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8 **UNITED STATES DISTRICT COURT**  
9 **NORTHERN DISTRICT OF CALIFORNIA**

10 BAIKUNTHA KHANAL, individually and on  
11 behalf of all others similarly situated,

Case No. CV 14-1523-JSW

12 Plaintiffs,  
13 v.

**THIRD AMENDED CLASS  
ACTION COMPLAINT AND JURY  
DEMAND**

14 SAN FRANCISCO HILTON, INC.

15 Defendant.  
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1 **I. INTRODUCTION**

2 1. This is a class action brought under California law challenging the defendant’s  
3 failure to remit the total proceeds of gratuities that have been added to bills for food and beverage  
4 to food and beverage service employees. As set forth below, Defendant San Francisco Hilton, Inc.  
5 has imposed gratuities on the sale of food and beverages at its hotel located on Union Square, 333  
6 O’Farrell Street, San Francisco, California, but it has failed to distribute the total proceeds of  
7 these gratuities to these employees as required by California law. This conduct violates the  
8 California Gratuities Law, California Labor Code § 351, which is enforceable through the  
9 California Unfair Competition Law, Cal. Bus. & Prof. Code § 17200 *et seq.* (“UCL”).

10 2. Plaintiff brings this action on his own behalf, and on behalf of all food and  
11 beverage service employees who have worked at the San Francisco Hilton (Union Square) at any  
12 time during the relevant statute of limitations.

13 **II. PARTIES**

14 3. The named plaintiff is Baikuntha Khanal, who has, within the applicable statute of  
15 limitations, worked as food and beverage service employees (including as bussers or servers) at  
16 the San Francisco Hilton hotel located at 333 O’Farrell Street, San Francisco, California.

17 4. Plaintiff brings this action on his own behalf and on behalf of all others similarly  
18 situated, namely all other behalf of all food and beverage service employees who have worked at  
19 the San Francisco Hilton (Union Square) at any time during the relevant statute of limitations.  
20 This class satisfies all the requirements of California Code of Civil Procedure § 382.

21 5. Defendant San Francisco Hilton, Inc. operates a hotel located at 333 O’Farrell  
22 Street, San Francisco, California, and employs the named plaintiff and proposed class members.

23 **III. STATEMENT OF FACTS**

24 6. At the San Francisco Hilton (Union Square), Defendant adds gratuities to  
25 customers’ bills for food and beverage service.

26 7. These gratuities are added for a number of types of food and beverage service,  
27 including but not limited to banquets, events, buffets, coffee service, and room service.  
28



1 e. Whether California law requires the distribution of all gratuities to food and  
2 beverage service employees, including gratuities that are added to bills  
3 automatically by the employer.

4 16. The named plaintiff is a member of the class, who suffered damages as a result of  
5 Defendant's conduct and actions alleged herein.

6 17. The named plaintiff's claims are typical of the claims of the class, and the named  
7 plaintiff has the same interests as the other members of the class.

8 18. The named plaintiff will fairly and adequately represent and protect the interests of  
9 the class. The named plaintiff has retained able counsel experienced in class action litigation.

10 19. The questions of law and fact common to the members of the class predominate  
11 over any questions affecting only individual members, including legal and factual issues relating  
12 to liability and damages.

13 20. A class action is superior to other available methods for the fair and efficient  
14 adjudication of this controversy because joinder of all class members is impractical. Moreover,  
15 since the damages suffered by individual members of the class may be relatively small, the  
16 expense and burden of individual litigation makes it practically impossible for all the members of  
17 the class individually to redress the wrongs done to them. The class is readily definable and  
18 prosecution of this action as a class action will eliminate the possibility of repetitive litigation.  
19 There will be no difficulty in the management of this action as a class action.

20 **COUNT I**

21 **Statutory Gratuity Violation**

22 21. Defendant's conduct, as set forth above, in failing to remit to service employees  
23 the total proceeds of gratuities collected from customers constitutes a violation of California  
24 Labor Code § 351. This violation is enforceable pursuant to the California Unfair Competition  
25 Law, Cal. Bus. & Prof. Code § 17200 *et seq.* ("UCL"). Defendant's conduct constitutes unlawful,  
26 unfair, or fraudulent business acts or practices, in that Defendant has violated California Labor  
27 Code § 351 in not remitting to the service employees the total gratuities that are charged to  
28 customers. As a result of Defendant's conduct, Plaintiff and class members suffered injury in fact

1 and lost money and property, including the loss of gratuities to which they were entitled. Pursuant  
2 to California Business and Professions Code § 17203, Plaintiff and class members seek  
3 declaratory and injunctive relief for Defendant’s unlawful, unfair, and fraudulent conduct and to  
4 recover restitution. Pursuant to California Code of Civil Procedure § 1021.5, Plaintiff and class  
5 members are entitled to recover reasonable attorneys’ fees, costs, and expenses incurred in  
6 bringing this action.

7 **JURY DEMAND**

8 Plaintiff requests a trial by jury on their claims.

9 WHEREFORE, Plaintiff requests that this case be certified as a class action; that they be  
10 awarded restitution for all charged gratuities which were not remitted to the service employees;  
11 and that they be awarded pre- and post-judgment interest; reasonable attorneys’ fees, costs, and  
12 expenses; and any other relief to which the plaintiffs may be entitled.

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14  
15 Dated: January 29, 2026

Respectfully submitted,

16 LICHTEN & LISS-RIORDAN, P.C.

17  
18 /s/ Shannon Liss-Riordan  
19 Shannon Liss-Riordan, SBN No. 310719  
Attorney for Plaintiffs

20 BAIKUNTHA KHANAL, individually and on  
21 behalf of all others similarly situated,  
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**U.S. District Court**

**California Northern District**

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**Case Name:** Chirar et al v. Hilton Worldwide LLC et al  
**Case Number:** [4:14-cv-01523-JSW](#)  
**Filer:** Baikuntha Khanal  
**Document Number:** [256](#)

**Docket Text:**

**AMENDED COMPLAINT *Third Amended Class Action Complaint and Jury Demand* against San Francisco Hilton, Inc.. Filed by Baikuntha Khanal. (Liss-Riordan, Shannon) (Filed on 2/2/2026)**

**4:14-cv-01523-JSW Notice has been electronically mailed to:**

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