

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
NEWNAN DIVISION

BRANDON CAMPBELL, <i>et al.</i> ,)	
on behalf of themselves and all)	CIVIL ACTION FILE NO.
others similarly situated,)	
)	3:18-cv-004-TCB
Plaintiffs,)	
)	COLLECTIVE ACTION COMPLAINT
v.)	
)	For Violations of the Fair Labor
HIGH TECH RAIL AND FENCE,)	Standards Act of 1938, As Amended
LLC, DAVID MOFFAT, and)	
CURTIS L. WHITAKER II,)	JURY TRIAL DEMANDED
)	
Defendants.)	

COLLECTIVE ACTION COMPLAINT

COME NOW the Plaintiffs Brandon Campbell, Willie Cox, NAMES, (hereinafter “Plaintiffs”) by and through their undersigned counsel, and pursuant to Federal Rule of Civil Procedure 15(a) file this Complaint on behalf of themselves and all others similarly situated against the Defendants High Tech Rail and Fence, LLC (and their affiliated companies)(“High Tech”), David Moffat and Curtis L. Whitaker II (hereinafter collectively referred to as “Defendants”) pursuant to § 216(b) of the Fair Labor Standards Act of 1938, as amended (hereinafter “the FLSA”), and in support thereof would state as follows:

I. INTRODUCTION

1. The instant action arises from Defendants' violations of Plaintiffs' rights under the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.*, as amended, to remedy violations of the regular and overtime provisions of the Act by Defendants which have deprived the named Plaintiffs, as well as others similarly situated to the Plaintiffs, of their lawful regular and overtime wages.
2. Other current and former employees of Defendants are also entitled to receive regular and overtime compensation for the reasons alleged in this Complaint. The above-named Plaintiffs are permitted to maintain this action "for and on behalf of themselves and other employees similarly situated." 29 U.S.C. § 216(b). Any similarly situated employee wishing to become a party plaintiff to this action must provide "his consent in writing to become such a party," and such consent must be filed with this Court. 29 U.S.C. § 216(b).
3. This action is brought to recover unpaid regular and overtime compensation owed to the Plaintiffs and all current and former employees of Defendants who are similarly situated to the Plaintiffs, pursuant to the FLSA. The Plaintiffs and the collective group similarly situated are or have been employed by Defendants, working as installers or crew chiefs and other hourly and piece-work positions.

4. During the applicable statute of limitations prior to the filing of this Complaint (three years), Defendants have committed widespread violations of the FLSA by failing to compensate employees at an overtime rate for hours worked in excess of 40 hours in a given workweek and other compensation associated with their employment (such as unreimbursed travel and other work-related expenses).
5. Plaintiffs and all similarly situated employees who elect to participate in this action seek unpaid regular and overtime compensation for work performed, an equal amount of liquidated damages to compensate them for the delay in payment of money due which Defendants instead used as working capital, attorneys' fees, and costs pursuant to 29 U.S.C. § 216(b).

II. JURISDICTION AND VENUE

6. This Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1331 (federal question jurisdiction) as this action is being brought under the Federal Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.* ("FLSA").
7. Venue is proper in the Northern District of Georgia under 28 U.S.C. § 1391 (b)-(c) because some of the acts complained of occurred within the State of Georgia and the jurisdiction of this Court and because Defendants maintain their principal places of business within this District.

III. PARTIES

8. Plaintiff BRANDON CAMPBELL resides in Griffin, Georgia (within this District) and is a citizen of the United States. Campbell was employed by the Defendants as an installer. He regularly worked for Defendants within this District.
9. Plaintiff WILLIE COX resides in Newnan, Georgia (within this District) and is a citizen of the United States. Cox was employed by the Defendants as a Crew Lead. He regularly worked for Defendants within this District.
10. Plaintiff SHANE MANOUS resides in Griffin, Georgia (within this District) and is a citizen of the United States. Manous was employed by the Defendants as an installer. He regularly worked for Defendants within this District.
11. Plaintiff JUSTIN REID resides in Griffin, Georgia (within this District) and is a citizen of the United States. Reid was employed by the Defendants as an installer. He regularly worked for Defendants within this District.
12. Plaintiff MONDEL WHITAKER resides in Newnan, Georgia (within this District) and is a citizen of the United States. Whitaker was employed by the Defendants as an installer. He regularly worked for Defendants within this District.

