

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

ROBIN KNIGHT, ON BEHALF
OF HERSELF AND THOSE
SIMILARLY SITUATED,

CASE NO.:

Plaintiff,

vs.

STRADMONT OAK
INVESTMENTS, LLC, A
GEORGIA LIMITED LIABILITY
COMPANY, INFINITE DINING
GROUP, INC., A GEORGIA
CORPORATION, JLK II, INC., A
GEORGIA CORPORATION,
AND JAMES LIAKAKOS,
INDIVIDUALLY,

Defendant.

_____ /

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, ROBIN KNIGHT, on behalf of herself and those similarly situated, sues the Defendants, STRADMONT OAK INVESTMENTS, LLC, a Georgia Limited Liability Company, INFINITE DINING GROUP, INC., a Georgia Corporation, JLK, II, INC., a Georgia Corporation, and JAMES LIAKAKOS, Individually, and alleges:

1. Plaintiff was an employee of Defendants and brings this action for

unpaid overtime compensation, declaratory relief, and other relief under the Fair Labor Standards Act, as amended, 29 U.S.C. § 216(b) (“FLSA”).

GENERAL ALLEGATIONS

2. Plaintiff has worked for Defendants as a server and bartender for Defendants since October 2016.

3. Plaintiff works for Defendants at their Sage Woodfire Tavern restaurant located in Alpharetta, Georgia.

4. At all times, Plaintiff has been paid the “tipped minimum wage” wherein she is paid an hourly rate plus earns tips.

5. Plaintiff works for Defendants in Fulton County, Georgia, and is within the jurisdiction of this Court.

6. Defendants, STRADMONT OAK INVESTMENTS, LLC, INFINITE DINING GROUP, INC., and JLK, II, INC., are Georgia corporate entities which operate and conduct business in Fulton County, Georgia and are therefore within the jurisdiction of this Court.

7. Defendants, STRADMONT OAK INVESTMENTS, LLC, INFINITE DINING GROUP, INC., and JLK, II, INC., operate the Sage Woodfire Tavern and utilize different entities for payroll purposes but all for the single purpose of operating the restaurant.

8. At all times relevant to this action, JAMES LIAKAKOS was an

individual resident of the State of Georgia, who owned and operated STRADMONT OAK INVESTMENTS, LLC, INFINITE DINING GROUP, INC., and JLK, II, INC., and who regularly exercised the authority to: (a) hire and fire employees; (b) determine the work schedules for the employees; and (c) control the finances and operations of STRADMONT OAK INVESTMENTS, LLC, INFINITE DINING GROUP, INC., and JLK, II, INC. By virtue of having regularly exercised that authority on behalf of STRADMONT OAK INVESTMENTS, LLC, INFINITE DINING GROUP, INC., and JLK, II, INC., JAMES LIAKAKOS is an employer as defined by 29 U.S.C. § 201, et seq.

9. This action is brought under the FLSA to recover from Defendants overtime compensation, minimum wages, liquidated damages, and reasonable attorneys' fees and costs.

10. This action is intended to include each and every bartender or server who has worked for Defendants within the last three (3) years.

11. This Court has jurisdiction over Plaintiff's claims pursuant to 28 U.S.C. §1331 and the FLSA and the authority to grant declaratory relief under the FLSA pursuant to 28 U.S.C. §2201 et seq.

12. During Plaintiff's employment with Defendants, Defendants, STRADMONT OAK INVESTMENTS, LLC, INFINITE DINING GROUP, INC., and JLK, II, INC., earned more than \$500,000.00 per year in gross sales.

13. During Plaintiff's employment with Defendants, Defendants, STRADMONT OAK INVESTMENTS, LLC, INFINITE DINING GROUP, INC., and JLK, II, INC., employed two or more employees which handled goods, materials and supplies which had travelled in interstate commerce.

14. Included in such goods, materials and supplies were food and drink, restaurant equipment, silverware, plates, glasses, tables, office equipment and furniture, as well as numerous other goods, materials and supplies which had been carried in interstate commerce.

