

**IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA**

JACOB CROSS,

on behalf of himself and all others
similarly situated,

Plaintiff,

v.

AERO COMPONENTS, INC.,

Defendant.

Case No. CIV-17-1226-W

VERIFIED COMPLAINT

Plaintiff Jacob Cross brings this cause of action against
Aero Components, Inc. and states as follows:

Parties

1. Defendant Aero Components, Inc. is an Oklahoma for profit business corporation with its primary place of business in Oklahoma City, Oklahoma.
2. Aero Components styles itself as one of the largest job shops in the southwest. Aero Components is owned and operated by Danny Odom.
3. Plaintiff Jacob Cross is a citizen of the United States and resides in Del City, Oklahoma. He was an Machinist/Operator for Aero Components from March 2016 to May 2017 under the supervision of Steve Nelson.

4. Plaintiff consented in writing to be a part of this FLSA collective action pursuant to 29 U.S.C. §216(b). Plaintiff's signed consent form is attached as Exhibit 1 to this Complaint.
5. Plaintiff brings this case individually and as an "opt-in" collective action under 29 U.S.C. § 216(b) on behalf of all those who file a consent to join form with the Court.
6. The number and identities of potential opt-in Plaintiffs may be easily determined from Defendant's records, but Plaintiff estimates the number of potential opt-in Plaintiffs is approximately 15.

Jurisdiction and Venue

7. The FLSA authorizes court actions by private parties to recover damages for violation of the wage and hour provisions contained within the FLSA. Jurisdiction over Plaintiff's FLSA claims is based upon 29 U.S.C. § 216(b) and 28 U.S.C. § 1331.
8. At all times material to this action, Defendant is and/or has been the "employer" of Plaintiff and those similarly situated within the meaning of 29 U.S.C. § 203(d).
9. At all times material to this action, Plaintiff and those similarly situated are and/or have been "employees" of Defendant as defined by 29 U.S.C. § 203(e)(1), and worked for Defendant within the territory of the United States within three (3) years preceding the filing of this lawsuit.

10. Plaintiff and those similarly situated are non-exempt employees within the meaning of the FLSA.
11. At all times material to this action, Defendant has been an enterprise engaged in commerce or in the production of goods for commerce as defined by 29 U.S.C. § 203(s)(1) of the FLSA, with annual revenue in excess of \$500,000.00. At all times material to this action, Defendant has been engaged in commerce or in the production of goods for commerce. 29 U.S.C. § 201(s)(1)(B).
12. Venue in this Court is proper under 28 U.S.C. § 1391(b) because the occurrences in question substantially occurred in this District, at least one of named Plaintiffs resides in this District, a significant number of putative class members reside in this District, and Defendant is located in this District.

Factual Allegations

13. Plaintiff and those similarly situated are current or former employees of Defendant who were compensated on a per-hour basis.
14. Plaintiff and those similarly situated tracked their hours on paper timecards with an electronic printed time that shows when the employee clocked in and out for his or her shift.
15. Plaintiff and those similarly situated regularly worked in excess of forty (40) hours per workweek.
16. Plaintiff and those similarly situated were paid a set hourly rate for all hours worked up to forty (40) hours in a workweek. When

Plaintiff and those similarly situated worked in excess of forty (40) hours in a workweek, Plaintiff and those similarly situated were not compensated for all hours worked in excess of forty (40) hours.

17. Plaintiff and those similarly situated performed work exclusively in Oklahoma for Defendant as Machinists/Operators.
18. Plaintiff and those similarly situated complained to Defendant about the Defendant's timekeeping practices and its failure to pay one and one-half times the hourly rate for time worked in excess of forty (40) hours in a workweek.
19. Plaintiff was informed by Defendant that if he complained about the timekeeping practices and failure to pay overtime again, he would be fired immediately.
20. Defendant made active efforts to misinform employees of their rights and to conceal known violations, thereby justifying equitable tolling of the statute of limitations.
21. Despite Defendant having actual or constructive knowledge of all hours Plaintiff and those similarly situated worked, Defendant did not pay overtime premiums for all hours worked in excess of forty (40) hours in any given workweek.

Collective Action Allegations

22. Plaintiff, individually and on behalf of other similarly situated employees of Defendant, seeks relief on a collective basis based on

Defendant's failure to provide premium pay for all hours worked in excess of forty (40) per workweek.

