

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

**ERSKINE LITTLETON, PRINCE MANUEL,)
FERNANDUS GLASS, PASHA GLASS,)
CASSANDRA TYSON, RONALD MAY,)
and PATRICK HARVEY, Individually)
and on Behalf of All Those Similarly Situated,)**

Plaintiffs,

v.

**AUTO REFLECTIONS, INC.,)
CHRISTOPHER BOURQUE, and)
MANHEIM REMARKETING, INC,)
Jointly and Severally,)**

Defendants.

Case No: _____

**COLLECTIVE ACTION COMPLAINT
(Jury Trial Demanded)**

Plaintiffs, Erskine Littleton, Prince Manuel, Fernandus Glass, Pasha Glass, Cassandra Tyson, Ronald May, and Patrick Harvey (collectively “Plaintiffs”), file this Collective Action Complaint. This action seeks to recover overtime pay, liquidated damages, prejudgment interest, costs, and attorney’s fees under the Fair

Labor Standards Act (“FLSA”), 29 U.S.C. § 201 et seq. Plaintiffs individually, and on behalf of all others similarly situated, as class representatives, upon personal knowledge as to themselves and upon information and belief as to other matters, allege as follows:

INTRODUCTION

This action is related to another suit, Fears v. Auto Reflections, 1:17-cv-02632-CAP (N.D. Ga. 2017). In Fears v. Auto Reflections, that suit seeks to recover unpaid regular wages and unpaid overtime wages under the FLSA and a Georgia breach of contract theory, for all *hourly* workers that were not paid for: 1) Travel time, 2) Shorted Hours, and 3) Time spent engaged to wait for their supervisors.

However, in the instant case, this suit seeks to recover unpaid overtime wages to a class of workers that were paid a *piece rate* for their work detailing cars and performing logo work on windows.¹ The harm in the instant case does not involve unpaid wages from travel to other work sites. The crux of the instant case is that Plaintiffs received a straight-time piece rate for all hours worked, and received no

¹ Defendants would have some employees alternate between piece rate work on site, and hourly work where they traveled to other sites. As a result, some employees have claims both as hourly workers and piece rate workers. This is why some of the plaintiffs in the instant case are also plaintiffs in Fears v. Auto Reflections.

overtime premium pay for hours workers in excess of 40 hours. This suit involves substantially different parties as representative plaintiffs, and also includes an additional party, Manheim Remarketing, Inc. (“Manheim”), upon whose property the car detailing and logo services were performed and is also the company that received the benefit of these services over several years.

JURISDICTION AND VENUE

1. This Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C. §§ 1331, 1337, 1343. In addition, the Court has jurisdiction over Plaintiff's claims under the FLSA pursuant to 29 U.S.C. § 216(b).
2. Venue is proper in this district pursuant to 28 U.S.C. § 1391 because a substantial part of the events or omissions leading to this claim occurred while Plaintiffs performed work for Auto Reflections and Manheim Remarketing, Inc. located at 4900 Bluffington Road, Atlanta, Georgia 30349 (hereinafter “Red Oak”), which is in Fulton County.
3. This Court is empowered to issue a declaratory judgment pursuant to 28 U.S.C. §§ 2201 and 2202.

THE PARTIES

Plaintiffs:

4. Plaintiff, Erskine Littleton, was at all relevant times, an adult individual residing at 3160 Baywood Court, Conyers, GA 30313, which is in Rockdale County.
5. Plaintiff, Prince Manuel, was at all relevant times, an adult individual residing at 2900 Camp Creek Parkway, Atlanta, Georgia 30337, which is in Fulton County.
6. Plaintiff, Fernandus Glass, was at all relevant times, an adult individual residing at Charlestown Drive, College Park, Georgia 30337, which is in Fulton County.
7. Plaintiff, Pasha Glass, was at all relevant times, an adult individual residing at 4060 Janice Drive, College Park, Georgia 30344, which is in Fulton County.
8. Plaintiff, Cassandra Tyson, was at all relevant times, an adult individual residing at 3965 Cameron Close, Ellenwood, Georgia 30294, which is in DeKalb County.
9. Plaintiff, Ronald May, was at all relevant times, an adult individual residing at 7393 Tara Road, Jonesboro, GA 30236, which is in Clayton County.
10. Plaintiff Patrick Harvey, was at all relevant times, an adult individual residing

at 4617 Winthrop Drive, College Park, Georgia 30337, which is in Fulton County.

