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CONSTANCE R. WHITE  
COUNTY CLERK  
NO: 22-2-07592-4

STATE OF WASHINGTON  
PIERCE COUNTY SUPERIOR COURT

|                                  |           |
|----------------------------------|-----------|
| STATE OF WASHINGTON,             | NO.       |
| Plaintiff,                       | COMPLAINT |
| v.                               |           |
| TRADESMEN INTERNATIONAL,<br>LLC, |           |
| Defendant.                       |           |

I. INTRODUCTION

1.1. The State of Washington, by and through its attorneys, Robert F. Ferguson, Attorney General, and Alfredo González Benítez, Assistant Attorney General, brings this action against Tradesmen International, LLC (“Tradesmen”) to remedy Tradesmen’s unfair and deceptive practice of entering into noncompetition covenants that restrict the employment mobility of Tradesmen’s own workers.

1.2. Defendant Tradesmen is a for-profit construction and specialty labor staffing company that recruits and sources workers, who are then assigned to Tradesmen’s clients or “host employers” for the provision of labor services to those host employers.

1.3. Tradesmen enters into labor service agreements with its host employers that

1 contain noncompetition provisions that restrict the mobility of Tradesmen workers assigned to  
2 host employers.

3 1.4. Tradesmen's actions violate the Washington Consumer Protection Act,  
4 RCW 19.86 ("CPA"), and Washington's statute prohibiting noncompetition covenants,  
5 RCW 49.62 ("noncompetition statute"). The State accordingly brings this action to obtain a  
6 declaration that Tradesmen's actions violate state law, and to seek injunctive relief, restitution,  
7 equitable relief, civil penalties, and to recover costs and fees.

## 8 **II. JURISDICTION AND VENUE**

9 2.1. This action alleges violations of the CPA, RCW 19.86.020.

10 2.2. This action further alleges violations of Washington's noncompetition statute,  
11 RCW 49.62.020, .050.

12 2.3. Tradesmen conducts business at various locations throughout the State of  
13 Washington, including in Pierce County, Washington where Tradesmen maintains an office in  
14 the city of Fife. Venue is, therefore, proper in Pierce County pursuant to RCW 4.12.020, .025.

## 15 **III. THE PARTIES**

16 3.1. Plaintiff is the State of Washington.

17 3.2. The Attorney General is authorized to commence this action pursuant to the CPA,  
18 RCW 19.86.080(1), and pursuant to the noncompetition statute, RCW 49.62.080(1).

19 3.3. Defendant is Tradesmen, an Ohio for-profit corporation that maintains its  
20 principal place of business in Macedonia, Ohio.

21 3.4. Tradesmen provides construction and specialty labor staffing services throughout  
22 the United States, including in Washington.

23 3.5. Tradesmen operates several staffing offices throughout Washington including in  
24 Fife, Washington.

25 3.6. Tradesmen engages in trade or commerce within the meaning of  
26 RCW 19.86.010(2).

#### IV. FACTUAL ALLEGATIONS

4.1. In its course of business in Washington, Tradesmen recruits and sources workers whom are then placed with Tradesmen's host employers for the provision of staffing services to those host employers.

4.2. In its course of business, Tradesmen enters into one of two agreements with its host employers, both of which include noncompetition provisions that restrict the hiring of Tradesmen workers by Tradesmen host employers.

4.2.1. The first agreement provides that "[host employers] will not recruit and/or employ Tradesmen's workers for separate employment by the [host employer] during the term of th[e] contract."

4.2.2. The second agreement provides that "[d]uring the term of th[e] agreement and for six (6) months thereafter, [the host employer] shall not, directly or indirectly solicit and/or employ any Tradesmen [worker] for separate employment or as an independent contractor."

4.3. Tradesmen workers are not informed of these noncompetition covenants, or of the restrictions upon their respective employment mobility, at any point during the hiring process or at any point during the course of their employment with Tradesmen.

4.4. Tradesmen workers earn a salary less than the adjusted annualized salary threshold provided in RCW 49.62.020(1)(b) and .040, currently set at \$107,301.04.

4.5. In the year 2020 the salary threshold provided in RCW 49.62.020(1)(b) was \$100,000 and in the year 2021 it was \$101,390.

4.6. Since January 1, 2020, Tradesmen has entered into noncompetition covenants with approximately 319 host employers in Washington, and approximately 1,192 Washington residents have worked, subject to an undisclosed noncompetition covenant, with a Tradesmen host employer.

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5.1. The State adopts the allegations listed above and incorporates them herein as if set forth in full.

5.3. Tradesmen committed unfair and deceptive acts and practices in the conduct of trade or commerce, in violation of RCW 19.86.020, by entering into noncompetition covenants with its host employers that restrict the employment mobility of Tradesmen workers, and without notifying Tradesmen workers of the existence of such noncompetition covenants.

## VI. SECOND CAUSE OF ACTION

6.1. The State adopts the allegations listed above and incorporates them herein as if set forth in full.

6.3. The annualized salary threshold provided under the noncompetition statute, RCW 49.62.020(1)(b), .040, was \$100,000 in the year 2020, \$101,390 in the year 2021, and for the year 2022 is currently set at \$107,301.04 per year.

6.4. Tradesmen violated the noncompetition statute by entering into noncompetition covenants with approximately 319 host employers in Washington, since January 1, 2020, which impacts the employment mobility of 1,192 Tradesmen workers earning less than an annualized salary threshold provided under RCW 49.62.020(1)(b), .040.

**VII. PRAYER FOR RELIEF**

WHEREFORE, Plaintiff, State of Washington, prays that the Court:

7.1. Adjudge and decree that Tradesmen has engaged in the conduct complained of herein.

7.2. Adjudge and decree that Tradesmen's conduct violated the CPA, RCW 19.86.020.

7.3. Adjudge and decree that Tradesmen's conduct violates the noncompetition statute, RCW 49.62.020, .050.

7.4. Issue a permanent injunction enjoining and restraining Tradesmen, and its representatives, successors, assigns, officers, agents, servants, employees, and all other persons acting or claiming to act for, on behalf of, or in active concert or participation with Tradesmen, from engaging in the unlawful conduct complained of herein.

7.5. Impose a civil penalty of up to \$7,500 for each violation of the CPA pursuant to RCW 19.86.140.

7.6. Impose a civil penalty of \$5,000 for each violation of the noncompetition statute pursuant to RCW 49.62.080.

7.7. Enter such orders or judgments pursuant to RCW 19.86.080(2) and RCW 49.62.080 as it deems appropriate to provide for equitable relief for any lawful purpose as a result of the conduct complained of herein.

7.8. Make such orders pursuant to RCW 19.86.080 and RCW 49.62.080 to provide the State recovery from Tradesmen for the costs of this action, including reasonable attorneys' fees.


7.9. Award such relief as the Court may deem just and proper.

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1 DATED this 14th day of July 2022.

2  
3 ROBERT W. FERGUSON  
4 Attorney General

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