

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF PENNSYLVANIA  
PITTSBURGH DIVISION

THOMAS HOBBS, individually and	]	Docket No. _____
On behalf of all others similarly situated,	]	
	]	
<i>Plaintiff,</i>	]	
	]	
v.	]	JURY TRIAL DEMANDED
	]	
SYSTEM ONE HOLDINGS, LLC	]	COLLECTION ACTION
	]	
<i>Defendant.</i>	]	PURSUANT TO 29 U.S.C. § 216(b)
	]	
_____	]	

**COLLECTIVE ACTION COMPLAINT**

**I. SUMMARY**

1. System One Holdings, LLC (“System One”) failed to pay Thomas Hobbs (“Hobbs”), and other workers like him, overtime as required by the Fair Labor Standards Act (FLSA). *See* 29 U.S.C. § 201 *et seq.*

2. Instead, System One paid Hobbs, and other workers like him, the same hourly rate for all hours worked, including those in excess of 40 in a workweek.

3. Hobbs brings this collective action to recover unpaid overtime and other damages.

**II. JURISDICTION & VENUE**

4. This Court has original subject matter jurisdiction. *See* 28 U.S.C. § 1331 and 29 U.S.C. § 216(b).

5. Venue is proper in this Court pursuant to 28 U.S.C. § 1391 because System One is headquartered in Pittsburgh and a significant portion of System One's business is conducted in this District.

### III. THE PARTIES

6. Hobbs was an hourly employee of System One. Hobbs is an adult individual and resident of the state of North Carolina. Hobbs' written consent is attached as Exhibit A.

7. System One is Pennsylvania corporation, headquartered in Pittsburgh, and may be served with process by serving its registered agent at National Corporate Research, LTD 1601 Elm St. Suite 4360, Dallas, TX 75201.



8. Hobbs brings this action on behalf of himself and all other similarly situated workers who were paid straight time for overtime by Defendant.

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<sup>1</sup> <https://www.systemoneservices.com/locations/> (last visited February 7, 2018).

#### IV. COVERAGE UNDER THE FLSA

9. At all relevant times, System One was an employer within the meaning of the Section 3(d) of the FLSA, 29 U.S.C. § 203(d)

10. At all relevant times, System One was an enterprise engaged in commerce or in the production of goods for commerce within the meaning of Section 3(s)(1) of the FLSA, 29 U.S.C. § 203(s)(1), because it had employees engaged in commerce or in the production of goods for commerce, or employees handling, selling, or otherwise working on goods or materials that have been moved in or produced for commerce by any person and in that said enterprise has had and has an annual gross volume of sales made or business done of not less than \$500,000 (exclusive of excise taxes at the retail level which are separately stated).

11. At all relevant times, Hobbs and the Putative Class Members (defined below) were engaged in commerce or in the production of goods for commerce per 29 U.S.C. §§ 206-207.

#### V. THE FACTS

12. System One is one of the largest staffing firms in the United States serving energy, industrial, engineering, information technology, professional, commercial, healthcare, scientific, legal and beyond.<sup>2</sup>

13. System One has more than 7,000 employees and consultants from more than 50 offices and hundreds of client locations.<sup>3</sup>

14. Hobbs was an hourly employee of System One.

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<sup>2</sup> <https://www.systemoneservices.com/system-one-story/> (last visited February 7, 2018).

<sup>3</sup> <https://www.systemoneservices.com/system-one-story/> (last visited February 7, 2018).

15. System One hired Hobbs around December of 2014.
16. System One paid Hobbs \$65 an hour.
17. Hobbs left System One's employment in September of 2016.
18. Hobbs was only paid for hours worked.
19. The hours Hobbs worked are reflected in System One's records.
20. System one paid Hobbs at the same hourly rate for all hours worked, including those in excess of 40 in a work week.
21. Rather than receiving time and a half as required by the FLSA, Hobbs only received "straight time" pay for overtime hours worked.
22. If Hobbs worked less than 40 hours in one workweek, he was only compensated for the hours he worked.
23. If Hobbs did not work, he did not get paid.
24. But Hobbs normally worked more than 40 hours in a workweek. For these hours, he received \$65.00 for each hour over 40 hours worked.
25. System One had substantial control over Hobbs' working conditions, and over the unlawful policies and practices alleged herein.
26. System One was aware of the overtime requirements of the FLSA.
27. System One nonetheless failed to pay certain hourly employees, such as Hobbs, overtime.
28. System One's failure to pay overtime to these hourly workers was, and is, a willful violation of the FLSA.

