

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION**

**GEORGE TREVINO, individually and on  
behalf of all others similarly situated,**

*Plaintiff,*  
v.

**PIPE PROS, LLC, and GARY EDWARDS &  
MANDO VALDEZ, individually,**

*Defendants.*

**Civil Action No. 2:17-cv-34**

**JURY TRIAL DEMANDED**

**PLAINTIFF'S ORIGINAL COMPLAINT**

Plaintiff George Trevino ("Plaintiff"), individually and on behalf of all others similarly situated, files this Original Complaint against Gary Edwards and Mando Valdez ("Individual Defendants"), and Pipe Pros, LLC ("Pipe Pros") (all collectively, "Defendants"), and in support states the following:

1. Defendants provide casing, tubing maintenance, and other oilfield services to oilfield customers. Defendants employ Plaintiff and workers to provide these services to customers in the field at jobsites ("Field Workers"), but fail to pay them in compliance with the Fair Labor Standards Act, 29 U.S.C. §§ 201, *et seq.* ("FLSA").

2. Plaintiff and other Field Workers regularly worked in excess of 80 hours per week during the relevant time period, but Defendants failed to pay them overtime for hours worked in excess of 40 each workweek. Instead of paying Oilfield Workers overtime, Defendants paid Plaintiff and other Field Workers on a hybrid salary plus hourly non-discretionary bonus<sup>1</sup> ("Field Bonus") basis that denied them overtime compensation. This suit seeks to collect the wages and

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<sup>1</sup> Defendants paid this job bonus for every hour worked by Plaintiff and other Field Workers for every hour they worked in the field.

damages owed to Plaintiff and other Field Workers paid on a salary basis that received a Field Bonus who worked for Defendants over the past three years.

## II. PARTIES

3. Plaintiff is a resident of Alice, Texas, who worked for Defendants as a Field Worker, including as a Casing Running Tools (“CRT”) Technician and Torque Turn Technician, from approximately March 2007 to April 2016. Plaintiff’s consent to participate in this lawsuit is attached as Exhibit A to this Complaint.

4. The Plaintiff and “FLSA Class Members” consist of Defendants’ current and former employees paid on a salaried basis that received an hourly bonus for performing hydraulic fracturing, casing, coil tubing, flow back, drilling or sand blasting work<sup>2</sup> at customer job sites<sup>3</sup> over the last three years. This definition specifically excludes all employees who filed consents to join *Gonzalez v. Pipe Pros, LLC*, No. 2:15-cv-65 (S.D. Tex. Jan. 29, 2015) and *Scogin v. Pipe Pros, LLC*, No. 2:15-cv-359 (S.D. Tex. Aug. 22, 2016).

5. Defendant Pipe Pros is a Texas limited liability company that may be served through its registered agent, Robert Horton, 100 Crescent Court, Suite 800, Dallas, Texas 75201, or wherever he may be found.

6. Defendant Gary Edwards is the president of Pipe Pros and may be served at 253 Carmel Drive, Sandia, Texas 78383, or wherever he may be found.

7. Defendant Mando Valdez is the vice president of Pipe Pros and may be served at 14918 Santa Gertrudis Drive, Corpus Christi, Texas 78410, or wherever he may be found.

## III. JURISDICTION AND VENUE

8. This Court has jurisdiction over the claims because Plaintiff asserts an FLSA claim arising under federal law.

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<sup>2</sup> See Exhibit B, ¶8 (affidavit of Defendant Gary Edwards).

<sup>3</sup> See Exhibit B, ¶9 (affidavit of Defendant Gary Edwards).

9. Venue is proper in the Southern District of Texas because a substantial portion of the events forming the basis of this suit occurred in this District and because one or more parties resides in this District. Specifically, Plaintiff resides in this District and the work he performed giving rise to these claims occurred in this District.

#### **IV. FLSA COVERAGE FACTS**

10. At all material times, Defendants acted, directly or indirectly, in the interest of an employer or joint employer with respect to Plaintiff and the Class Members.

11. At all times hereinafter mentioned, Defendants constituted employers or joint employer within the meaning of the FLSA, 29 U.S.C. § 203(d).

12. At all times hereinafter mentioned, Defendants have been an enterprise within the meaning of the FLSA, 29 U.S.C. § 203(r).

13. Defendants operate or have operated in interstate commerce, by among other things, dispatching labor and equipment to states including Texas and Louisiana. Plaintiff and other Field Workers handled oilfield tools and equipment that moved in interstate commerce during their employment.

#### **V. FACTUAL ALLEGATIONS**

14. Plaintiff incorporates all of the allegations previously made in this Complaint. Plaintiff brings his collective action allegations individually and on behalf of those similarly situated pursuant to the FLSA.

15. Defendants have been in the business of providing casing, tubing maintenance, and other oilfield services over the last three years. The Individual Defendants are officers of the Pipe Pros during the relevant time period and have joint employer liability based on their exertion of operational control over Pipe Pros during the relevant time period. The Individual Defendants exerted operational control over Pipe Pros by making hiring and firing decisions,

establishing pay rates, determining methods of payment and compensation policies and practices, and controlling/establishing company rules. The Individual Defendants additionally have responsibility for the specific FLSA violations at issue because they implemented and enforced the salary plus Field Bonus pay policy.

