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IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF JACKSON

JUNIPER ARTHURS,

Plaintiff,

v.

ASANTE,

Defendant.

Case No. 26CV13176

**CLASS ACTION COMPLAINT**

Claim for accounting of wages; claim for unpaid wages in violation of ORS 652.120; claim for unauthorized withholdings in violation of ORS 652.610

CLAIMS NOT SUBJECT TO MANDATORY ARBITRATION

Amount in Controversy: \$2,500,000

Fee Authority: ORS 21.160(1)(d)

Plaintiff alleges:

**SUMMARY STATEMENT**

1.

Plaintiff Juniper Arthurs brings this class action on behalf of herself and all similarly situated current and former employees of Asante hospitals and healthcare facilities in Southern Oregon. Asante has engaged in timekeeping and payroll practices that deprive its employees of their earned wages. Asante has known for several years that its practices are unlawful, yet it has refused to correct them. Plaintiff seeks a Court order requiring Asante to end these unlawful practices. Plaintiff further seeks an award of unpaid wages, statutory penalties, interest on all amounts owed, and attorney fees and litigation costs.

1 **PARTIES**

2 2.

3 Plaintiff Juniper Arthurs (“Arthurs”) was, and is now, a resident of Jackson  
4 County, State of Oregon. At all material times herein and as of the filing of this class  
5 action, Asante employed Arthurs as a registered nurse at Asante Rogue Regional  
6 Medical Center in Medford.

7 3.

8 Defendant Asante (“Defendant”) is a nonprofit corporation organized under the  
9 laws of the State of Oregon. At all material times herein, Defendant operated hospitals  
10 and healthcare facilities in Jackson County, State of Oregon.

11 **FACTS COMMON TO ALL CLAIMS**

12 4.

13 Defendant employs approximately 5,000 hourly paid employees—including  
14 Plaintiff—at hospitals and healthcare facilities across Southern Oregon.

15 5.

16 Since at least January 1, 2020, Defendant has engaged in a practice of “rounding”  
17 employee work hours by using timekeeping software that automatically adjusts  
18 employee clock-in and clock-out times to the nearest quarter-hour increment.

19 6.

20 Defendant’s rounding practice causes hourly paid employees to routinely not be  
21 paid for their actual work times. As a result of this practice, Plaintiff and members of  
22 the Proposed Class have not been paid all earned wages on some pay periods.

23 7.

24 Plaintiff and members of the Proposed Class are entitled to certain premiums  
25 and differentials in addition to their regular base pay. For example, Plaintiff and  
26 members of the Proposed Class are entitled to be paid at one and one half times their  
27 regular rate of pay when they work more than five consecutive shifts without a day off.

1 As another example, Plaintiff and members of the proposed class are entitled to pay at  
2 one and one half times their regular rate of pay when they work on consecutive  
3 weekends.

4 8.

5 Defendant maintains a practice of routinely failing to accurately calculate and  
6 pay all premiums or differential pay. As a result of this practice, Defendant has not paid  
7 all earned wages to Plaintiff and members of the Proposed Class.

8 9.

9 Plaintiff and members of the Proposed Class are entitled to 30 minutes of pay  
10 when they are unable to take a 30-minute meal break during their shift. When Plaintiff  
11 and members of the Proposed Class work six or more hours and are unable to take a  
12 meal break during their shift, they are entitled to an additional 30 minutes of pay at  
13 double their regular rate of pay. Additionally, Plaintiff and members of the Proposed  
14 Class are entitled to an extra 15 minutes of pay when they are unable to take a 15-  
15 minute rest break during their shifts.

16 10.

17 Defendant maintains a practice of regularly failing to pay Plaintiff and members  
18 of the Proposed Class when they report having missed a meal break or rest break. As a  
19 result of this practice, Defendant has not paid all earned wages to Plaintiff and  
20 members of the Proposed Class.

21 11.

22 Although Plaintiff and many members of the Proposed Class are members of  
23 unions, the wages pertinent to this action may be determined by mere reference to  
24 collective bargaining agreements. The amounts of unpaid wages owed by Defendant to  
25 Plaintiff and members of the Proposed Class are not subject to interpretation.

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27 ///

1 **CLASS ALLEGATIONS**

2 12.