13. Plaintiff MICHAEL HALL resides in Coweta, Georgia (within this District) and is a citizen of the United States. Hall was employed by the Defendants as an installer. He regularly worked for Defendants within this District.

14. Plaintiff KEVON NOLAN resides in Newnan, Georgia (within this District) and is a citizen of the United States. Nolan was employed by the Defendants as an installer. He regularly worked for Defendants within this District.

15. Plaintiff ROBERT BOLTON resides in Newnan, Georgia (within this District) and is a citizen of the United States. Bolton was employed by the Defendants as an installer. He regularly worked for Defendants within this District.

16. Plaintiff ALEX HOLLOWAY resides in Newnan, Georgia (within this District) and is a citizen of the United States. Holloway was employed by the Defendants as a lead supervisor. He regularly worked for Defendants within this District.

17. Plaintiff WESLEY ANTHONY resides in Luthersville, Georgia (within this District) and is a citizen of the United States. Anthony was employed by the Defendants as a lead supervisor. He regularly worked for Defendants within this District.

18. At all times material to this action, the named Plaintiffs and all members of the collective action are and/or were “employees” of Defendants as defined by § 203(e)(1) of the FLSA, and worked for Defendants within the territory of the

United States within ten years preceding the filing of this lawsuit. These same individuals are further covered by § 206 and § 207 of the FLSA for the period in which they were employed by Defendants. Plaintiffs bring this action on behalf of themselves and other similarly situated employees pursuant to 29 U.S.C. § 216(b). *See* Consent Forms attached hereto as “Exhibit 1.” Plaintiffs and the similarly situated employees are individuals who were, or are, employed by High Tech as installers or supervisors.

19. Defendant HIGH TECH RAIL AND FENCE, LLC (“High Tech”) is a corporation based in Georgia which conducts business within this State and District and maintains its principal place of business at 536 Cornith Road, Newnan, Georgia 30263. High Tech owns and operates a construction business installing railing and fencing on residential and commercial construction as well as other improvements.

20. High Tech maintains either actual or constructive control, oversight and direction over the operation of its employees, including the practices of those operations.

21. High Tech is subject to personal jurisdiction in the State of Georgia for purposes of this lawsuit and can be served through its designated agent, Robert Lee Todd, IV located at 704 Woodbury Hwy., Greenville, GA 30222.

22. At all times material to this action, High Tech was an enterprise engaged in commerce or in the production of goods for commerce, as defined by Section 203(s)(1) of the FLSA, and had an annual gross volume of sales which exceeded \$500,000.

23. Defendant David Moffat was an owner and operator of High Tech during the applicable statute of limitations. Moffat was an “employer” within the meaning of the FLSA, 29 U.S.C. § 203(d).

24. Defendant Curtis Whitaker was an owner and operator of High Tech during the applicable statute of limitations. Whittaker was an “employer” within the meaning of the FLSA, 29 U.S.C. § 203(d).

25. At all times material to this action, Defendants were “employers” of the named Plaintiffs and/or others similarly situated, as defined by § 203(d) of the FLSA.

26. The overtime provisions set forth in § 207 of the FLSA apply to Defendants.

IV. VIOLATIONS OF THE FLSA

27. During the period of time material to this action, Defendants employed Plaintiffs Brandon Campbell, Willie Cox, NAMES

28. During periods throughout the last three years, Plaintiffs have frequently worked more than 40 hours per week without being paid overtime compensation.

29. During periods throughout the last three years, including but not limited to December of 2017, Defendants failed to properly compensate Plaintiffs for overtime and regular hours worked in violation of the FLSA, as well as expenses incurred by the Plaintiff's on the Defendants' behalf.