## **VI. COLLECTIVE ALLEGATIONS**

29. System One's illegal policy of paying straight time for overtime violates the FLSA.

30. System One paid hundreds of hourly workers using the same unlawful scheme.

31. Any differences in job duties do not detract from the fact that these hourly workers were entitled to overtime pay.

32. The workers impacted by System One's "straight time for overtime" scheme should be notified of this action and given the chance to join pursuant to 29 U.S.C. § 216 (b).

33. Therefore, the class is properly defined as:

**All employees of System One Holdings, LLC who were, at any point in the past 3 years, paid "straight time for overtime." (the "Putative Class Members").**

#### **VII. CAUSE OF ACTION – VIOLATION OF THE FLSA**

34. By failing to pay Hobbs and the Putative Class Members overtime at one-and-one-half times their regular rates, System One violated the FLSA's overtime provisions.

35. System One owes Hobbs and those similarly situated to him the proper overtime rate for all overtime hours worked.

36. Because System One knew, or showed reckless disregard for whether, its pay practice violated the FLSA, it owes these wages for at least the past three years.

37. Hobbs and those similarly situated to him are entitled to recover all reasonable attorneys' fees and costs incurred in this action

#### **VIII. JURY DEMAND**

38. Hobbs demands a trial by jury.

#### **IX. PRAYER**

39. Wherefore, Hobbs prays for relief as follows:

- a. An order allowing this action to proceed as a representative collective action under the FLSA;

- b. Judgment awarding Hobbs and the Putative Class Members all unpaid overtime compensation, liquidated damages, attorneys' fees, costs, and expenses under the FLSA;
- c. An award of pre- and post-judgment interest at the highest rate allowable by law, and
- d. All such other and further relief to which Hobbs and the Class Members may show themselves to be justly entitled.

Respectfully submitted,

BY: /s/ Michael A. Josephson  
Michael A. Josephson  
Pennsylvania Bar No. 308410  
Texas Bar No. 24014780  
Andrew Dunlap  
Texas Bar No. 24078444  
**JOSEPHSON DUNLAP**  
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AND

Joshua P. Geist  
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AND

Richard J. (Rex) Burch  
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*(pending pro hac vice)*  
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**ATTORNEYS IN CHARGE FOR PLAINTIFF**


# EXHIBIT A



**CONSENT TO JOIN WAGE CLAIM**

Print Name: Thomas Hobbs

1. I hereby consent to participate in a collective action lawsuit against System One to pursue my claims of unpaid overtime during the time that I worked with the company.
2. I understand that this lawsuit is brought under the Fair Labor Standards Act, and consent to be bound by the Court's decision.
3. I designate the law firm and attorneys at JOSEPHSON DUNLAP as my attorneys to prosecute my wage claims.
4. I authorize the law firm and attorneys at JOSEPHSON DUNLAP to use this consent to file my claim in a separate lawsuit, class/collective action, or arbitration against the company.

Signature:   
Thomas Hobbs (Jan 20, 2018)

Date Signed: Jan 20, 2018

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

THOMAS HOBBS, individually and on behalf of all others similarly situated,

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

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

Michael A. Josephson, Josephson Dunlap Law Firm, 11 Greenway Plaza, Ste. 3050, Houston, TX 77046, Tel: (713)352-1100

DEFENDANTS

SYSTEM ONE HOLDINGS, LLC

County of Residence of First Listed Defendant (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 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, Motor Vehicle, Personal Injury, 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, 6 Multidistrict Litigation

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. § 216(b)
Brief description of cause: Violation of the Fair Labor Standards Act

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 02/08/2018 SIGNATURE OF ATTORNEY OF RECORD /s/ Michael A. Josephson

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

JS 44AREVISED June, 2009  
IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA  
THIS CASE DESIGNATION SHEET MUST BE COMPLETED

**PART A**

This case belongs on the (  Erie  Johnstown  Pittsburgh) calendar.