15. Therefore, Defendants, STRADMONT OAK INVESTMENTS, LLC, INFINITE DINING GROUP, INC., and JLK, II, INC., are an enterprise covered by the FLSA, and as defined by 29 U.S.C. §203(r) and 203(s).

FLSA Violations

16. At all times relevant to this action, Defendants failed to comply with the FLSA by cutting time from Plaintiff's and other similarly situated employees' pay and failing to pay them for all hours worked.

17. During her employment with Defendants, Plaintiff and the other similarly situated employees would clock in and out on a timekeeping system.

18. At the end of her shift, Plaintiff could print her time slip showing the hours she worked.

19. However, subsequently, Defendants would alter Plaintiff's and

other employees' time records and reduced the hours they were clocked in so Defendants would pay them less.

20. Other similarly situated servers and bartenders suffered from this same practice and as a result were not paid for all hours worked, including not being paid for all overtime hours worked.

COUNT I - RECOVERY OF OVERTIME COMPENSATION

21. Plaintiff reincorporates and readopts all allegations contained within Paragraphs 1-20 above.

22. Plaintiff was entitled to be paid overtime compensation for her overtime hours worked.

23. During her employment with Defendants, Plaintiff and other similarly situated employees had their recorded time cut by Defendants, causing Plaintiff and these similarly situated employees to not be paid time and one-half of their hourly rates for all overtime hours worked.

24. Defendants did not have a good faith basis for their decision to arbitrarily reduce Plaintiff's and other employees' time records.

25. As a result of Defendants' intentional, willful and unlawful acts in refusing to pay Plaintiff and other employees complete overtime compensation, Plaintiff and these employees have suffered damages plus incurring reasonable attorneys' fees and costs.

26. As a result of Defendants' willful violation of the FLSA, Plaintiff and the other employees are entitled to liquidated damages.

27. Plaintiff demands a trial by jury.

WHEREFORE, Plaintiff, ROBIN KNIGHT, on behalf of herself and those similarly situated, demands judgment against Defendants for unpaid overtime compensation, liquidated damages, reasonable attorneys' fees and costs incurred in this action, declaratory relief, and any and all further relief that this Court determines to be just and appropriate.

COUNT I - RECOVERY OF MINIMUM WAGE COMPENSATION

28. Plaintiff reincorporates and readopts all allegations contained within Paragraphs 1-20 above.

29. Plaintiff was entitled to be paid the appropriate minimum wage for each hour worked.

30. During her employment with Defendants, Plaintiff and other similarly situated employees had their recorded time cut by Defendants, causing Plaintiff and these similarly situated employees to not be paid the appropriate minimum wage for each hour worked in each week.

31. Defendants did not have a good faith basis for their decision to arbitrarily reduce Plaintiff's and other employees' time records.

32. As a result of Defendants' intentional, willful and unlawful acts in

refusing to pay Plaintiff and other employees minimum wage compensation for each hour worked, Plaintiff and these employees have suffered damages plus incurring reasonable attorneys' fees and costs.

33. As a result of Defendants' willful violation of the FLSA, Plaintiff and the other employees are entitled to liquidated damages.

34. Plaintiff demands a trial by jury.

WHEREFORE, Plaintiff, ROBIN KNIGHT, on behalf of herself and those similarly situated, demands judgment against Defendants for unpaid minimum wage compensation, liquidated damages, reasonable attorneys' fees and costs incurred in this action, declaratory relief, and any and all further relief that this Court determines to be just and appropriate.

Dated this 29th day of June, 2017.

/s/ C. Ryan Morgan

C. Ryan Morgan, Esq.

Georgia Bar No. 711884

Morgan & Morgan, P.A.

20 N. Orange Ave., 14th Floor

P.O. Box 4979

Orlando, FL 32802-4979

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Facsimile: (407) 245-3401

Email: RMorgan@forthepeople.com

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

ROBIN KNIGHT,

CASE NO.:

Plaintiff,

vs.