16. Defendants employ Field Workers to perform casing, tubing and maintenance, and other oilfield services for customers at job sites, but fail to properly pay them overtime pursuant the FLSA. Plaintiff and the Class Members duties consist of non-exempt, blue-collar work involving technical and manual labor: They performed manual and technical labor to perform fracturing, casing, coil tubing, flow back, drilling and/or sand blasting work at customer job sites. Plaintiff and the Class Members did not determine employees' work schedules, have hiring or firing power, or exercise independent discretion or judgment in regards to matters of significance. Rather, Defendants predetermined virtually every job function of the Class Members, including the tools they used at job sites, work duties, and their schedule of work. Defendants prohibited Field Workers from varying their job duties outside of the set parameters. Moreover, the job functions of the Class Members were primarily manual in nature and required little to no official training—nonetheless a college or advanced degree.

17. Plaintiff and Class Members regularly worked over 80 hours per week and Defendants allowed and required them to do so. Instead of paying Field Workers proper overtime for working in excess of 40 hours per week, Defendants paid Plaintiff and Class Members on a salary plus Field Bonus basis that failed to pay them overtime compensation for all hours worked over 40 per week.

18. Defendants knew about the FLSA's overtime requirements, but chose not to pay Plaintiff or Class Members overtime in compliance with the law. Defendants knowingly,

willfully, or with reckless disregard carried out their illegal pattern or practice of failing to pay Plaintiff and Class Members overtime compensation.

**VI. COUNT I: FAILURE TO PAY WAGES IN ACCORDANCE WITH THE FAIR LABOR STANDARDS ACT**

19. Plaintiff incorporates all of the allegations previously made in this Complaint.

20. During the relevant time period, Defendants violated and continue to violate the provisions of sections 6 and 7 of the FLSA, 29 U.S.C §§ 206-7, and 215(a)(2), by employing employees in an enterprise engaged in commerce or in the production of goods for commerce within the meaning of the FLSA for weeks longer than 40 hours without compensating for work in excess of 40 hours per week at rates no less than one-and-a-half times their regular rates of pay. Defendants have acted willfully in failing to pay Plaintiff and the FLSA Class Members in accordance with the law.

**VII. RELIEF SOUGHT**

21. WHEREFORE, Plaintiff, individually and on behalf of FLSA Class Members, prays for relief against Defendants as follows in regards to his FLSA collective action claims:

- a. For an Order pursuant to Section 16(b) of the FLSA finding Defendants liable for unpaid back wages due to Plaintiff (and those who may join in the suit) and for liquidated damages equal in amount to the unpaid compensation found due to Plaintiff (and those who may join the suit);
- b. For an Order awarding Plaintiff (and those who may join in the suit) the costs of this action;
- c. For an Order awarding Plaintiff (and those who may join in the suit) attorneys' fees;

- d. For an Order awarding Plaintiff (and those who may join in the suit) pre-judgment and post-judgment interest at the highest rates allowed by law; and
- e. For an Order granting such other and further relief as may be necessary and appropriate.

Respectfully submitted,

*s/ J. Derek Braziel*

**J. DEREK BRAZIEL**

*Attorney in Charge*

SD Bar No. 21134

State Bar No. 00793380

**J. FORESTER**

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(469) 339-0204 fax

[www.4overtimelawyer.com](http://www.4overtimelawyer.com)

**ATTORNEYS FOR PLAINTIFF**

**CERTIFICATE OF SERVICE**

This is the Original Complaint. Service of this Complaint will be made on Defendants with summons to be issued by the clerk according to the Federal Rules of Civil Procedure.

*s/ J. Derek Braziel*

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**J. DEREK BRAZIEL**

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
GEORGE TREVINO, individually and on behalf of all others similarly situated,
(b) County of Residence of First Listed Plaintiff
(c) Attorneys (Firm Name, Address, and Telephone Number)
J. Derek Braziel, Lee & Braziel, LLP
1801 N. Lamar St., Ste. 325, Dallas, TX 75202
214.749.1400

DEFENDANTS
PIPE PROS, LLC, and GARY EDWARDS & MANDO VALDEZ, individually,
County of Residence of First Listed Defendant
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
1 1 Incorporated or Principal Place of Business In This State
2 2 Incorporated and Principal Place of Business In Another State
3 3 Foreign Nation
4 4
5 5
6 6

IV. NATURE OF SUIT (Place an "X" in One Box Only) Click here for: Nature of Suit Code Descriptions.

Table with 5 columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Contains various legal categories and checkboxes.