11. Upon information and belief, the potential collective action class is at least 50 employees.

Defendants:

12. Upon information and belief, Defendant Auto Reflections, Inc., is an active Georgia corporation. Its principal place of business is listed with the Secretary of State of Georgia as 415 Mapledale Trail, Sharpsburg, GA 30277, which is in Coweta County. However, upon information and belief, Auto Reflections, Inc., conducts its business with its employees primarily at Red Oak, located at 4900 Bluffington Road, Atlanta, Georgia 30349, which is in Fulton County.

13. Upon information and belief, Auto Reflections also operates in Ohio, on the property of Manheim Remarking, Inc. at 3905 Jackson Pike, Grove City, Ohio 43123.

14. Upon information and belief, this Ohio branch has had at least 50 employees, with the exact number also being unknown at this time. Defendant Auto Reflections is registered with the Ohio secretary of State as Auto Reflections of Georgia, Inc., a foreign corporation.

15. Upon information and belief, Defendant Christopher Bourque is an owner,

officer, director and/or managing agent of Auto Reflections, whose address is unknown at this time.

16. Manheim lists its principal place of business as 6205-A Peachtree Dunwoody Road, Atlanta, Georgia 30328.

17. Upon information and belief, Defendant Manheim owns and operates a public vehicle auction business at 4900 Bluffington Road, Atlanta, Georgia 30349, which is in Fulton County. It is at this property is where Auto Reflections and Christopher Bourque perform auto detailing services for Manheim, and is also the Georgia location where the unlawful pay practices complained of in this complaint occurred.

18. Additionally, upon information and belief, Manheim owns and operates a public vehicle auction business at 3905 Jackson Pike, Grove City, Ohio 43123. At this Ohio property, Auto Reflections performs car detailing services for Manheim, and this is also the site where the unlawful pay practices complained of in this complaint occurred.

19. Upon information and belief, Bourque sets Auto Reflection's payroll policies, including the unlawful practices complained of herein.

20. Bourque is the registered agent for Auto Reflections, and lists his registered

agent address as 415 Mapledale Trail, Sharpsburg, Georgia, 30277.

21. Upon information and belief, Manheim has control over Auto Reflection employees, in that Manheim specifies how many cars are to be cleaned in a given day, specifies the pace that the cars are to be worked on to Bourque. In this respect, Manheim controls how many employees must work on certain days and how many hours they must work, in order to meet Manheim's deadlines. Additionally, the car detailing services are performed on Manheim property for the principal benefit of Manheim.

22. Bourque participated in the day-to-day operations of Auto Reflections and acted intentionally and maliciously in setting the pay practices complained of herein, and is an "employer" pursuant to the FLSA, 29 U.S.C. § 203(d), and the regulations promulgated under 29 C.F.R. § 791.2. In addition, the car detailing services were under the control of Manheim, for the principal benefit of Manheim, and occurred on Manheim's premises. Thus, Manheim is a joint employer, and is jointly and severally liable with Auto Reflections and Christopher Bourque.

23. At all relevant times, Defendants have been employers of Plaintiff, and/or joint employers within the meaning of the FLSA.

24. Upon information and belief, at all relevant times, Auto Reflections has had gross revenues in excess of \$500,000, within the meaning of 29 U.S.C. § 203(s)(1)(A)(ii).

25. Additionally, upon information and belief, at all relevant times, Auto Reflections has had employees working on goods that have been moved or produced for commerce, in that they perform car detailing services on cars at various dealerships, which are then sold in interstate commerce, within the meaning of 29 U.S.C. § 203(s)(1)(A)(i).

26. Upon information and belief, at all relevant times, Manheim has had gross revenues in excess of \$500,000, within the meaning of 29 U.S.C. § 203(s)(1)(A)(ii).