STRADMONT OAK INVESTMENTS,
LLC, A GEORGIA LIMITED
LIABILITY COMPANY, INFINITE
DINING GROUP, INC., A GEORGIA
CORPORATION, JLK II, INC., A
GEORGIA CORPORATION, AND
JAMES LIAKAKOS,
INDIVIDUALLY,

Defendant. /

NOTICE OF FILING NOTICE OF CONSENT TO JOIN

Plaintiff, ROBIN KNIGHT, give notice of filing the attached Notice of
Consent to Join (*attached hereto as Exhibit "A"*):

Dated this 29th day of June, 2017.

/s/ C. RYAN MORGAN

C. Ryan Morgan, Esquire
GEORGIA BAR NO. 711884
MORGAN & MORGAN, P.A.
20 N. Orange Ave., 14th Floor
Orlando, FL 32801
Telephone: (407) 420-1414
Facsimile: (407) 245-3401
E-mail: RMorgan@forthepeople.com
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 29th day of June, 2016, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to the following: None. I further certify that a copy of the foregoing has been forwarded to a process server to effectuate service on the Registered Agent for the Defendants.

/s/ C. RYAN MORGAN
C. Ryan Morgan, Esquire

Exhibit A

IN THE UNITED STATES DISTRICT COURT FOR THE
Northern District OF GEORGIA
CASE NO.:

Robin Knight

Plaintiff,

v.
Stradmonk Oak Investments LLC a
Georgia Limited Liability Company, Infinite Dining
Defendants.
Group, Inc. a Georgia Corporation, JLK II, Inc., a Georgia
Corp, and James Liakakes, Individually

CONSENT TO JOIN COLLECTIVE ACTION AND BE REPRESENTED
BY MORGAN & MORGAN

- I _____, consent to join the above styled lawsuit seeking damages for unpaid wages under the FLSA;
- I am similarly situated to the named Plaintiff in this matter because I performed similar duties for the Defendant and was paid in the same regard as the named Plaintiff;
- I authorized the named Plaintiff to file and prosecute the above referenced matter in my name, and on my behalf, and designate the named Plaintiff to make decisions on my behalf concerning the litigation, including negotiating a resolution of my claims;
- I agree to be represented by Morgan & Morgan, counsel for the named Plaintiff;
- In the event this action gets conditionally certified and then decertified, I authorize Plaintiff's counsel to reuse this Consent Form to re-file my claims in a separate or related action against Defendant.

Date: 5/22/2017

Signature: DocuSigned by:
Robin Knight
888670C486704F3...

JS 44 (Rev. 06/17)

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

Robin Knight

(b) County of Residence of First Listed Plaintiff

Guinnett County
(EXCEPT IN U.S. PLAINTIFF CASES)

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

C. Ryan Morgan, Esquire/ Morgan & Morgan, P.A.
20 N. Orange Ave, 14th Floor/Orlando, FL 32801
P: 407-420-1414/ F: 407-245-3401/ E: Rmorgan@forthepeople.com

DEFENDANTS

STRADMONT OAK INVESTMENTS, LLC, A GEORGIA LIMITED LIABILITY COMPANY, INFINITE DINING GROUP, INC., A GEORGIA CORPORATION, JLK II, INC., A GEORGIA CORPORATION, AND JA

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
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 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)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

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

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <input checked="" type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	IMMIGRATION		
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions		

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

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

VI. CAUSE OF ACTION

Brief description of cause: 1) 29 U.S.C. Section 216(b) 2) Overtime Compensation

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. **DEMAND \$** Currently Unknown CHECK YES only if demanded in complaint: **JURY DEMAND:** Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE _____ DOCKET NUMBER _____

DATE: 06/29/2017 SIGNATURE OF ATTORNEY OF RECORD: 

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: [Sage Woodfire Tavern Steals Employee Wages, Suit Says](#)
