

Welcome to the Hotel COVID Lockdown – Seafood Employees Allege Failure to Pay and False Imprisonment

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Now in its 10th week and including 177 cases, Barnes & Thornburg LLP's Wage & Hour Practice Group continues to catalog [COVID-19 related workplace complaints](#) filed in courts around the country. The tracker includes new interactive functionality, allowing readers to view a breakdown of the number cases filed in each state and the chronological timeline of when each of these cases was filed organized by topic. As we have mentioned in previous blogs, we continue to see an [uptick in workplace class and collective actions](#) directly related to COVID-19, or filings where plaintiffs' counsel have [attempted to tie](#) a class or collective-wide wage and hour violation to the pandemic. Although the number of cases indirectly related to COVID-19 are difficult to quantify, our non-scientific observation is that there has also been a marked increase in wage and hour class and collective action filings, in general, over the last two to three months.

This week's spotlight, which further highlights this trend, concerns a putative class action complaint involving seasonal workers, allegations of false imprisonment and violations of the California Labor Code. While the factual bases of this complaint are somewhat unique, the case demonstrates the critical importance of an employer's ability to quickly react to an evolving situation, with advice from counsel, in order to ensure that wage and hour laws (not to mention common law torts) are not violated.

In *Doe, et al. v. North Pacific Seafoods, Inc.*, the plaintiff, a seasonal worker, alleges a putative class action complaint against the defendant employer, a seafood processor, claiming various violations of the California Labor Code as well as false imprisonment of the putative class members. The plaintiff alleges that the defendant arranged for her and other seasonal workers to travel to Los Angeles, from around Southern California and several states in Mexico, to fill out employment paperwork and to be tested for COVID-19 before flying to Alaska to process salmon during the June through August salmon season. The plaintiff alleges that while in Los Angeles, she and the putative class members were kept in close proximity to one another while they were filling out employment paperwork, in violation of social distancing guidelines mandated by the city of Los Angeles. Further, the plaintiff claims that she and the putative class members were confined to their hotel rooms (around the clock) against their will for several days while awaiting the results of their COVID-19 tests. The complaint alleges that after several individuals tested positive, the putative class members were confined against their will for another 11 days.

The plaintiff alleges that, despite being an employee of the defendant, she was not paid any wages during this time, that she was only given two meals per day, and that she was prevented from leaving her hotel room for the duration. Based upon these allegations, the plaintiff claims that the defendant not only violated the California Labor Code by failing to pay her any wages (including overtime wages) during this confinement, but also that she was prevented from obtaining other work as a result of the defendant employer's tortious conduct of falsely imprisoning her and the putative class. The plaintiff seeks wages for the entire time of confinement, including overtime, as well as damages for emotional distress arising out of the alleged false imprisonment.

This case demonstrates the paramount importance of planning and quick action by employers during this pandemic. While it certainly remains to be seen whether the plaintiff can prove the allegations of her complaint, high-level decisions made by employers concerning employee wages or hours worked across an employee population during these unprecedented times may well give rise to class or collective-wide allegations. Employers would be well served to take caution, and consult with counsel, before making compensation decisions or other decisions that impact wide swaths of an employee (or prospective employee) population.

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