VIII. PRAYER FOR RELIEF

WHEREFORE, the named Plaintiffs, individually and on behalf of all other similarly situated persons, pursuant to § 216(b) of the FLSA, pray for the following relief:

- A. That, at the earliest possible time, they be allowed to give notice of this action, or that the Court issue such Notice, to all persons who are presently, or have at any time during the three years immediately preceding the filing of this suit, up through and including the date of this Court's issuance of Court-supervised Notice, been employed by Defendants for any High Tech operation within the United States. Such notice shall inform them that this civil action has been filed and of the nature of the action, and of their right to opt into this lawsuit if they were not paid by Defendants for all hours worked in excess of 40 hours in a workweek at any time during the preceding three years or if Defendants otherwise deprived them of compensation related to

expenses incurred on Defendant's behalf or for all hours worked at the regular rate of pay.

- B. That all Plaintiffs be awarded damages in the amount of their respective unpaid compensation, plus an equal amount of liquidated damages to compensate Plaintiffs for the delay in payment of regular and overtime compensation due which the Defendants unlawfully used instead as personal capital or working capital of the business.
- C. That all Plaintiffs be awarded prejudgment interest;
- D. That all Plaintiffs be awarded reasonable attorneys' fees;
- E. That all Plaintiffs be awarded the costs and expenses of this action; and
- F. That all Plaintiffs be awarded such other, further legal and equitable relief, including but not limited to, any injunctive and/or declaratory relief to which they may be entitled.¹

Respectfully submitted this 12th day of January, 2018.



Tyler B. Kaspers, Ga. Bar No. 445708
THE KASPERS FIRM, LLC
152 New Street, Suite 109B
Macon, GA 31201
404-944-3128
tyler@kaspersfirm.com

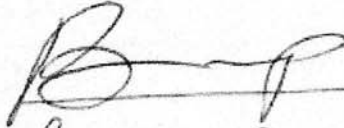
¹ Plaintiffs have attached hereto a Civil Action Cover Sheet as "Exhibit 2" and Summonses for the defendants as "Exhibit 3."

OPT-IN CONSENT FORM

Brandon Campell et al. v. High Tech Rail and Fence, LLC et al.

**CONSENT TO JOIN COLLECTIVE ACTION
Pursuant to Fair Labor Standards Act
29 U.S.C. §216(b)**

1. I consent and agree to pursue my claims arising out of regular and overtime work as an employee with High Tech Rail and Fence, LLC and its related affiliates and subsidiaries in connection with the above referenced lawsuit.
2. I worked at High Tech Rail and Fence, LLC as a Employee (title or position) from on or about 9/17 (month, year) to on or about 12/17 (month, year).
3. During the above time period, I worked for High Tech Rail and Fence, LLC without being compensated for my work.
4. During the above time period, also I worked in excess of forty (40) hours per week, but was not paid overtime compensation.
5. I understand that this lawsuit is brought under the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. §201 et. seq. I hereby consent, agree and opt-in to become a Plaintiff herein and be bound to any judgment by the Court or any settlement of this action.
6. I hereby designate The Kaspers Firm, LLC to represent me for purposes of this action.
7. I also designate the class representative(s) as my agent(s) to make decisions on my behalf concerning the litigation, the method and manner of conducting this litigation, the entering of an agreement concerning attorneys' fees and costs, and all other matters pertaining to this lawsuit.

Signature  Date Signed 1/9/18
Printed name Brandon Campell

OPT-IN CONSENT FORM

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**CONSENT TO JOIN COLLECTIVE ACTION
Pursuant to Fair Labor Standards Act
29 U.S.C. §216(b)**

1. I consent and agree to pursue my claims arising out of regular and overtime work as an employee with High Tech Rail and Fence, LLC and its related affiliates and subsidiaries in connection with the above referenced lawsuit.
2. I worked at High Tech Rail and Fence, LLC as a Crew Lead (title or position) from on or about February, 2015 (month, year) to on or about November, 2017 (month, year).
3. During the above time period, I worked for High Tech Rail and Fence, LLC without being compensated for my work.
4. During the above time period, also I worked in excess of forty (40) hours per week, but was not paid overtime compensation.
5. I understand that this lawsuit is brought under the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. §201 et. seq. I hereby consent, agree and opt-in to become a Plaintiff herein and be bound to any judgment by the Court or any settlement of this action.
6. I hereby designate The Kaspers Firm, LLC to represent me for purposes of this action.
7. I also designate the class representative(s) as my agent(s) to make decisions on my behalf concerning the litigation, the method and manner of conducting this litigation, the entering of an agreement concerning attorneys' fees and costs, and all other matters pertaining to this lawsuit.