27. Additionally, upon information and belief, at all relevant times, Manheim has had employees working on goods that have been moved or produced for commerce, in that they operate a public action for vehicles that are sold in interstate commerce, within the meaning of 29 U.S.C. § 203(s)(1)(A)(i).

STATEMENT OF FACTS

Defendant Information

28. Upon information and belief, Bourque handles payroll and record keeping for

Auto Reflections, and is actively involved with the Defendant's day-to-day operations.

29. Plaintiffs have seen Bourque on site at Auto Reflections at various times throughout their employment.

30. Upon information and belief, Manheim operates a public auction on its property, and subcontracts with Auto Reflections to detail its vehicles prior to being sold at auction. The work that Auto Reflections does on Manheim's property, directly impacts and benefits Manheim.

Plaintiffs' Work for Defendants

31. Plaintiffs were paid a piece rate to do car detailing and logo services for Defendants on Manheim's property located at 4900 Bluffington Road, Atlanta, Georgia 30349.

32. Plaintiffs were given two-30 minute rest breaks, every four hours, during their employment for Defendants.²

33. Plaintiffs repeatedly complained about not receiving overtime wages, and

² For the purposes of this complaint, hours worked excludes any rest breaks. For example, if an employee is listed in this complaint as having worked 10 hours for a day, that means they were actually at work for 11 hours, but received two-30 minute work breaks.

being paid only a straight-time piece rate for all hours worked despite working well in excess of 40 hours.

34. In addition, as a result of inaccurate record-keeping, Defendants have shorted the piece rate quantities of Plaintiffs, and failed to pay wages for all work performed by Plaintiffs. On average, Defendants have failed to compensate Plaintiffs for about 10 percent of all piece rate work performed. That is, for every 100 piece rate units completed by Plaintiffs, Defendants only paid them wages for 90 units. This continues to occur, despite receiving numerous complaints from employees.

35. Plaintiff Littleton was employed by Defendants as an auto detailer since February 20, 2013, and is still currently employed by Defendants. The relevant period for the purposes of this action is September 15, 2014 to November 15, 2016 (114 weeks), which are the dates which he performed piece rate detail work for Defendants.³ Littleton's job duties as an auto detailer consist of: Detailing vehicles inside and outside, shining tires, and drying cars using hand towels. All work would occur on Manheim's property at 4900 Bluffington Road, in Atlanta, Georgia. Littleton was paid a piece rate of \$2.25, and detailed about 5 cars per hour, which is

³ For the purposes of the FLSA statute of limitations, the relevant employment periods, in general, will begin on September 15, 2014, which is three years prior to the date this complaint was filed.

50 cars per day. for each car he detailed. He worked six days per week, for at least ten hours per day, totaling 60 hours per week. Littleton was paid a straight-time piece rate of \$2.25, and did not receive any overtime premium pay for all hours in excess of 40 hours.

36. Plaintiff Manuel began his work for Defendants as an auto detailer on approximately October 1, 2013, and is still presently employed by Defendants. The relevant period for the purposes of this action is September 15, 2014 to November 15, 2016 (114 weeks), which are the dates which he performed piece rate detail work for Defendants. Manuel's job duties as an auto detailer consisted of: Detailing vehicles inside and outside, shining tires, and drying cars using hand towels. All work would occur on Manheim's property at 4900 Bluffington Road, in Atlanta, Georgia. Manuel was paid a piece rate of \$2.25 per car, and averaged about 5 cars per hour. He worked six days per week, for 10 hours per day, totaling 60 hours per week. This amounts to 50 cars per day, and 300 cars per week. Manuel was paid a straight-time piece rate of \$2.25 per car for all hours worked, and did not receive any overtime premium pay for all hours in excess of 40 hours.

