

FOR IMMEDIATE RELEASE

Class Action Lawsuit Filed against Statewide Dental Provider

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Los Angeles (January 10, 2007). The staff at SmileCare is frowning.

On the heels of California's new minimum wage law, a class action lawsuit was filed today against the California offices of SmileCare alleging that the dental care provider failed to pay overtime wages and forced employees to work during lunch and breaks without compensation.

SmileCare operates more than 56 dental clinics throughout the state, with more than 25 centers in Southern California.

The lawsuit, filed in the Superior Court of California by Law Offices of Shawn Khorrami of Van Nuys, CA and Los Angeles firm Kabateck Brown Kellner, LLP, was brought on behalf of lead plaintiff, Tami Ware, 43, who worked as a full time dental hygienist at SmileCare, 520 N. El Dorado St. in Stockton CA.

Ware was hired to work from 8 am through 5 pm and was only paid for 8 hours even though she regularly worked over 8 hours per day. She routinely had patients scheduled for such complicated dental procedures as root planings at 5 pm. Her patient caseload was so heavy that she was forced to work through lunch and breaks.

"I was totally overworked. I sometimes had three root planings at the same time. No hygienist can do that job and do it right," Ware says. "You cannot tell patients that you are cleaning their teeth and then leave calculus behind because you have run out of time." Calculus is related to diabetes and heart attacks.

"I wanted to do the right thing for patients. By overworking the staff, the quality of the care was compromised. I refused to do that," Ware says.

SmileCare told Ware that the company did not pay for overtime. No breaks were built into the work schedule.

"These are the people who take care of our health," says Khorrami. "We should take care of them and compensate them properly."

The California Labor Code and the IWC Wage Orders requires overtime work to be paid at the rate of one and one-half (1 ½) times the employees' regular rate of pay for all hours worked in excess of eight (8) hours. IWC Wage Orders and the California Code of Regulations require California businesses to provide ten minute rest periods per every four hours of the work shift and/or work day. The IWC Wage Orders also require a thirty minute lunch break for every five hours worked.

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