

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

ERIC MILLER, on behalf of himself and)
all other similarly situated employees or)
former employees of BURNINGTREE)
COUNTRY CLUB, INC.,)

Plaintiffs,)

vs.)

CASE NUMBER:

BURNINGTREE COUNTRY CLUB,)
INC., TOM FLOWE, BETTYE FLOWE,)
and LAURA ADAMSKY,)

Defendants.)

COMPLAINT

JURISDICTION

1. This action arises under the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. §§ 201-219, including 29 U.S.C. § 216(b) (“FLSA”).

2. This Court maintains subject matter jurisdiction under 29 U.S.C. § 216(b) and 28 U.S.C. § 1337.

3. The unlawful employment practices alleged herein have been committed within the Northern District of Alabama.

PARTIES

4. The Plaintiff, Eric Miller, is a citizen and resident of the United States, who, at all times relevant hereto, has been a resident of Morgan County, Alabama.

5. The Plaintiff, Eric Miller, brings this action on behalf of himself and all other similarly situated employees and former employees of the Defendant, Burningtree Country Club, Inc. (“Burningtree”), to recover unpaid minimum wages, overtime compensation, liquidated damages, attorneys’ fees, costs, and other relief

under the provisions of the FLSA.

6. Other similarly situated employees are or were employed by the Defendant, Burningtrees, and are referred to herein as “similarly situated employees” or “others similarly situated.”

7. The Defendants, Burningtrees, Tom Flowe, Bettye Flowe, and Laura Adamsky, are “employers” and “engaged in commerce” pursuant to the FLSA and 29 U.S.C. § 203(d) and 29 U.S.C. § 203(s)(1)(A)(i) and (ii), and, at all times material hereto, engaged in business within the meaning of the FLSA.

8 The Defendants, Burningtrees, Tom Flowe, Bettye Flowe, and Laura Adamsky, employed the Plaintiff and other similarly situated employees within the meaning of the FLSA, are engaged in interstate commerce, and have an annual gross volume of sales meeting or exceeding the jurisdictional requirements of the FLSA.

9. The Defendants, Burningtrees, Tom Flowe, Bettye Flowe, and Laura Adamsky, directly and by and through their duly-authorized agents, participated in, and continue to participate in, payroll decisions involving the Plaintiff and others similarly situated, and intentionally, knowingly, and willfully failed and continue to fail to compensate the Plaintiff and others similarly situated in accordance with the minimum wage provisions of 29 U.S.C. § 206 and the overtime provisions of 29 U.S.C. § 207.

FACTUAL AVERMENTS

10. The Plaintiff, Eric Miller, was continuously employed by Burningtrees from approximately April 2017, until on or around October 28, 2017, at its Decatur, Alabama, location.

11. The Defendants, Burningtrees, Tom Flowe, Bettye Flowe, and Laura Adamsky, the Plaintiff, Eric Miller, and similarly situated employees, regularly engage in interstate commerce.

12. The Plaintiff, Eric Miller, and others similarly situated, performed duties for the Defendants, Burningtrees, Tom Flowe, Bettye Flowe, and Laura Adamsky, and were and are subject to the provisions of the FLSA regarding the payment of overtime compensation and minimum wages.

13. During the period from in or around December 2014, to the present, the Defendants, Burningtrees, Tom Flowe, Bettye Flowe, and Laura Adamsky, on

numerous occasions, employed and continue to employ the Plaintiff, Eric Miller, and/or others similarly situated for hours worked in excess of forty (40) hours in a workweek and have failed and refused to compensate them for such time worked in violation of the provisions of 29 U.S.C. §§ 206(a) and 207(a).

14. The Defendants, Burningtrees, Tom Flowe, Bettye Flowe, and Laura Adamsky, were required by law to keep and retain possession of records showing the hours worked and wages paid to the Plaintiff, Eric Miller, and others similarly situated.

15. The Defendants, Burningtrees, Tom Flowe, Bettye Flowe, and Laura Adamsky, were aware of the provisions of the FLSA requiring wages to be paid to the Plaintiff, Eric Miller, and others similarly situated, but deliberately or in reckless disregard of the Act willfully failed to pay wages due and lawfully owed to the Plaintiff, Eric Miller, and others similarly situated.

16. The Defendants, Burningtrees, Tom Flowe, Bettye Flowe, and Laura Adamsky, by and through their duly-authorized agents, failed to act in good faith and had no reasonable grounds for believing that they were not violating the FLSA.

17. Attached as "Exhibit A" is the "Consent of Individual Employee To Become a Party Plaintiff," as executed by Eric Miller, who has agreed to become a party plaintiff in this action.

18. The Defendants, Burningtrees, Tom Flowe, Bettye Flowe, and Laura Adamsky, were required by law to keep and retain possession of records showing the hours worked and wages paid to the Plaintiff, Eric Miller, and others similarly situated.

19. The Defendants, Burningtrees, Tom Flowe, Bettye Flowe, and Laura Adamsky, were aware of the provisions of the FLSA requiring wages to be paid to the Plaintiff, Eric Miller, and others similarly situated, but deliberately or in reckless disregard of the Act willfully failed to pay wages due and lawfully owed to the Plaintiff and others similarly situated.

**COUNT I - VIOLATION OF THE
FAIR LABOR STANDARDS ACT**

20. The Plaintiff reasserts the averments set forth in Paragraphs 1 through 19 hereof, as though fully set forth herein.

21. By the actions and omissions described herein, the Defendants,

Burningtree, Tom Flowe, Bettye Flowe, and Laura Adamsky, violated the FLSA as to the Plaintiff, Eric Miller, and individuals similarly situated.

22. By the actions and omissions described herein, the Defendants, Burningtree, Tom Flowe, Bettye Flowe, and Laura Adamsky, violated 29 U.S.C. §§ 206(a) and 207(a) as to the Plaintiff, Eric Miller, and to individuals similarly situated.

WHEREFORE, the Plaintiff, Eric Miller, on behalf of himself and all other similarly situated employees or former employees of Burningtree Country Club, Inc., prays that judgment be entered herein against the Defendants, Burningtree Country Club, Inc., Tom Flowe, Bettye Flowe, and Laura Adamsky, in the amount due him and others similarly situated as the same may hereafter be identified and named prior to or at trial, as unpaid wages, liquidated damages, interest, and costs under the provisions of the Fair Labor Standards Act, that this Court will also allow reasonable attorneys' fees to be paid to the Plaintiff, that the Defendants, Burningtree Country Club, Inc., Tom Flowe, Bettye Flowe, and Laura Adamsky, be held liable for payment of the same, and that this Court award such other and further relief to which the Plaintiff, Eric Miller, and others similarly situated are entitled.

/s/ Brad Ryder

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JURY DEMAND

PLAINTIFFS DEMAND TRIAL BY STRUCK JURY.

/s/ Brad Ryder

Brad Ryder

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Burningtree Country Club Facing Wage and Hour Complaint in Alabama](#)
