

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Sujung Park v. Cove House LLC, et al.

Park · No. 2:25-cv-01350-CDS-BNW · Decided December 5, 2025

SUMMARY

The United States District Court for the District of Nevada granted in part defendants’ Rule 12(b)(6) motion to dismiss Sujung Park’s putative FLSA collective action and related Nevada wage, tip, conversion, unjust-enrichment, and retaliation claims. The court dismissed several claims without prejudice and with leave to amend, declined to dismiss the class and collective allegations at that stage, and limited the action to defendants Cove House LLC and Jihyuk Hwang unless amended allegations support claims against the other defendants. Park was given until January 2, 2026, to file an amended complaint.

CASE DETAILS

COURT	United States District Court for the District of Nevada
JURISDICTION	United States District Court for the District of Nevada
DECIDED	December 5, 2025
DOCKET	2:25-cv-01350-CDS-BNW
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought a putative FLSA collective action and related Nevada-law claims. Defendants moved to dismiss under Federal Rule of Civil Procedure 12(b)(6). The court granted the motion in part, dismissing several claims without prejudice, denying dismissal of the class and collective allegations at that stage, and permitting amendment.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true and construes them in the light most favorable to the nonmoving party, but disregards legal conclusions, labels, and formulaic recitations. The complaint must contain sufficient factual matter to state a facially plausible claim for relief.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Sujung Park v. Cove House LLC, Sushi Times LLC, KSJ LLC, KPM Ventures LLC, KOB LLC, Jomaru LV LLC, HJH LLC, Bobae LLC,

TOPICS

flsa wage and hour motions to dismiss class actions conversion

PRACTICE AREAS

employment law civil procedure remedies torts

QUESTIONS PRESENTED

1. Whether Park adequately pleaded FLSA and Nevada overtime claims under Rule 12(b)(6).
2. Whether Park adequately pleaded a claim under 29 U.S.C. § 203(m)(2)(B) concerning the retention or distribution of employee tips.
3. Whether Park adequately pleaded an FLSA retaliation claim under 29 U.S.C. § 215(a)(3).
4. Whether the putative class and FLSA collective allegations should be dismissed at the pleading stage.
5. Whether Park adequately pleaded conversion and unjust enrichment under Nevada law.
6. Whether the complaint alleged a sufficient employment or agency relationship between Park and the defendants other than Cove House and Jihyuk Hwang.

HOLDINGS

1. The FLSA and Nevada overtime claims were dismissed without prejudice because Park alleged only that she was not paid overtime during at least one week, without alleging expected work hours or facts showing that her work exceeded forty hours in a workweek.
2. The tip-retention claim was dismissed without prejudice and with leave to amend because the complaint did not clearly identify what defendants allegedly did with the tips or provide sufficient factual allegations concerning the putative collective members.
3. The retaliation claim was dismissed without prejudice because Park did not allege facts establishing that she exhausted the administrative requirements applicable to the claim as pleaded.
4. The court denied the request to dismiss the class and collective allegations at that stage, while warning that any amended allegations must contain sufficient factual support demonstrating that collective or class treatment is appropriate.
5. The conversion claim was dismissed without prejudice and with leave to amend because the complaint merely recited the elements of conversion and did not plausibly allege facts showing a tortious, willful, and intentional taking of property.
6. The unjust enrichment claim was dismissed without prejudice and with leave to amend because Park did not identify which defendant retained the alleged benefit or plead specific facts showing unjust enrichment.

7. The claims against the remaining restaurant defendants were dismissed without prejudice and with leave to amend because Park alleged employment or agency facts sufficient as to Cove House and Hwang but did not allege how the other entities acted as employers or agents under the FLSA.