37. Plaintiff Fernandus Glass began his work for Defendants as an auto detailer

on approximately November 21, 2015, and is still presently employed by Defendants. The relevant period for the purposes of this action is November 1, 2015 to November 15, 2016 (54 weeks), which are the dates which he performed piece rate car detailing services for Defendants. Fernandus Glass' job duties as an auto detailer consisted of: Detailing vehicles inside and outside, shining tires, and drying cars using hand towels. All work would occur on Manheim's property at 4900 Bluffington Road, in Atlanta, Georgia. Fernandus Glass was paid a piece rate of \$2.25 per car, and detailed about 5 cars per hour. He worked seven days per week, for 12 hours per day, totaling 84 hours per week. This amounts to 60 cars per day, and 420 cars per week. Fernandus Glass was paid a straight-time piece rate of \$2.25 per car for all hours worked, and did not receive any overtime premium pay for all hours in excess of 40 hours.

38. Plaintiff Pasha Glass began his work for Defendants as an auto detailer on approximately January 15, 2015. However, the relevant period for the purposes of this action is September 15, 2014 to March 17, 2015 (35 weeks), which are the dates which she performed piece rate car detailing services for Defendants. Pasha Glass' job duties as an auto detailer consisted of: Detailing vehicles inside and outside,

shining tires, and drying cars using hand towels. All work would occur on Manheim's property at 4900 Bluffington Road, in Atlanta, Georgia. Pasha Glass was paid a piece rate of \$2.25 per car, and detailed about 5 cars per hour. She worked six days per week, for 10 hours per day, totaling 60 hours per week. This amounts to 50 cars per day, and 300 cars per week. Pasha Glass was paid a straight-time piece rate of \$2.25 per car for all hours worked, and did not receive any overtime premium pay for all hours in excess of 40 hours.

39. Plaintiff Tyson was employed by Defendants as an auto detailer from approximately August 15, 2012 to March 15, 2016 (79 weeks). Tyson's job duties as an auto detailer consisted of: Detailing vehicles inside and outside, shining tires, and drying cars using hand towels. All work would occur on Manheim's property at 4900 Bluffington Road, in Atlanta, Georgia. Tyson was paid a piece rate of \$2.25 per car, and averaged about 5 cars per hour. She worked six days per week, for at least 14 hours per day, totaling 84 hours per week. This amounts to 70 cars per day, 420 cars per week. Tyson was paid a straight-time piece rate of \$2.25 per car for all hours worked, and did not receive any overtime premium pay for all hours in excess of 40 hours.

40. Plaintiff May worked for Defendants as an auto detailer from approximately March 2013 to March 2017. However, the relevant period for the purposes of this action is June 1, 2015 to December 30, 2015 (30 weeks), and June 1, 2015 to November 30, 2016 (22 weeks), when his duties were confined to the detail shop working a piece rate. Thus, his total relevant weeks of employment are 52 weeks total. May's job duties as an auto detailer consisted of: Washing cars, shining tires, and drying cars using hand towels. May worked in an express washing lane for Defendants, whereby only the outside of the vehicle would be washed, rather than a full detailing of inside and outside of the vehicle.⁴ All work would occur on Manheim's property at 4900 Bluffington Road, in Atlanta, Georgia. May was paid a piece rate of \$1 per car, and averaged about 10 cars per hour. He worked six days per week, for 10 hours per day, totaling 60 hours per week. This amounts to 100 cars per day, and 600 cars per week. May was paid a straight-time piece rate of \$1.00 per car for all hours worked, and did not receive any overtime premium pay for all hours in excess of 40 hours.

41. Plaintiff Harvey worked for Defendants from approximately January 1, 2014

⁴ Employees working for defendants in the express wash lane would get paid \$1 per hour, whereas employees in the full-detail lane would be paid \$2.25 per car due to the intensive cleaning of the inside and outside of the vehicle.

to May 15, 2017. However, the relevant period for the purposes of this action is September 15, 2014 to May 30, 2015 (37 weeks), and June 1, 2016 to January 30, 2017 (35 weeks), which totals 72 weeks. During this period, Harvey was employed as a logo technician for Defendants. His job duties as a logo technician were to apply logos to the car panels and windows, remove logos, and also remove glue on windows left by logos. All work would occur on Manheim's property at 4900 Bluffington Road, in Atlanta, Georgia. Harvey was paid a piece rate of \$4 per logo, and averaged about 3 logos per hour. He worked six days per week, for 10 hours per day, totaling 60 hours per week. This amounts to 30 logos per day, and 180 logos per week. Harvey was paid a straight-time piece rate of \$4.00 per logo for all hours worked, and did not receive any overtime premium pay for all hours in excess of 40 hours.

