

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

LINNEY WARREN, individually and on behalf of
other persons similarly situated who were employed by
MARC JACOBS INTERNATIONAL, LLC, or any
other entities affiliated with or controlled by MARC
JACOBS INTERNATIONAL LLC,

Plaintiffs,

- against -

MARC JACOBS INTERNATIONAL, LLC, or any
other entities affiliated with or controlled by MARC
JACOBS INTERNATIONAL, LLC,

Defendants.

Index No.:

Plaintiffs designate the
County of New York as
the place of trial.

Venue is based on the
place where the work
was performed.

SUMMONS

TO THE ABOVE NAMED DEFENDANTS:

You are hereby summoned to serve upon Plaintiffs' attorneys an answer to the
Complaint in this action within 30 days after service of this summons. In case of your failure to
answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, New York
October 15, 2014

s/ Lloyd R. Ambinder

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Attorneys for Plaintiff and Putative Class

TO: MARC JACOBS INTERNATIONAL, LLC
72 Spring Street, New York, New York 10012

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

LINNEY WARREN, individually and on behalf of other persons similarly situated who were employed by MARC JACOBS INTERNATIONAL, LLC, or any other entities affiliated with or controlled by MARC JACOBS INTERNATIONAL LLC,

Plaintiffs,

- against -

MARC JACOBS INTERNATIONAL, LLC, or any other entities affiliated with or controlled by MARC JACOBS INTERNATIONAL, LLC,

Defendants.

Index No.:

CLASS ACTION COMPLAINT

Jury Trial Demanded

The Named Plaintiff LINNEY WARREN (“Named Plaintiff”), by her attorneys Virginia & Ambinder, LLP and Leeds Brown Law, P.C., alleges upon knowledge to herself and upon information and belief as to all other matters as follows:

PRELIMINARY STATEMENT

1. This action is brought pursuant to New York Labor Law (“NYLL”) Article 19 §§ 650 *et seq.* and § 663, NYLL Article 6 §§ 190 *et seq.*, and 12 New York Codes, Rules and Regulations (“NYCRR”) §§ 142-2.1 and 142-2.2, to recover unpaid minimum wages and overtime compensation owed to the Named Plaintiff and all similarly situated persons who are presently or were formerly employed by MARC JACOBS INTERNATIONAL, LLC, or any other entities affiliated with or controlled by MARC JACOBS INTERNATIONAL, LLC, (hereinafter collectively as “Marc Jacobs”).

2. Upon information and belief, beginning in October 2008 and continuing through the present, Marc Jacobs has maintained a policy and practice of wrongfully classifying the Named Plaintiff and other similarly situated employees as exempt from minimum wages and

overtime compensation.

3. Upon information and belief, beginning in October 2008 and continuing through the present, Marc Jacobs has maintained a policy and practice of failing to provide compensation at the statutory minimum wage rate for all hours worked to the Named Plaintiff and members of the putative class.

4. Upon information and belief, beginning in October 2008 and continuing through the present, Marc Jacobs has maintained a policy and practice of failing to provide overtime compensation to the Named Plaintiff and members of the putative class for all hours worked over forty (40) in a given week.

5. The Named Plaintiff has initiated this action seeking for herself, and on behalf of all similarly situated employees, all compensation, including minimum wages, which they were deprived of, plus interest, attorneys' fees, and costs.

THE PARTIES

6. The Named Plaintiff, Linney Warren, is an individual who currently resides in the County of Kings, State of New York.

7. The Named Plaintiff was employed by Marc Jacobs from approximately April 2009 through June 2009 at 72 Spring Street, New York, New York 10012.

8. Upon information and belief, Defendant MARC JACOBS INTERNATIONAL, LLC is a foreign limited liability company organized and existing under the laws of the State of Delaware, with a headquarters and principal place of business located at 72 Spring Street, New York, New York 10012, and is engaged in the fashion industry.

CLASS ALLEGATIONS

9. This action is properly maintainable as a class action pursuant to Article 9 of the

New York Civil Practice Law and Rules.

10. This action is brought on behalf of the Named Plaintiff and a class consisting of each and every other person who worked for Marc Jacobs as interns, and were thus misclassified as exempt from minimum wage and overtime requirements.

11. The Named Plaintiff and putative class members are all victims of Marc Jacobs's common policy and/or plan to violate New York wage and hour statutes by (1) misclassifying the Named Plaintiff and members of the putative class as exempt from minimum wage compensation and overtime compensation, and (2) failing to provide minimum wages and overtime compensation for work performed.

