 through 96 above as though fully set forth herein.

98. Plaintiffs performed work for defendants.

99. Plaintiffs worked overtime hours.

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

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

**EIGHTH CLAIM FOR RELIEF
UNFAIR COMPETITION**

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

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

102. Plaintiffs incorporate by reference paragraphs 1 through 101 above as though fully set forth herein.

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

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

3 105. This business practice is forbidden by law and against public policy as it
4 gives Aramark an unfair advantage over similar business.

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

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

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

15 **NINTH CLAIM FOR RELIEF**
16 **VIOLATION OF CALIFORNIA BANE ACT**
(Cal. Civil Code § 52.1)

17 (By All Plaintiffs and the Class Against ARAMARK and by ARMIDA RUELAS,
18 DE'ANDRE EUGENE COX, BERT DAVIS, KATRISH JONES, and DAHRYL
REYNOLDS against COUNTY OF ALAMEDA and SHERIFF GREGORY J. AHERN.)

19 109. Plaintiffs incorporate by reference paragraphs 1 through 108 above as
20 though fully set forth herein.

21 110. By virtue of the foregoing, defendants and their agents and employees
22 interfered by threats, intimidation, and/or coercion with the rights of plaintiffs, secured
23 by the United States Constitution and the California Constitution.

24 **PUNITIVE DAMAGES**

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

28 ///

DEMAND FOR TRIAL BY JURY

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

Dated: **July 10, 2020**

SIEGEL, YEE, BRUNNER & MEHTA

By /s/ Dan Siegel
Dan Siegel

Attorneys for Plaintiffs
ARMIDA RUELAS, DE'ANDRE EUGENE
COX, BERT DAVIS, KATRISH JONES,
JOSEPH MEBRAHTU, DAHRYL REYNOLDS,
MONICA MASON, LUIS NUNEZ-ROMERO,
and SCOTT ABBEY