STATEMENT OF CLAIM⁵

42. Plaintiff Littleton is owed an estimated \$15,390 in damages. Mr. Littleton was paid a straight-time piece rate wage of \$2.25 per car, worked 50 hours per week, and

⁵ The following preliminary calculations are based on a three-year recovery period under the FLSA for willful violations. *See* 29 U.S.C. Section 255. These calculations also include liquidated damages. *See* 29 U.S.C. Section 216(b). The conversion from piece rate to hourly wages are being made in accordance with 29 CFR Section 778.111 (Pieceworker).

detailed 300 cars per week. 300 cars multiplied by \$2.25 results in pay of \$675 per week. His piece rate is converted to an hourly rate by dividing \$675 total pay by 50 hours per week, which is \$13.50 per hour. Mr. Littleton is owed an overtime wage half-rate of \$6.75 per hour for each hour worked over 40. He worked 50 hours, which is 40 regular hours and 10 overtime hours. Thus, Mr. Littleton's 10 overtime hours multiplied by \$6.75 results \$67.50 per week in overtime wages.

43. Mr. Littleton was employed during the relevant period for 114 weeks, which is multiplied by \$67.50, for a total of \$7,695 in overtime wages owed. If the court awards liquidated damages in this case, Mr. Littleton would recover \$7,695 plus \$7,695 which equals \$15,390. The nature of the wages owed is failure to pay overtime wages.

44. Plaintiff Manuel is owed an estimated \$15,390 in damages. Mr. Manuel was paid a straight-time piece rate wage of \$2.25 per car, worked 50 hours per week, and detailed 300 cars per week. 300 cars multiplied by \$2.25 results in pay of \$675 per week. His piece rate is converted to an hourly rate by dividing \$675 total pay by 50 hours per week, which is \$13.50 per hour. Mr. Manuel is owed an overtime wage half-rate of \$6.75 per hour for each hour worked over 40. He worked 50 hours, which

is 40 regular hours and 10 overtime hours. Thus, Mr. Manuel's 10 overtime hours multiplied by \$6.75 results \$67.50 per week in overtime wages.

45. Mr. Manuel was employed during the relevant period for 114 weeks, which is multiplied by \$67.50, for a total of \$7,695 in overtime wages owed. If the court awards liquidated damages in this case, Mr. Manuel would recover \$7,695 plus \$7,695 which equals \$15,390. The nature of the wages owed is failure to pay overtime wages.

46. Plaintiff Fernandus Glass is owed an estimated \$19,457.28 in damages. Fernandus Glass was paid a straight-time piece rate wage of \$2.25 per car, worked 50 hours per week, and detailed 360 cars per week. 360 cars multiplied by \$2.25 results in pay of \$810 per week. His piece rate is converted to an hourly rate by dividing \$810 total pay by 72 hours per week, which is \$11.25 per hour. Fernandus Glass is owed an overtime wage half-rate of \$5.63 per hour for each hour worked over 40. He worked 72 hours, which is 40 regular hours and 32 overtime hours. Thus, Fernandus Glass' 32 overtime hours multiplied by \$5.63 results \$180.16 per week in overtime wages.

47. Fernandus Glass was employed during the relevant period for 54 weeks,

which is multiplied by \$180.16, for a total of \$9,728.64 in overtime wages owed. If the court awards liquidated damages in this case, Fernandus Glass would recover \$9,728.64 plus \$9,728.64, which equals \$19,457.28. The nature of the wages owed is failure to pay overtime wages.