12. Marc Jacobs uniformly applied the same employment practices, policies, and procedures to all interns who work for Marc Jacobs in the State of New York.

13. The putative class is so numerous that joinder of all members is impracticable. The size of the putative class is believed to be in excess of 50 individuals. In addition, the names of all potential members of the putative class are not known.

14. The questions of law and fact common to the putative class predominate over any questions affecting only individual members. These questions of law and fact include, but are not limited to: (1) whether Marc Jacobs failed to pay the Named Plaintiff and members of the putative class all earned wages; (2) whether Marc Jacobs misclassified the Named Plaintiff and members of the putative class as exempt from minimum wages and overtime compensation; and (3) whether Marc Jacobs required the Named Plaintiff and members of the putative class to perform work on its behalf and for its benefit for which they were not compensated.

15. The claims of the Named Plaintiff are typical of the claims of the putative class. The Named Plaintiff and putative class members were all subject to Marc Jacobs's policies and practices of failing to pay employees all earned minimum wages and overtime compensation. The Named Plaintiff and putative class members thus have sustained similar injuries as a result of Marc Jacobs's actions.

16. The Named Plaintiff and her counsel will fairly and adequately protect the interests of the putative class.

17. The Named Plaintiff has retained counsel experienced in complex wage and hour class action litigation.

18. A class action is superior to other available methods for the fair and efficient adjudication of this controversy. The individual Named Plaintiff and putative class members lack the financial resources to adequately prosecute separate lawsuits against Marc Jacobs. Furthermore, the damages for each individual are small compared to the expense and burden of individualized prosecutions of this litigation. Finally, a class action will also prevent undue duplicative litigation resulting from inconsistent judgments pertaining to Marc Jacobs's policies.

19. Prosecuting and defending multiple actions would be impracticable.

20. Managing a class action will not result in undue difficulties.

FACTS

21. Upon information and belief, beginning in October 2008 and continuing through the present, Marc Jacobs has employed individuals in the State of New York to perform work on its behalf and has improperly classified them as "interns" without providing proper minimum wage compensation.

22. Beginning in approximately April 2009 and continuing through June 2009, Marc

Jacobs employed the Named Plaintiff to perform various tasks, including, but not limited to, transporting raw materials to and from different studios, organizing fabrics, correcting patterns, sewing, everyday errands such as picking up coffee, and other similar duties.

23. Throughout her employment with Marc Jacobs, the Named Plaintiff worked two distinct schedules.

24. During the majority of April and June 2009, the Named Plaintiff typically worked five days per week from approximately 9:00 a.m. until 6:00 p.m. each day.

25. During the majority of May 2009, the Named Plaintiff typically worked from approximately 9:00 a.m. until 9:00 p.m. on weekdays, and would work approximately 10 to 15 additional hours over the course of the weekend.

26. During the majority of May 2009, the Named Plaintiff typically worked in excess of forty (40) hours per week.

27. Marc Jacobs did not provide any compensation to the Named Plaintiff for the hours she worked, including minimum wage or overtime compensation.

28. Upon information and belief, other putative class members performed tasks including, but not limited to those similar to the tasks performed by the Named Plaintiff, as well as other similar fashion-related duties.

29. Upon information and belief, like the Named Plaintiff, members of the putative class furnished labor to Marc Jacobs, for Marc Jacobs's benefit, without receiving any compensation, including minimum wage and overtime compensation.

30. Upon information and belief, Marc Jacobs has derived a significant benefit from the work performed by the Named Plaintiff and other members of the putative class.

31. Upon information and belief, Marc Jacobs would have hired additional employees

or required existing staff to work additional hours had the Named Plaintiff and other members of the putative class not performed work for Marc Jacobs.

32. Marc Jacobs did not provide academic or vocational training to the Named Plaintiff or, upon information and belief, to putative class members.

33. Upon information and belief, Marc Jacobs's unlawful conduct had been pursuant to a corporate policy or practice of minimizing labor costs by denying the Named Plaintiff and the putative class compensation in violation of the NYLL and its implementing regulations.

34. Upon information and belief, Marc Jacobs's unlawful conduct has caused significant damages to the Named Plaintiff and the putative class.

35. The Named Plaintiff and, upon information and belief, members of the putative class, were not paid any wages, and thus were not compensated at a rate in compliance with the statutory minimum wage rate and overtime rate.