3 Pursuant to ORCP 32, Plaintiff seeks to have this action maintained as a class  
4 comprised of all current and former hourly paid employees who worked for Defendant  
5 at any time on or after March 18, 2020 (the "Proposed Class").

6 13.

7 The Proposed Class consists of an estimated 6,000 persons. Members of the class  
8 are so numerous that joinder of all of them is impracticable.

9 14.

10 Plaintiff's claims are typical of the claims of the Proposed Class. The scope of the  
11 Proposed Class as defined in this class action includes Plaintiff.

12 15.

13 Plaintiff's claims raise questions of law and fact common to the Proposed Class,  
14 including the causes and extent of wage reductions and the legal entitlement to the  
15 requested unpaid wages, statutory penalties, and equitable relief.

16 16.

17 Plaintiff will fairly and adequately protect the interests of the Proposed Class  
18 because there are no conflicts of interest between Plaintiff and the proposed class and  
19 because Plaintiff is represented by competent counsel who will vigorously pursue the  
20 claims in this class action.

21 17.

22 For the fair and efficient adjudication of this controversy, a class action is  
23 superior to other available methods because:

- 24 (a) This case affects thousands of Defendant's employees. Given the large  
25 number of affected persons, it is probable that inconsistent or varying  
26 adjudications with respect to the members of the Proposed Class could  
27 establish inconsistent standards of conduct for Defendant.

1 (b) Common questions of law and fact predominate over individual questions.

2 (c) All members of the Proposed Class have been treated the same by Defendant  
3 so as to make appropriate final relief with respect to the class as a whole.

4 (d) It is desirable to concentrate litigation of these claims in a single forum.

5 (e) Plaintiff knows of no other means available to eliminate or significantly  
6 reduce the difficulty of managing this class action. Plaintiff believes that  
7 pursuit of these claims as a class action will be significantly more manageable  
8 than pursuing the claims through separate adjudications.

9 18.

10 More than 30 days prior to commencement of this action, Plaintiff gave notice to  
11 Defendant of the causes of action and demanded that Defendant correct or rectify the  
12 alleged wrongs. As of the filing of this action, Defendant has not made appropriate  
13 compensation, correction, and remedy.

14 **FIRST CLAIM FOR RELIEF**

15 **Equitable Accounting of Wages**

16 19.

17 Plaintiff realleges and incorporates paragraphs 1 through 18 as if alleged herein.

18 20.

19 Defendant owes a duty to Plaintiffs and members of the Proposed Class to  
20 accurately pay wages, to accurately and promptly distribute any funds withheld or  
21 diverted from wages, and to accurately account for all wages paid and redistributed.

22 21.

23 The pay discrepancies caused by Defendant's employee timekeeping and payroll  
24 practices as described in paragraphs 1 through 18 are widespread and varied, and  
25 Defendant has been unable to account for the pay discrepancies.

26 22.

27 Plaintiff and members of the Proposed Class are entitled to an equitable

1 accounting of wages due to the complexity of the accounts. The necessary accounting is  
2 sufficiently complex that it should be resolved by the Court because justice cannot be  
3 done without resort to the superior equipment of an equity court.

4 23.

5 Plaintiff and members of the Proposed Class are entitled to an accounting  
6 showing in detail the wages owed and paid since March 18, 2020, incorporating  
7 corrections for unlawful rounding of clock-in and clock-out times, unpaid premiums or  
8 differentials, and missed meal breaks and rest breaks.

9 **SECOND CLAIM FOR RELIEF**

10 **ORS 652.120—Failure to Pay All Wages at Regular Paydays**

11 24.

12 Plaintiff realleges and incorporates paragraphs 1 through 18 as if alleged herein.

13 25.

14 Pursuant to ORS 652.120, Defendant must pay all earned wages to Plaintiff and  
15 members of the Proposed Class at each regular payday.

16 26.

17 Defendant has not paid Plaintiff and members of the Proposed Class all earned  
18 wages at each regular payday since March 18, 2020.

19 27.

20 As of the filing of this class action, Defendant owes unpaid wages to Plaintiff and  
21 members of the Proposed Class.

22 28.