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

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Fair Labor Standards Act, 29 U.S.C. Section 201, et seq.
Brief description of cause:

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 01/24/2017 SIGNATURE OF ATTORNEY OF RECORD J. Derek Braziel

FOR OFFICE USE ONLY
RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE



**NOTICE OF CONSENT TO BE A PARTY PLAINTIFF**

Fair Labor Standards Act of 1938, 29 U.S.C. 216(b)

I hereby consent to be a party plaintiff seeking unpaid wages and overtime pay in the case in which this consent is filed. By joining this lawsuit, I designate the named plaintiff(s) in which this consent is filed, and his/her attorneys (and other persons those individuals designate as necessary) as my representatives to make all decisions on my behalf, to the extent permitted by law, concerning the method and manner of conducting the case including settlement, the entering of an agreement with Plaintiff's counsel regarding payment of attorneys' fees and court costs, and all other matters pertaining to this lawsuit. I further acknowledge that I intend for this consent to be filed in order to recover my overtime wages against my current/former employer whether in the above-captioned action or in any subsequent action that may be filed on my behalf for such recovery, and this consent may be used in this case or in any subsequent case as necessary. For purposes of pursuing my unpaid wage and overtime claims I choose to be represented by Lee & Braziel, LLP, the Siegel Law Group PLLC, and other attorneys with whom they may associate.

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

Signature \_\_\_\_\_

Printed Name: \_\_\_\_\_

# EXHIBIT B

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION**

**JOHNNY GONZALES, Individually and  
on behalf of all others similarly situated  
*Plaintiff,***

v.

**PIPE PROS, LLC  
*Defendant.***

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**CIVIL ACTION 2:15-cv-65**

**AFFIDAVIT OF GARY EDWARDS**

STATE OF TEXAS §  
  §  
COUNTY OF NUECES §

Before me, the undersigned notary, on this day personally appeared Gary Edwards, the affiant, a person whose identity is known to me. After I administered an oath to affiant, affiant testified:

1. “My name is Gary Edwards. I am the President of Pipe Pros, LLC (“Pipe Pros”), Defendant in this case. I am over the age of 18, am competent to make this affidavit, and have personal knowledge of each of the facts set forth herein, which are true and correct.
2. Pipe Pros does not possess a class or division of employees with the title “Operator.” However, Pipe Pros does contain numerous employees compensated with a salary plus a bonus including managers/supervisors, salesmen, and equipment delivery personnel. I am aware that these employees are putative class members in the above styled lawsuit.
3. Through my experience in the industry, I am aware that the majority of the putative class’s job duties change daily because of numerous variables such as the demands of their field supervisors, the company man, the client, the specific worksite, the work being performed on the worksite that day, and day-to-day work conditions like weather. Depending on these variables, a member of the putative class may perform the following exempt activities:
  - Sales operations;

- Companywide, division or team management and supervision;
- Pulling equipment across state lines with truck/trailer combinations weighing over 10,001 lbs.; and
- Performing administrative duties.

In addition, some of the primary duties of the putative class do not involve manual labor but rather managerial and administrative services for Pipe Pros and its oil and gas customers.

4. Pipe Pros took into consideration putative class's job duties as controlled by varying individual circumstances such as geographic location, clients, company men, work site, supervisors, and personal ability.

5. Whereas Plaintiff worked out of the Corpus Christi office, the vast majority of Pipe Pros employees and putative class members work out of other offices, such as East Texas (Kilgore, Texas), West Texas (Midland, Texas) and Louisiana (Lafayette). Moreover, many other putative class members perform their work in various locations such as Texas, Louisiana, Mississippi, New Mexico, Colorado, Arkansas, Alabama and Pennsylvania.

6. While Plaintiff's job duties rarely consisted of delivering trailers – a role consistent with some Tong and Tripper Operators in Corpus Christi – employees located in Kilgore, for example, often pull their own trailers.

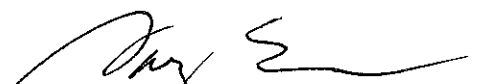
7. The putative class's job duties often differ within geographical areas, even when working for the same client, due to the type of site they are assigned to work.

8. Pipe Pros's clients' operations include fracturing, coil tubing, flow back, drilling, and sandblasting, often with simultaneous operations occurring at the same site. Some putative class members worked on all the various sites, while others may have only worked on one or two sites.


9. The putative class members were eligible for hourly bonuses for certain jobs, and received per diem pay as part of those bonuses. The number and amount of bonuses paid to each person varied from employee to employee, requiring individual calculations of regular rate of pay that would vary from week to week for each plaintiff.

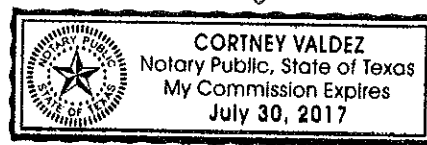
10. Pipe Pros has designated putative class members as exempt under the FLSA's executive exemption, the Motor Carrier Act exemption, the FLSA's outside sales exemption and the FLSA's administrative exemption. Indeed, some Safety Supervisors such as opt-in Plaintiff Christopher Jenkins were independent contractors.

Further Affiant sayeth not.

  
\_\_\_\_\_  
Gary Edwards

SWORN TO and SUBSCRIBED before me by Gary Edwards on this 24<sup>th</sup> day of June 2015 .

  
\_\_\_\_\_  
Notary Public in and for  
The State of Texas



# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Pipe Pros Hit with Ex-Employee's Wage and Hour Lawsuit](#)

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