Signature

Willie Cox

Date Signed

1/8/18

Printed name

Willie Cox

OPT-IN CONSENT FORM

Brandon Campell et al. v. High Tech Rail and Fence, LLC et al.

**CONSENT TO JOIN COLLECTIVE ACTION
Pursuant to Fair Labor Standards Act
29 U.S.C. §216(b)**

1. I consent and agree to pursue my claims arising out of regular and overtime work as an employee with High Tech Rail and Fence, LLC and its related affiliates and subsidiaries in connection with the above referenced lawsuit.
2. I worked at High Tech Rail and Fence, LLC as a Installer (title or position) from on or about 5/16 (month, year) to on or about 11/17 (month, year).
3. During the above time period, I worked for High Tech Rail and Fence, LLC without being compensated for my work.
4. During the above time period, also I worked in excess of forty (40) hours per week, but was not paid overtime compensation.
5. I understand that this lawsuit is brought under the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. §201 et. seq. I hereby consent, agree and opt-in to become a Plaintiff herein and be bound to any judgment by the Court or any settlement of this action.
6. I hereby designate The Kaspers Firm, LLC to represent me for purposes of this action.
7. I also designate the class representative(s) as my agent(s) to make decisions on my behalf concerning the litigation, the method and manner of conducting this litigation, the entering of an agreement concerning attorneys' fees and costs, and all other matters pertaining to this lawsuit.

Signature

Stave Manous Date Signed 1/10/2018

Printed name

STAVE MANOUS

OPT-IN CONSENT FORM

Brandon Campell et al. v. High Tech Rail and Fence, LLC et al.

**CONSENT TO JOIN COLLECTIVE ACTION
Pursuant to Fair Labor Standards Act
29 U.S.C. §216(b)**

1. I consent and agree to pursue my claims arising out of regular and overtime work as an employee with High Tech Rail and Fence, LLC and its related affiliates and subsidiaries in connection with the above referenced lawsuit.
2. I worked at High Tech Rail and Fence, LLC as a Installer (title or position) from on or about 08/17 (month, year) to on or about 10/17 (month, year).
3. During the above time period, I worked for High Tech Rail and Fence, LLC without being compensated for my work.
4. During the above time period, also I worked in excess of forty (40) hours per week, but was not paid overtime compensation.
5. I understand that this lawsuit is brought under the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. §201 et. seq. I hereby consent, agree and opt-in to become a Plaintiff herein and be bound to any judgment by the Court or any settlement of this action.
6. I hereby designate The Kaspers Firm, LLC to represent me for purposes of this action.
7. I also designate the class representative(s) as my agent(s) to make decisions on my behalf concerning the litigation, the method and manner of conducting this litigation, the entering of an agreement concerning attorneys' fees and costs, and all other matters pertaining to this lawsuit.

Signature Justin Reid Date Signed 1/11/18
Printed name Justin Reid

OPT-IN CONSENT FORM

Brandon Campell et al. v. High Tech Rail and Fence, LLC et al.

CONSENT TO JOIN COLLECTIVE ACTION

Pursuant to Fair Labor Standards Act

29 U.S.C. §216(b)

1. I consent and agree to pursue my claims arising out of regular and overtime work as an employee with High Tech Rail and Fence, LLC and its related affiliates and subsidiaries in connection with the above referenced lawsuit.
2. I worked at High Tech Rail and Fence, LLC as a installer (title or position) from on or about June, 17 (month, year) to on or about November, 17 (month, year).
3. During the above time period, I worked for High Tech Rail and Fence, LLC without being compensated for my work.
4. During the above time period, also I worked in excess of forty (40) hours per week, but was not paid overtime compensation.
5. I understand that this lawsuit is brought under the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. §201 et. seq. I hereby consent, agree and opt-in to become a Plaintiff herein and be bound to any judgment by the Court or any settlement of this action.
6. I hereby designate The Kaspers Firm, LLC to represent me for purposes of this action.
7. I also designate the class representative(s) as my agent(s) to make decisions on my behalf concerning the litigation, the method and manner of conducting this litigation, the entering of an agreement concerning attorneys' fees and costs, and all other matters pertaining to this lawsuit.