23 Pursuant to ORS 652.120, Plaintiff and members of the Proposed Class are  
24 entitled to equitable relief to ensure that Defendant will comply with its obligation to  
25 pay its employees all wages due and owing to them at each regular payday. Equitable  
26 relief will require an order that Defendant cease the unlawful practices alleged herein.

27 ///

1 29.

2 Pursuant to ORS 652.120, Plaintiff and members of the Proposed Class are  
3 entitled to recover all unpaid wages.

4 30.

5 Pursuant to ORS 652.200(2), Plaintiff and members of the Proposed Class are  
6 entitled to recover reasonable attorney fees incurred in filing this class action and  
7 litigating the claims and issues alleged herein.

8 **THIRD CLAIM FOR RELIEF**

9 **ORS 652.610 & ORS 652.615 – Withholding Wages Without Authorization**

10 31.

11 Plaintiff realleges and incorporates paragraphs 1 through 18 as if alleged herein.

12 32.

13 Pursuant to ORS 652.610, Defendant must not withhold, deduct, or divert the  
14 wages of its employees unless specific enumerated requirements are satisfied.

15 33.

16 Defendant impermissibly withheld, deducted, or diverted wages owed to  
17 Plaintiff and members of the Proposed Class. Defendant retained for its own benefit  
18 and earned interest on the funds it withheld, deducted, or diverted from the wages  
19 owed to Plaintiff and members of the Proposed Class. Further, Defendant has failed to  
20 provide itemized statements that sufficiently identify the reasons for any deductions.

21 34.

22 Pursuant to ORS 652.610, Plaintiff and members of the Proposed Class are  
23 entitled to equitable relief to ensure that Defendant will comply with its statutory  
24 obligation to pay wages in full unless authorized by ORS 652.610.

25 35.

26 Pursuant to ORS 652.615, Plaintiff and members of the Proposed Class are  
27 entitled to recover actual damages or a statutory penalty of \$200, whichever is greater,

1 for each paycheck from which Defendant made an impermissible withholding,  
2 deduction, or diversion from wages.

3 36.

4 Pursuant to ORS 652.615, Plaintiff and members of the Proposed Class are  
5 entitled to recover reasonable attorney fees incurred in filing this class action and  
6 litigating the claims and issues alleged herein.

7 **RESERVATION TO AMEND**

8 37.

9 Plaintiff reserves the right to amend this complaint at and before trial to conform  
10 to available evidence, including but not limited to the definition of the Proposed Class  
11 or subclasses and the amounts alleged as damages and statutory penalties.

12 **REQUEST FOR JURY TRIAL**

13 38.

14 Plaintiff requests a jury trial on all triable claims and issues alleged herein.

15 **PRAYER**

16 39.

17 WHEREFORE, Plaintiff prays for relief and judgment against Defendant as  
18 follows:

19 (a) Pursuant to ORCP 32, an order certifying this matter as a class action with

20 Plaintiff as class representative and Plaintiff's counsel as class counsel;

21 (b) A finding that Defendant violated ORS 652.120 and ORS 652.610;

22 (c) An order granting an equitable accounting of wages since March 18, 2020;

23 (d) An order requiring Defendant to comply with ORS 652.120 by paying its

24 employees all wages due and owing to them at each regular payday;

25 (e) An order requiring Defendant to comply with ORS 652.610 by ceasing

26 impermissible deductions and providing sufficiently itemized statements of

27 deductions;

- 1 (f) Pursuant to ORS 652.120, an award of unpaid wages to Plaintiff and members  
2 of the Proposed Class in the sum of \$500,000;
- 3 (g) Pursuant to ORS 652.615, an award of actual damages and/or statutory  
4 penalties to Plaintiff and members of the Proposed Class in the sum of  
5 \$2,000,000;
- 6 (h) Pursuant to ORS 652.200 and ORS 652.615, an award of reasonable attorney  
7 fees, costs, and disbursements;
- 8 (i) Pursuant to ORS 82.010, an award of interest at nine percent per annum on all  
9 amounts due, accruing from the date they became due; and
- 10 (j) All other relief in favor of Plaintiff and members of the Proposed Class that  
11 the Court deems just and equitable.

12 DATED: March 18, 2026.

13 BENNETT HARTMAN, LLP

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