KEY QUOTATIONS

“To avoid a Rule 12(b)(6) dismissal, “a complaint must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face.”” (at 4)

“Park fails to meet these threshold requirements under FLSA and NRS.” (at 5)

“Despite the unclear and vague allegations, it would be premature to grant the motion to dismiss at this stage as to the class and collective allegations.” (at 7)

FACTUAL BACKGROUND

Park alleged that she worked for Cove House, also identified as Mura Japanese BBQ & Shabu, and worked more than forty hours per week without receiving overtime compensation. She alleged that defendants retained or distributed portions of employee tips to managers, supervisors, or other employees. Park also alleged that she complained to managers in May 2025 about FLSA overtime violations and was terminated as a result. The court found that the complaint did not provide sufficiently specific facts concerning overtime hours, tip retention, conversion, unjust enrichment, or the relationship of most defendants to Park's employment.

PROCEDURAL HISTORY

Park filed a complaint alleging unpaid overtime, unlawful retention of tips, retaliation, conversion, unjust enrichment, and related class or collective claims. Defendants moved to dismiss, arguing that the claims were inadequately pleaded and that defendants other than Cove House should be dismissed. The court granted the motion in part and allowed Park to file an amended complaint by January 2, 2026.

DISPOSITION

other

CASES CITED

- Johnson v. MINI of L.V., 2025 U.S. Dist. LEXIS 187298, at *4 (D. Nev. Sept. 24, 2025)
- Wood v. City of San Diego, 678 F.3d 1075, 1081 (9th Cir. 2012)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555 (2007)
- Kwan v. SanMedica Int'l, 854 F.3d 1088, 1096 (9th Cir. 2017)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- DeSoto v. Yellow Freight Sys., Inc., 957 F.2d 655, 658 (9th Cir. 1992)
- Khoja v. Orexigen Therapeutics, Inc., 899 F.3d 988, 998 (9th Cir. 2018)
- Pearson v. InTouchCX Sols., Inc., 2024 U.S. Dist. LEXIS 171986, at *7 (D. Nev. Sept. 23, 2024)
- Chapman v. Las Vegas Basketball L.P., 2024 U.S. Dist. LEXIS 144368, at *9, *20 (D. Nev. Aug. 14, 2024)

- Landers v. Quality Commc'ns, Inc., 771 F.3d 638, 641 (9th Cir. 2015)
- Wieben v. Nev. Gold Mines LLC, 2025 U.S. Dist. LEXIS 122207, at *7 (D. Nev. June 27, 2025)
- Sommatino v. United States, 255 F.3d 704, 707-08 (9th Cir. 2001)
- Lyons v. England, 307 F.3d 1092, 1104 (9th Cir. 2002)
- Green v. Brennan, 578 U.S. 547, 553 (2016)
- Campbell v. City of Los Angeles, 903 F.3d 1090, 1100 (9th Cir. 2018)
- Thiebes v. Wal-Mart Stores, Inc., 1999 WL 1081357, at *2 (D. Or. Dec. 1, 1999)
- Moser v. Benefytt, Inc., 8 F.4th 872, 878 (9th Cir. 2021)
- In re Data Breach Sec. Litig. Against Caesars Ent., Inc., 2025 U.S. Dist. LEXIS 159427, at *46-47 (D. Nev. Aug. 15, 2025)
- Jue v. Costco Wholesale Corp., 2010 U.S. Dist. LEXIS 7
- Edwards v. Emperor's Garden Rest., 130 P.3d 1280, 1287 (Nev. 2006)
- Bader v. Cerri, 609 P.2d 314, 317 n.1 (Nev. 1980)
- Blige v. Terry, 540 P.3d 421, 431 (Nev. 2023)
- Nevada Indus. Dev., Inc. v. Benedetti, 741 P.2d 802, 804 n.2 (Nev. 1987)
- Nautilus Ins. Co. v. Access Med., LLC, 482 P.3d 683, 688 (Nev. 2021)
- Korte Constr. Co. v. State ex rel. Bd. of Regents of Nev. Sys. of Higher Educ., 492 P.3d 540, 541 (Nev. 2021)
- Russo v. Fed. Med. Servs., Inc., 2025 U.S. Dist. LEXIS 150770, at *19 (N.D. Cal. Aug. 5, 2025)