

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO.:

AMSLEY ORELUS, on his own behalf and others  
similarly situated,

Plaintiff,

v.

FHI, LLC, a North Carolina limited liability company,  
FREIGHT HANDLERS, INC., a North Carolina  
corporation, and CHARLES WALL, individually,

Defendants.

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**COLLECTIVE ACTION COMPLAINT**

**Introduction**

Plaintiff, AMSLEY ORELUS (“ORELUS” or “Plaintiff”), was employed by Defendants, FHI, LLC, FREIGHT HANDLERS, INC., CHARLES WALL and JAYNE WALL, as a Handler. Plaintiff brings this action on behalf of himself and other current and former similarly situated employees for overtime compensation and other relief under the Fair Labor Standards Act, as amended, 29 U.S.C. § 216(b) (“FLSA”).

1. Defendants provide logistics and distribution services to various retailers across the United States. To serve their customers, Defendants employ “Handlers”, such as Plaintiff. This action is intended to include any and all Handlers, and other individuals performing similar duties under different job titles throughout the United States during the 3 year period immediately preceding the filing of this action.

## **PARTIES**

### ***Plaintiff***

2. Plaintiff was employed by Defendants from approximately October 2016 to June 2017 as a Handler.

3. Plaintiff performed work for Defendants in Deerfield Beach, Broward County, Florida, which is within the jurisdiction of this Court.

### ***Defendants***

4. Defendant, FHI, LLC, is a North Carolina limited liability company, with a principal place of business in Fuquay-Varina, North Carolina. At all times material, FHI, LLC was authorized to do business in the state of Florida, including in Broward County, Florida, which is within the jurisdiction of this Court.

5. Defendant, Freight Handlers, Inc., is a North Carolina corporation with a principal place of business in Fuquay-Varina, North Carolina. At all times material, Freight Handlers, Inc. was authorized to do business in the state of Florida, including in Broward County, Florida, which is within the jurisdiction of this Court.

6. At all times material hereto, CHARLES WALL was the Chief Executive Officer of FHI, LLC and Freight Handlers, Inc. CHARLES WALL owned, managed, and/or operated FHI, LLC and Freight Handlers, Inc., and regularly exercised the authority to hire and fire employees, determine the work schedules of employees, set the rates pay of employees, and control the finances and operations of FHI, LLC and Freight Handlers, Inc. By virtue of such control and authority, CHARLES WALL, is an employer as such term is defined by the FLSA, 29 U.S.C. 201 et seq.

7. Defendants jointly employed Plaintiff and similarly situated employees.

8. At all times relevant, Defendants maintained control, oversight, and direction over Plaintiff and similarly situated employees, including with respect to the timekeeping, payroll, and other employment practices that applied to them.

9. Defendants employed Plaintiff and similarly situated employees, and, directly or indirectly, jointly or severally, controlled and directed the terms of employment and compensation of Plaintiff and similarly situated employees.

10. Defendants exercised control over the wages, hours and working conditions of Plaintiff and similarly situated employees.

### **JURISDICTION AND VENUE**

11. At all times pertinent to this Complaint, Defendants, FHI, LLC and Freight Handlers, Inc., regularly owned and operated a business engaged in commerce or in the production of goods for commerce as defined in §§ 3(r) and 3(s) of the Act, 29 U.S.C. §§ 203(r) and 203(s).

12. At all times material to this Complaint, Defendants, FHI, LLC and Freight Handlers, Inc., had two (2) or more employees who regularly sold, handled, or otherwise worked on goods and/or materials that had been moved in or produced for commerce.

13. Based upon information and belief, the annual gross sales volume of Defendants, FHI, LLC and Freight Handlers, Inc., was in excess of \$500,000.00 per annum at all times material hereto.

14. At all times pertinent to this Complaint, Defendants, FHI, LLC and Freight Handlers, Inc., were enterprises engaged in commerce or in the production of goods for commerce as defined by §§ 3(r) and 3(s) of the Act, 29 U.S.C. § 203(r) and 203(s).

