

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

FELICIA D. GRAY; individually and on	§	
behalf of similarly situated individuals,	§	
	§	
Plaintiff,	§	
	§	
-v-	§	Civil No. 3:12-cv-4176
	§	
SOLOMONEDWARDSGROUP, LLC	§	
a/k/a SOLOMON EDWARDS GROUP,	§	
LLC,	§	
	§	
Defendant.	§	

PLAINTIFF’S ORIGINAL COMPLAINT – COLLECTIVE ACTION

TO THE HONORABLE UNITED STATES DISTRICT COURT JUDGE:

NOW COMES Felicia D. Gray, individually and on behalf of similarly situated individuals, and file this, her Plaintiff’s Original Complaint – Collective Action.

I.
SUMMARY

This is a simple failure to pay overtime case. Defendant is a staffing firm. Defendants employed the Plaintiff and the putative class as Quality Analyst. For the past three years, Defendants have not paid Quality Analyst overtime pay as required by the Fair Labor Standards Act (“FLSA”).

The Defendant paid the Plaintiff and the putative class an hourly rate for each hour worked. The Plaintiff and the putative class would routinely work over forty hours in a workweek. The Defendant routinely would pay the Plaintiff and

the putative class at the Quality Analyst's regular rate instead of the Quality Analyst's overtime rate for the hours over forty in a workweek. The failure to pay the Plaintiff and the putative class at one and one half times the regular rate for hours over forty in a work week is a plain, simple violation of the FLSA.

For these reasons, Plaintiff seek, on behalf of herself and those similarly situated, unpaid wages, liquidated damages, attorney fees, and all other relief permitted.

II. JURISDICTION AND VENUE

1. This Court has original jurisdiction to hear this complaint and to adjudicate the claims stated herein under 28 U.S.C. § 1331, this action being brought under the Federal Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.* ("FLSA"). Venue is proper because a substantial part of the events or omissions giving rise to the claim occurred in this District, and Defendants are subject to personal jurisdiction in Texas.

III. PARTIES

2. Defendant SolomonEdwardsGroup, LLC ("SolomonEdwards") is a limited liability corporation. SolomonEdwards is an "employer" within the meaning of FLSA, 29 U.S.C. § 203(d), an "enterprise" within the meaning of FLSA, 29 U.S.C. § 203(r), and "engaged in commerce" within the meaning of FLSA, 29 U.S.C. § 203(s)(1).

3. Plaintiff Felicia D. Gray is a resident of Texas and worked as a Senior Quality Analyst on a project in Charlotte, North Carolina . SolomonEdwards has been “engaged in commerce” as required by the FLSA, 29 U.S.C. §§ 206-07. Ms. Gray’s consent form is attached as part of Exhibit 1.

4. Plaintiff brings this action on behalf of herself and other similarly situated employees pursuant to 29 U.S.C. § 216(b). Plaintiff and the similarly situated employees are individuals who were, or are, employed by Defendants as Quality Analysts in the past three years. The putative class has been “engaged in commerce” as required by the FLSA, 29 U.S.C. §§ 206-07.

IV. FACTUAL ALLEGATIONS

5. During the past three years, Defendants paid Quality Analysts a regular hourly rate for all hours worked.

6. Quality Analysts are not exempt from the FLSA because they are not paid on an hourly basis and should be compensated for appropriate overtime.

7. During the last three years, Quality Analysts regularly worked in excess of forty hours in workweeks.

8. Quality Analysts were not paid on a salary basis because Quality Analysts were paid an hourly rate for the exact amount of hours they worked.

9. If a Quality Analyst worked less than forty hours in a week the Quality Analyst would be paid only for the hours he/she worked that week at his/her regular hourly rate.

10. Defendants failed to pay Quality Analysts one-and-one-half times their regular rate of pay for each hour worked over forty in a workweek.

11. Specifically, SolomonEdwards paid Quality Analysts their regular rate for each hour worked over forty in a workweek instead of one and one half times the regular rate.

12. These practices violate the provisions of the Federal Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.* As a result of these unlawful practices, Plaintiff and the similarly situated employees suffered a loss of wages.

13. Defendants showed reckless disregard for the fact that their failure to pay their Quality Analysts appropriate overtime compensation was in violation of the law.

14. Upon information and belief, Quality Analysts have complained about not being paid overtime and were told that they could work and not be paid overtime or could quit.

15. All conditions precedent to the filing of this suit have been satisfied.

V.
JURY DEMAND

16. Plaintiff, individually and on behalf of the putative class, exercises the right to a jury.

VI.
PRAYER FOR RELIEF

WHEREFORE, Plaintiff and all employees similarly situated who join in this action demand:

1. Issuance of notice as soon as possible to all Quality Analysts who were employed by Defendants during any portion of the three years immediately preceding the filing of this action. Generally, this notice should inform them that this action has been filed, describe the nature of the action, and explain their right to opt into this lawsuit if they were not paid correctly for hours worked as Quality Analysts during any portion of the statutory period;
2. Judgment against Defendants for an amount equal to Plaintiff and the class' unpaid back wages at the applicable overtime rate for each hour worked over forty;
3. Judgment against Defendants that their violations of the FLSA were willful;
4. An equal amount to the wage damages as liquidated damages;
5. To the extent that liquidated damages are not awarded, an award of prejudgment interest;
6. All costs incurred and reasonable attorney's fees for prosecuting these claims;
7. Leave to add additional Plaintiffs by motion, the filing of written consent forms, 7or any other method approved by the Court;
8. Leave to amend to add claims under applicable state laws; and
9. For such further relief as the Court deems just and equitable.

Respectfully submitted,

/s/ Robert J. Wiley

Robert J. Wiley

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