48. Plaintiff Pasha Glass is owed an estimated \$4,725 in damages. Pasha Glass was paid a straight-time piece rate wage of \$2.25 per car, worked 50 hours per week, and detailed 300 cars per week. 300 cars multiplied by \$2.25 results in pay of \$675 per week. Her piece rate is converted to an hourly rate by dividing \$675 total pay by 50 hours per week, which is \$13.50 per hour. Pasha Glass is owed an overtime wage half-rate of \$6.75 per hour for each hour worked over 40. She worked 50 hours, which is 40 regular hours and 10 overtime hours. Thus, Pasha Glass' 10 overtime hours multiplied by \$6.75 results \$67.50 per week in overtime wages.

49. Pasha Glass was employed during the relevant period for 114 weeks, which is multiplied by \$67.50, for a total of \$7,695 in overtime wages owed. If the court awards liquidated damages in this case, Pasha Glass would recover \$2,362.50 plus \$2,362.50 which equals \$4,725. The nature of the wages owed is failure to pay overtime wages.

50. Plaintiff Tyson is owed an estimated \$39,139.76 in damages. Tyson was paid a straight-time piece rate wage of \$2.25 per car, worked 84 hours per week, and detailed 420 cars per week. 420 cars multiplied by \$2.25 results in pay of \$945 per week. Her piece rate is converted to an hourly rate by dividing \$945 total pay by 84 hours per week, which is \$11.25 per hour. Tyson is owed an overtime wage half-rate of \$5.63 per hour for each hour worked over 40. She worked 84 hours, which is 40 regular hours and 44 overtime hours. Thus Tyson's 44 overtime hours multiplied by \$5.63 results \$247.72 per week in overtime wages.

51. Tyson was employed during the relevant period for 79 weeks, which is multiplied by \$247.72, for a total of \$19,569.88 in overtime wages owed. If the court awards liquidated damages in this case, Tyson would recover \$19,569.88 plus 19,569.88 which equals \$39,139.76. The nature of the wages owed is failure to pay overtime wages.

52. Plaintiff May is owed an estimated \$10,400 in damages. May was paid a straight-time piece rate wage of \$1.00 per car, worked 60 hours per week, and detailed 600 cars per week. 600 cars multiplied by \$1.00 results in pay of \$600 per week. His piece rate is converted to an hourly rate by dividing \$600 total pay by 60

hours per week, which is \$10 per hour. May is owed an overtime wage half-rate of \$5 per hour for each hour worked over 40. He worked 60 hours, which is 40 regular hours and 20 overtime hours. Thus, May's 20 overtime hours multiplied by \$5 results \$100 per week in overtime wages.

53. May was employed during the relevant period for 52 weeks, which is multiplied by \$100, for a total of \$5,200 in overtime wages owed. If the court awards liquidated damages in this case, May would recover \$5,200 plus \$5,200 which equals \$10,400. The nature of the wages owed is failure to pay overtime wages.

54. Plaintiff Harvey is owed an estimated \$8,640 in damages. Harvey was paid a straight-time piece rate wage of \$4.00 per logo, worked 50 hours per week, and completed 150 logos per week. 150 logos multiplied by \$4.00 results in pay of \$600 per week. His piece rate is converted to an hourly rate by dividing \$600 total pay by 50 hours per week, which is \$12 per hour. Harvey is owed an overtime wage half-rate of \$6.00 per hour for each hour worked over 40. He worked 50 hours, which is 40 regular hours and 10 overtime hours. Thus, Harvey's 10 overtime hours multiplied by \$6.00 results \$60.00 per week in overtime wages.

55. Harvey was employed during the relevant period for 72 weeks, which is

multiplied by \$60.00, for a total of \$4,320 in overtime wages owed. If the court awards liquidated damages in this case, Harvey would recover \$4,320 plus \$4,320 which equals \$8,640. The nature of the wages owed is failure to pay overtime wages.

56. In summary, the estimated damages for Littleton \$15,390.00, Manuel \$15,390.00, Fernandus Glass \$19,457.28, Pasha Glass \$4,725.00, Cassandra Tyson \$39,139.76, Ronald May \$10,400.00, and Patrick Harvey \$8,640.00, total \$113,142.04.