15. Jurisdiction is conferred on this Court by 28 U.S.C. §§ 1331, 1337 and by 29 U.S.C. § 216(b).

16. Venue is proper pursuant to 28 U.S.C. §1391. The Court has jurisdiction over the Defendants, as well as over Plaintiff and any other plaintiffs joining this lawsuit.

### **GENERAL ALLEGATIONS**

17. Plaintiff and all the other similarly situated employees are entitled to be paid time and one-half of their regular rates of pay for each hour worked in excess of forty (40) hours per work week.

18. At all times pertinent to this Complaint, Defendants failed to comply with 29 U.S.C. § 201-209, in that Plaintiff and other similarly situated employees performed services for Defendants for which no provisions were made by the Defendants to properly pay them for those hours worked in excess of forty (40) within a work week.

19. Although Plaintiff regularly worked overtime during one or more of these weeks, he was not paid at time and one half his regular rate of pay for the hours he worked in excess of forty (40) each week.

20. Instead, Defendants paid Plaintiff and the similarly situated employees on a piece rate basis, with no additional compensation for the overtime hours they worked.

21. The additional persons who may become plaintiffs in this action are Defendants' current and former Handlers, however variously titled, who were paid on a piece rate basis, and who worked overtime hours on or after July 19, 2014, but were not compensated at time and one half their regular rates of pay for the overtime hours they worked.

22. The records, if any, concerning the number of hours actually worked, and the compensation actually paid to Plaintiff and other similarly situated employees are in the possession and custody of Defendants.

23. Plaintiff has retained the undersigned counsel to represent them in this action. Pursuant to 29 U.S.C. § 216(b), Plaintiff is entitled to recover all reasonable attorneys' fees and costs incurred in this action.

**COUNT I**  
**RECOVERY OF OVERTIME COMPENSATION**

24. Plaintiff adopts and realleges the allegations contained in paragraphs 1 through 23 above.

25. Plaintiff and similarly situated employees are entitled to be paid time and one-half of their regular rates of pay for each hour worked in excess of forty (40) hours per work week.

26. In the course of employment with Defendants, Plaintiff and other similarly situated employees were not paid time and one-half of their regular rates of pay for all hours worked in excess of forty (40) hours per week during one or more work weeks.

27. By reason of the said intentional, willful and unlawful acts of Defendants, Plaintiff and similarly situated employees have suffered damages, plus incurred costs and reasonable attorney's fees and costs.

28. As a result of Defendants' willful violation of the Act, Plaintiffs and similarly situated employees are entitled to liquidated damages.

29. Plaintiff demands a jury trial.

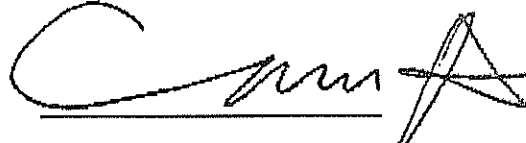
WHEREFORE, Plaintiff, AMSLEY ORELUS, and other similarly situated employees, demand judgment against Defendants, FHI, LLC, FREIGHT HANDLERS, INC., CHARLES WALL and JAYNE WALL, jointly and severally, for the payment of all overtime hours at one

and one-half times their regular rates of pay, liquidated damages and reasonable attorney's fees and costs of suit, and such further relief that this Court deems just and appropriate.

Dated: July 19, 2017

Boca Raton, Florida

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gregg I. Shavitz", with a large, stylized flourish extending to the right.

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**CONSENT TO JOIN FORM**

1. I consent to be a party plaintiff in a lawsuit against Defendant, Freight Handlers, LLC and/or related entities and individuals in order to seek redress for violations of the Fair Labor Standards Act, pursuant to 29 U.S.C. § 216(b).

2. I hereby designate the Shavitz Law Group, P.A. and Donald A. Yarbrough, Esq. to represent me in bringing such claim, and to make decisions on my behalf concerning the litigation and settlement. I agree to be bound by any adjudication of this action by the Court, whether it is favorable or unfavorable.

3. I also consent to join any other related action against Defendant(s) or other potentially responsible parties to assert my claim and for this Consent Form to be filed in any such action.

Amsley Orelus  
Signature

Amsley Orelus  
Print Name

# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Freight Handlers Accused by Former Employee of Violating Labor Laws](#)

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