Signature

Mandel Whitaker

Date Signed

1/11/18

Printed name

Mandel Whitaker

OPT-IN CONSENT FORM

Brandon Campell et al. v. High Tech Rail and Fence, LLC et al.

**CONSENT TO JOIN COLLECTIVE ACTION
Pursuant to Fair Labor Standards Act
29 U.S.C. §216(b)**

1. I consent and agree to pursue my claims arising out of regular and overtime work as an employee with High Tech Rail and Fence, LLC and its related affiliates and subsidiaries in connection with the above referenced lawsuit.
2. I worked at High Tech Rail and Fence, LLC as a Installer (title or position) from on or about Sep 2017 (month, year) to on or about Dec 2017 (month, year).
3. During the above time period, I worked for High Tech Rail and Fence, LLC without being compensated for my work.
4. During the above time period, also I worked in excess of forty (40) hours per week, but was not paid overtime compensation.
5. I understand that this lawsuit is brought under the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. §201 et. seq. I hereby consent, agree and opt-in to become a Plaintiff herein and be bound to any judgment by the Court or any settlement of this action.
6. I hereby designate The Kaspers Firm, LLC to represent me for purposes of this action.
7. I also designate the class representative(s) as my agent(s) to make decisions on my behalf concerning the litigation, the method and manner of conducting this litigation, the entering of an agreement concerning attorneys' fees and costs, and all other matters pertaining to this lawsuit.

Signature Michael Hall Date Signed 1-11-18

Printed name Michael Hall

OPT-IN CONSENT FORM

Brandon Campell et al. v. High Tech Rail and Fence, LLC et al.

CONSENT TO JOIN COLLECTIVE ACTION Pursuant to Fair Labor Standards Act 29 U.S.C. §216(b)

1. I consent and agree to pursue my claims arising out of regular and overtime work as an employee with High Tech Rail and Fence, LLC and its related affiliates and subsidiaries in connection with the above referenced lawsuit.
2. I worked at High Tech Rail and Fence, LLC as a Installer (title or position) from on or about 15 November (month, year) to on or about 6 November (month, year).
3. During the above time period, I worked for High Tech Rail and Fence, LLC without being compensated for my work.
4. During the above time period, also I worked in excess of forty (40) hours per week, but was not paid overtime compensation.
5. I understand that this lawsuit is brought under the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. §201 et. seq. I hereby consent, agree and opt-in to become a Plaintiff herein and be bound to any judgment by the Court or any settlement of this action.
6. I hereby designate The Kaspers Firm, LLC to represent me for purposes of this action.
7. I also designate the class representative(s) as my agent(s) to make decisions on my behalf concerning the litigation, the method and manner of conducting this litigation, the entering of an agreement concerning attorneys' fees and costs, and all other matters pertaining to this lawsuit.

Signature

Kevon Nolan

Date Signed

1-12-18

Printed name

Kevon Nolan

OPT-IN CONSENT FORM

Brandon Campell et al. v. High Tech Rail and Fence, LLC et al.

**CONSENT TO JOIN COLLECTIVE ACTION
Pursuant to Fair Labor Standards Act
29 U.S.C. §216(b)**

1. I consent and agree to pursue my claims arising out of regular and overtime work as an employee with High Tech Rail and Fence, LLC and its related affiliates and subsidiaries in connection with the above referenced lawsuit.
2. I worked at High Tech Rail and Fence, LLC as a Installer (title or position) from on or about May 5, 17 (month, year) to on or about Nov, 17 (month, year).
3. During the above time period, I worked for High Tech Rail and Fence, LLC without being compensated for my work.
4. During the above time period, also I worked in excess of forty (40) hours per week, but was not paid overtime compensation.
5. I understand that this lawsuit is brought under the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. §201 et. seq. I hereby consent, agree and opt-in to become a Plaintiff herein and be bound to any judgment by the Court or any settlement of this action.
6. I hereby designate The Kaspers Firm, LLC to represent me for purposes of this action.
7. I also designate the class representative(s) as my agent(s) to make decisions on my behalf concerning the litigation, the method and manner of conducting this litigation, the entering of an agreement concerning attorneys' fees and costs, and all other matters pertaining to this lawsuit.