23. Defendant compensated all of its hourly employees based on the same pay policies of not paying its employees overtime for all hours worked in excess of forty hours.
24. Defendant established a common plan or policy to not pay its employees overtime for all hours worked in excess of forty hours, who Defendant knew to be non-exempt employees.

Count I

(Failure to Pay Overtime in Violation of the FLSA)

25. Plaintiff hereby incorporates and re-alleges, in full, all preceding paragraphs of this Complaint.
26. At all times relevant herein, Plaintiff and similarly situated employees were entitled to the rights, protections, and benefits provided under the FLSA.
27. The FLSA requires employers to pay non-exempt employees one and one-half times the regular rate of pay at which they are employed for hours worked in excess of forty (40) per workweek. 29 U.S.C. § 207.
28. Defendant failed to pay Plaintiff and those similarly situated overtime compensation at the statutorily prescribed rate of one-and-one-half times the regular rate of pay for all hours worked in excess of forty (40) per work week.

29. Plaintiff and those similarly situated are entitled to an award of liquidated damages. Defendant will not be able to meet their burden of proving that it acted in good faith and with objectively reasonable grounds for believing that their conduct was not in violation of the FLSA.
30. Defendant's violations of the FLSA as stated herein are willful violations resulting in a three (3) year statute of limitations as Defendant knew, or showed reckless disregard for whether, their conduct violated the FLSA specific to Plaintiff and those similarly situated.
31. Defendant failed to post notice of FLSA rights and misinformed employees as to their rights justifying equitable tolling of the statute of limitations.
32. Defendant is liable under the FLSA for unpaid overtime, liquidated damages, pre- and post-judgment interest, reasonable attorneys' fees, court costs and litigation costs.

WHEREFORE Plaintiff seeks relief and judgment against Defendant, individually and as a collective action, as follows: notice of this action be provided to all similarly situated persons as a collective action under the FLSA; judgment against Defendant for violation of the FLSA; an award of unpaid wages; incentive payment to the representative Plaintiff; determination that Defendant's FLSA violations were willful; imposition of liquidated damages against Defendant; pre-

judgment and post-judgment interest as provided by law; as provided by law; and for such other and further relief as the Court deems just and proper.

Demand for Jury Trial

Plaintiff and those similarly situated demand a jury trial on all claims presented herein.

Respectfully submitted,

s/ D. Colby Addison

D. Colby Addison, OBA #32718

LAIRD HAMMONS LAIRD, PLLC

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ATTORNEY FOR PLAINTIFF AND THOSE
SIMILARLY SITUATED

CERTIFICATE OF SERVICE

I hereby certify that on November 14, 2017, I filed the attached document with the Clerk of Court and served the attached document by mailing a copy to Defendant's Registered Agent listed with the Oklahoma Secretary of State, which is:

Aero Components, Inc.
c/o Danny Odom
535 SE 82nd Street
Oklahoma City, Oklahoma 73149

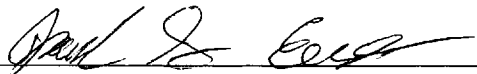
s/D. Colby Addison

ATTORNEY FOR PLAINTIFFS

VERIFICATION

I, Jacob S Cross, verify under penalty of perjury that the foregoing Verified Complaint is true and correct to the best of my knowledge, information, and belief.

Executed on this 10 day of 11, 2017.



Plaintiff

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
JACOB CROSS,

DEFENDANTS
AERO COMPONENTS, INC.,

on behalf of himself and all others similarly situated,
(b) County of Residence of First Listed Plaintiff Oklahoma
(EXCEPT IN U.S. PLAINTIFF CASES)

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

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

(c) Attorneys (Firm Name, Address, and Telephone Number)
D. Colby Addison; Laird Hammons Laird, PLLC
1332 SW 89th Street
Oklahoma City, OK 73159

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
1 1 Incorporated or Principal Place of Business In This State
2 2 Incorporated and Principal Place of Business In Another State
3 3 Foreign Nation
4 4
5 5
6 6

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

Click here for: Nature of Suit Code Descriptions.

Table with 5 columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories like Insurance, Personal Injury, Real Estate, etc.

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. § 201-216

Brief description of cause:
Collective action and wage claim Excess of \$75,000.00

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: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE 11/14/2017 SIGNATURE OF ATTORNEY OF RECORD D. Colby Addison

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

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ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Former Employee Claims Oklahoma City Machine Shop Owes Unpaid Overtime Wages](#)