1. **ERIE CALENDAR** - If cause of action arose in the counties of Crawford, Elk, Erie, Forest, McKean, Venang or Warren, OR any plaintiff or defendant resides in one of said counties.
2. **JOHNSTOWN CALENDAR** - If cause of action arose in the counties of Bedford, Blair, Cambria, Clearfield or Somerset OR any plaintiff or defendant resides in one of said counties.
3. Complete if on **ERIE CALENDAR**: I certify that the cause of action arose in \_\_\_\_\_ County and that the \_\_\_\_\_ resides in \_\_\_\_\_ County.
4. Complete if on **JOHNSTOWN CALENDAR**: I certify that the cause of action arose in \_\_\_\_\_ County and that the \_\_\_\_\_ resides in \_\_\_\_\_ County.

**PART B** (You are to check ONE of the following)

1.  This case is related to Number \_\_\_\_\_ . Short Caption \_\_\_\_\_
2.  This case is not related to a pending or terminated case.

**DEFINITIONS OF RELATED CASES:**

**CIVIL:** Civil cases are deemed related when a case filed relates to property included in another suit or involves the same issues of fact or it grows out of the same transactions as another suit or involves the validity or infringement of a patent involved in another suit

**EMINENT DOMAIN:** Cases in contiguous closely located groups and in common ownership groups which will lend themselves to consolidation for trial shall be deemed related.

**HABEAS CORPUS & CIVIL RIGHTS:** All habeas corpus petitions filed by the same individual shall be deemed related. All pro se Civil Rights actions by the same individual shall be deemed related.

**PART C**

**I. CIVIL CATEGORY** (Select the applicable category).

1.  Antitrust and Securities Act Cases
2.  Labor-Management Relations
3.  Habeas corpus
4.  Civil Rights
5.  Patent, Copyright, and Trademark
6.  Eminent Domain
7.  All other federal question cases
8.  All personal and property damage tort cases, including maritime, FELA, Jones Act, Motor vehicle, products liability, assault, defamation, malicious prosecution, and false arrest
9.  Insurance indemnity, contract and other diversity cases.
10.  Government Collection Cases (shall include HEW Student Loans (Education), V A Overpayment, Overpayment of Social Security, Enlistment Overpayment (Army, Navy, etc.), HUD Loans, GAO Loans (Misc. Types), Mortgage Foreclosures, SBA Loans, Civil Penalties and Coal Mine Penalty and Reclamation Fees.)

I certify that to the best of my knowledge the entries on this Case Designation Sheet are true and correct

Date: 02/08/2018

Michael A. Josephson

ATTORNEY AT LAW

NOTE: ALL SECTIONS OF BOTH ÔŠPRU MUST BE COMPLETED BEFORE CASE CAN BE PROCESSED.

## INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

### Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading 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. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.  
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.  
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.  
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.  
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.  
 Original Proceedings. (1) Cases which originate in the United States district courts.  
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.  
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.  
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.  
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.  
 Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.  
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.  
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.
- Date and Attorney Signature.** Date and sign the civil cover sheet.

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Pennsylvania

THOMAS HOBBS, individually and on behalf of all
others similarly situated

Plaintiff(s)

v.

SYSTEM ONE HOLDINGS, LLC

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) SYSTEM ONE HOLDINGS, LLC
By and through its registered agent:
National Corporate Research, LTD
1601 Elm St. Suite 4360,
Dallas, TX 75201

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you
are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ.
P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of
the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney,
whose name and address are: Michael A. Josephson
JOSEPHSON DUNLAP LAW FIRM
11 Greenway Plaza, Suite 3050
713-352-1100 – Telephone

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint.
You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_ .

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_ , who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the summons unexecuted because \_\_\_\_\_ ; or

Other *(specify)*:

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

**Print**

**Save As...**

**Reset**

# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Lawsuit: System One Holdings Needs New System to Pay Employees](#)

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