Signature Robert Bolton Date Signed 1-6-18

Printed name Robert Bolton

OPT-IN CONSENT FORM

Brandon Campell et al. v. High Tech Rail and Fence, LLC et al.

**CONSENT TO JOIN COLLECTIVE ACTION
Pursuant to Fair Labor Standards Act
29 U.S.C. §216(b)**

1. I consent and agree to pursue my claims arising out of regular and overtime work as an employee with High Tech Rail and Fence, LLC and its related affiliates and subsidiaries in connection with the above referenced lawsuit.
2. I worked at High Tech Rail and Fence, LLC as a Lead Supervisor (title or position) from on or about April, 2017 (month, year) to on or about October, 2017 (month, year).
3. During the above time period, I worked for High Tech Rail and Fence, LLC without being compensated for my work.
4. During the above time period, also I worked in excess of forty (40) hours per week, but was not paid overtime compensation.
5. I understand that this lawsuit is brought under the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. §201 et. seq. I hereby consent, agree and opt-in to become a Plaintiff herein and be bound to any judgment by the Court or any settlement of this action.
6. I hereby designate The Kaspers Firm, LLC to represent me for purposes of this action.
7. I also designate the class representative(s) as my agent(s) to make decisions on my behalf concerning the litigation, the method and manner of conducting this litigation, the entering of an agreement concerning attorneys' fees and costs, and all other matters pertaining to this lawsuit.

Signature Alex Holloway Date Signed 1/7/18
Printed name Alex Holloway

OPT-IN CONSENT FORM

Brandon Campell et al. v. High Tech Rail and Fence, LLC et al.

**CONSENT TO JOIN COLLECTIVE ACTION
Pursuant to Fair Labor Standards Act
29 U.S.C. §216(b)**

1. I consent and agree to pursue my claims arising out of regular and overtime work as an employee with High Tech Rail and Fence, LLC and its related affiliates and subsidiaries in connection with the above referenced lawsuit.
2. I worked at High Tech Rail and Fence, LLC as a Lead/Sub-Contractor (title or position) from on or about 6 (month, year) to on or about 1 year (month, year).
3. During the above time period, I worked for High Tech Rail and Fence, LLC without being compensated for my work.
4. During the above time period, also I worked in excess of forty (40) hours per week, but was not paid overtime compensation.
5. I understand that this lawsuit is brought under the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. §201 et. seq. I hereby consent, agree and opt-in to become a Plaintiff herein and be bound to any judgment by the Court or any settlement of this action.
6. I hereby designate The Kaspers Firm, LLC to represent me for purposes of this action.
7. I also designate the class representative(s) as my agent(s) to make decisions on my behalf concerning the litigation, the method and manner of conducting this litigation, the entering of an agreement concerning attorneys' fees and costs, and all other matters pertaining to this lawsuit.

First started working for High Tech in 2016 was there a year as a sub-Contractor left for 2 months came back to work there 2017 Jun - or July

Signature Wesley Anthony Date Signed 1-7-18

Printed name Wesley Anthony

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

BRANDON CAMPBELL, et al.

(b) County of Residence of First Listed Plaintiff SPALDING (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Tyler B. Kaspers The Kaspers Firm, LLC 152 New Street, Suite 109B Macon, GA 31201 (404) 944-3128

DEFENDANTS

HIGH TECH RAIL AND FENCE, LLC, DAVID MOFFAT and CURTIS L. WHITAKER II

County of Residence of First Listed Defendant COWETA (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, PTF DEF, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Table with columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes sub-sections like PERSONAL INJURY, PERSONAL PROPERTY, LABOR, SOCIAL SECURITY, FEDERAL TAX SUITS.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District (specify), 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 29 U.S.C. 201 et seq.

Brief description of cause: Action to recover regular and overtime compensation

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$

CHECK YES only if demanded in complaint: JURY DEMAND: X Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE January 12, 2018

SIGNATURE OF ATTORNEY OF RECORD

[Handwritten signature]

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [High Tech Rail and Fence Named in Unpaid Overtime Complaint in Georgia](#)