FLSA COLLECTIVE ACTION ALLEGATIONS

57. Pursuant to 29 U.S.C. §§ 207 & 216(b), Plaintiffs bring their First and Second Cause of Action as a collective action under the FLSA on behalf of themselves and the following collective:

All persons employed by Defendants, in Georgia and Ohio, at any time since September 15, 2014, and through the entry of judgment in this case (the “Collective Action Period”) who worked as auto detailers, logo technicians, and all other employees of Defendants paid on a piece rate basis (the “Collective Action Members”).

58. The class of Collective Action Members is believed to be at least 50 employees.

59. A collective action is appropriate in this circumstance because Plaintiffs and

the Collective Action Members are similarly situated, in that they were all subjected to Defendant's illegal policy of failing to pay overtime premiums for piece rate work performed in excess of 40 hours per week. As a result of this policy, Plaintiffs and the Collective Action Members did not receive the legally-required overtime premium payments for all hours worked in excess of 40 hours per week.

FIRST CAUSE OF ACTION
FAIR LABOR STANDARDS ACT – UNPAID OVERTIME

60. Plaintiffs, on behalf of themselves the Collective Action Members, and the Class Members, repeat and reallege each and every allegation of the preceding paragraphs hereof with the same force and effect as though fully set forth herein.

61. As a result of Defendant's failure to compensate its employees, including Plaintiffs and Collective Action Members, at a rate of not less than one and one-half times their regular piece rate pay for work performed in excess of 40 hours per week, Defendants have violated and continue to violate the FLSA, 29 U.S.C. § 201 *et seq.*, including 29 U.S.C. § 207(a)(1) and 215(a), for which Plaintiffs and the Collective Action Members are entitled to relief pursuant to 29 U.S.C. 216(b).

62. Defendants have failed to pay overtime wage piece rates for Plaintiffs' work in excess of 40 hours, despite receiving numerous complaints from employees. This

constitutes a willful violation of the FLSA within the meaning of 29 U.S.C. § 255(a).

63. The failure to pay overtime has caused Plaintiffs to suffer loss of wages and interest thereon. Plaintiffs, Collective Action Members, and Class Members, are entitled to recover from Defendants her unpaid overtime premium compensation, liquidated damages, attorney's fees, and costs and disbursements of the action pursuant to 29 U.S.C. § 216(b).

SECOND CAUSE OF ACTION
FAIR LABOR STANDARDS ACT – UNPAID WAGES
FOR SHORTED PIECE RATE QUANTITIES

64. Plaintiffs, on behalf of themselves the Collective Action Members, and the Class Members, repeat and reallege each and every allegation of the preceding paragraphs hereof with the same force and effect as though fully set forth herein.

65. Defendants have shorted Plaintiffs piece rate quantities through inaccurate record keeping and/or willful underpayment of wages for all detail and logo work performed on vehicles as a piece rate. Defendants have shorted the piece rate quantities of Plaintiffs, on average, about 10 percent of the actual work performed. For every 100 piece rate units completed by Plaintiffs, Defendants only paid them wages for 90. This continues to occur, despite receiving numerous complaints from

employees. This constitutes a willful violation of the FLSA within the meaning of 29 U.S.C. § 255(a), for which Plaintiffs and the Collective Action Members are entitled to relief.

PRAYER FOR RELIEF

Therefore, Plaintiffs respectfully requests that this Court grant the following relief:

- a. An order tolling the relevant statutes of limitations;
- b. An order declaring that Defendants violated the FLSA;
- c. An award of unpaid overtime wages due under the FLSA;
- d. An award of liquidated and/or punitive damages as a result of Defendant's willful failure to pay overtime wages;
- e. An award of prejudgment and post-judgment interest;
- f. An award of costs and expenses of this action together with attorney's fees;
- g. Such other and further relief and this Court deems just and proper.

DEMAND FOR TRIAL BY JURY

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff demands a trial by jury on all questions of fact raised by the complaint.

Dated: September 15, 2017

Respectfully submitted,

s/ Brandon A. Thomas

BRANDON A. THOMAS

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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: [Seven File Unpaid OT Lawsuit in Georgia Against Auto Reflections](#)