**FIRST CAUSE OF ACTION AGAINST MARC JACOBS:
NEW YORK MINIMUM WAGE COMPENSATION**

36. The Named Plaintiff repeats and re-alleges the allegations set forth in paragraphs 1 through 35 hereof.

37. Title 12 NYCRR § 142-2.1 states that, "(a) [t]he basic minimum hourly rate shall be: (1) \$7.15 per hour on and after January 1, 2007; (2) \$7.25 per hour on and after July 24, 2009; (3) \$8.00 per hour on and after December 31, 2013; (4) \$8.75 per hour on and after December 31, 2014"

38. NYLL § 663 provides that, "[i]f any employee is paid by his employer less than the wage to which he is entitled under the provisions of this article, he may recover in a civil action the amount of any such underpayments, together with costs and such reasonable attorney's fees."

39. Pursuant to NYLL § 651, the term “employee” means “any individual employed or permitted to work by an employer in any occupation.”

40. As persons employed for hire by Marc Jacobs, the Named Plaintiff and members of the putative class are “employees,” as understood in NYLL § 651.

41. Pursuant to NYLL § 651, the term “employer” includes “any individual, partnership, association, corporation, limited liability company, business trust, legal representative, or any organized group of persons acting as employer.”

42. Pursuant to NYLL §§ 190, *et seq.*, §§ 650, *et seq.*, and the cases interpreting same, Marc Jacobs is an “employer.”

43. The minimum wage provisions of Article 19 of the NYLL and the supporting New York State Department of Labor regulations apply to Marc Jacobs and protect the Named Plaintiff and members of the putative class.

44. Marc Jacobs failed to pay the Named Plaintiff and other members of the putative class minimum wages for all hours works, in violation of Title 12 NYCRR § 142-2.1 and NYLL § 663.

45. By the foregoing reasons, Marc Jacobs has violated Title 12 NYCRR § 142-2.1 and NYLL § 663, and is liable to Plaintiff and members of the putative class in an amount to be determined at trial, plus interest, and attorneys’ fees and costs.

**SECOND CAUSE OF ACTION AGAINST MARC JACOBS:
NEW YORK OVERTIME COMPENSATION**

46. The Named Plaintiff repeats and re-alleges the allegations set forth in paragraphs 1 through 45 hereof.

47. 12 NYCRR § 142-2.2 requires that “[a]n employer shall pay an employee for overtime at a wage rate of one and one-half times the employee’s regular rate....”

48. NYLL Article 19 § 663, provides that “[i]f any employee is paid by his employer less than the wage to which he is entitled under the provisions of this article, he may recover in a civil action the amount of any such underpayments, together with costs and such reasonable attorney’s fees.”

49. Upon information and belief, Named Plaintiff and other members of the putative class worked more than forty hours a week while working for Defendants.

50. Upon information and belief, Named Plaintiff and other members of the putative class did not receive overtime compensation for all hours worked in excess of forty (40) hours in any given week.

51. Consequently, by failing to pay Named Plaintiff and other members of the putative class overtime compensation, Defendants violated NYLL Article 19 § 663 and 12 NYCRR § 142-2.2.

52. Upon information and belief, Defendants’ failure to pay overtime compensation to the Named Plaintiff and members of the putative class was willful.

53. By the foregoing reasons, Defendants have violated NYLL Article 19 § 663 and 12 NYCRR § 142-2.2 and are liable to Named Plaintiff and members of the putative class action in an amount to be determined at trial, plus interest, attorneys’ fees, and costs.

**THIRD CAUSE OF ACTION AGAINST MARC JACOBS:
FAILURE TO PAY WAGES**

54. The Named Plaintiff repeats and re-alleges the allegations set forth in paragraphs 1 through 53 hereof.

55. Pursuant to Article 6 of the NYLL, workers such as the Named Plaintiff and members of the putative class, are protected from wage underpayments and improper employment practices.

56. Pursuant to NYLL § 652, “Every employer shall pay to each of its employees for each hour worked a wage of not less than... (1) \$7.15 per hour on and after January 1, 2007; (2) \$7.25 per hour on and after July 24, 2009; (3) \$8.00 per hour on and after December 31, 2013; (4) \$8.75 per hour on and after December 31, 2014”

57. Pursuant to NYLL § 190, the term “employee” means “any person employed for hire by an employer in any employment.”

58. As a person employed for hire by Marc Jacobs, the Named Plaintiff is an “employee,” as understood in NYLL § 190.

59. Pursuant to NYLL § 190, the term “employer” includes any “person, corporation, limited liability company, or association employing any individual in any occupation, industry, trade, business or service.”

