

# Jack in the Box workers most likely get Jack in Overtime Lawsuits

October 5th, 2009. By [AbiK](#)



Hey, these are tough times. Just about every business is feeling the pinch and some, like a collection of Jack in the Box franchises owned by Roseville, California developer Abe Alizadeh, are feeling so pinched that they're filing for bankruptcy protection. "Protection" is a key word here-and it's the word folks like Patricia Morgan are focusing in on because it's the word that'll keep the likes of her and potentially 5,300 former co-workers of hers out of any [settlement for unpaid overtime](#), unpaid hourly wages, and compensation for being required to work during rest breaks and unpaid lunch periods.

Morgan was fired from her job at Jack in the Box in 2008. As reported in the *Sacramento Bee*, it seems Morgan may have been having an "I'm mad as hell and I'm not going to take it anymore" moment over the working conditions on the overnight shifts at Jack in the Box. Only thing is, she got canned before she perhaps was fed up enough to just walk on her own.

Ah, but then the truth (alleged!) came out and it seems there was a root cause for Morgan's disenchantment with her working conditions. They sucked. Things like having to attend to customers during your lunch break. Let's face it, it's a fast food company and you don't garnish a 4-star customer rating on [epinions.com](#) for being slow and not being attentive to customers. Slow is a four-letter word.

And no one complained about the working conditions because they feared losing their jobs ...no one complained until it seems somebody *did* lose their job.

So back to the "protection". See, with Alizadeh filing for bankruptcy, if Morgan's lawsuit is decided in her favor, she'll most likely see squat of that settlement money-because Alizadeh will have to pay other creditors off first prior to paying any wage and hour lawsuit plaintiffs anything-and by that time, there most likely won't be anything left to pay with.

At any rate, the lawyer for Morgan, Scott Cole & Associates out of Oakland, CA, is looking to get the case certified as a class action on behalf of those potentially 5,300-strong Jack in the Box employees who worked the night shift at the franchises run by Alizadeh since 12/1/04. According to the *Sacramento Bee* article, Scott Cole, the law firm's founder, estimated the unpaid wages could amount to millions of dollars.

Of note, the *Bee* goes on to report that in January 2008, Cole's firm settled a similar class action case against company-owned Jack in the Box restaurants in CA for \$8 million. That case involved an estimated 30,000 night-shift hourly workers.