60. As the entity that hired, directed, and controlled the job performance of the Named Plaintiff, Marc Jacobs is an “employer.”

61. The Named Plaintiff’s agreed upon wage rate and/or minimum wage rate was within the meaning of NYLL §§ 190, 191, and 652.

62. Pursuant to NYLL § 191 and the cases interpreting same, workers such as the Named Plaintiff and members of the putative class are entitled to be paid all their weekly wages “not later than seven calendar days after the end of the week in which the wages are earned.”

63. In failing to pay the Named Plaintiff and members of the putative class minimum wages and overtime compensation for time worked, Marc Jacobs violated NYLL § 191.

64. Pursuant to NYLL § 193, “No employer shall make any deduction from the wages of an employee,” such as the Named Plaintiff and members of the putative class, that is not otherwise authorized by law or by the employee.

65. By withholding minimum wages and overtime compensation from the Named Plaintiff and members of the putative class, pursuant to NYLL § 193 and the cases interpreting same, Marc Jacobs made unlawful deductions.

66. Upon information and belief, Defendants' failure to pay minimum wages and overtime compensation to the Named Plaintiff and members of the putative class was willful.

67. By the foregoing reasons, Marc Jacobs has violated NYLL § 198 and is liable to the Named Plaintiff and members of the putative class in an amount to be determined at trial, plus interest, attorneys' fees and costs.

**FOURTH CAUSE OF ACTION AGAINST MARC JACOBS:
NEW YORK WAGE THEFT NOTICE**

68. The Named Plaintiff repeats and re-alleges the allegations set forth in paragraphs 1 through 66 hereof.

69. Pursuant to Article 6 of the NYLL, Marc Jacobs is an employer within the meaning contemplated, pursuant to NYLL Article 19 § 651(6) and the supporting New York State Department of Labor Regulations.

70. The Named Plaintiff, and those individuals similarly situated are employees within the meaning contemplated, pursuant to NYLL Article 19 § 651(5) and the supporting New York State Department of Labor Regulations.

71. NYLL § 195(1) requires an employer such as Marc Jacobs, at commencement of employment and in February of every year, to "provide his or her employees, in writing in English and in the language identified by each employee as the primary language of such employee, ... a notice containing... the rate or rates of pay and basis thereof, whether paid by the hour, shift, day, week, salary, piece, commission, or other; allowances, if any, claimed as part of

the minimum wage, including tip, meal, or lodging allowances.”

72. NYLL § 195(3) requires an employer such as Marc Jacobs to “furnish each employee with a statement with every payment of wages, listing the following: the dates of work covered by that payment of wages; name of employee; name of employer; address and phone number of employer; rate or rates of pay and basis thereof, whether paid by the hour, shift, day, week, salary, piece, commission, or other; gross wages; deductions; allowances, if any, claimed as part of the minimum wage; and net wages. For all employees who are not exempt from overtime compensation as established in the commissioner's minimum wage orders or otherwise provided by New York state law or regulation, the statement shall include the regular hourly rate or rates of pay; the overtime rate or rates of pay; the number of regular hours worked, and the number of overtime hours worked”

73. The Named Plaintiff, and upon information and belief other members of the putative class, did not receive the required yearly wage notice or required weekly wage statements pursuant to NYLL § 195.

74. By the foregoing reasons, Marc Jacobs has violated NYLL § 195 and is liable to the Named Plaintiff and other members of the putative class for the penalties set forth in NYLL § 198, post-judgment interest, attorneys’ fees, and the costs and disbursements of this action.

WHEREFORE, the Named Plaintiff, individually and on behalf of all other persons similarly situated who were employed by Marc Jacobs, seeks the following relief:

- (1) on the first cause of action against Marc Jacobs in an amount to be determined at trial,

in the amount equal to the amount of unpaid wages, plus interest, attorneys' fees and costs, pursuant to the cited New York Labor Law and regulatory provisions;

(2) on the second cause of action against Marc Jacobs in an amount to be determined at trial, plus interest, attorneys' fees and costs, pursuant to the cited New York Labor Law and regulatory provisions;

(3) on the third cause of action against Marc Jacobs in an amount to be determined at trial, plus interest, attorneys' fees and costs, pursuant to the cited New York Labor Law and regulatory provisions;

(4) on the fourth cause of action against Marc Jacobs in an amount to be determined at trial, plus damages, interest, attorneys' fees and costs, pursuant to the cited New York Labor Law and regulatory provisions; and

(5) together with such other and further relief the Court may deem appropriate.

Dated: New York, New York
October 15, 2014

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