

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

THOMAS WEBER, ON BEHALF
OF HIMSELF AND THOSE
SIMILARLY SITUATED,

Plaintiff,

CASE NO.:

vs.

PARAMOUNT
TRANSPORTATION LOGISTICS
SERVICES, LLC, A FLORIDA
CORPORATION, R&L CARRIERS,
INC., AN OHIO CORPORATION,
AND AFC WORLDWIDE
EXPRESS, INC., A GEORGIA
CORPORATION, D/B/A R&L
GLOBAL LOGISTICS,

Defendants.

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, THOMAS WEBER, on behalf of himself and those similarly situated, sue the Defendants, PARAMOUNT TRANSPORTATION LOGISTICS SERVICES, LLC, R&L CARRIERS, INC., and AFC WORLDWIDE EXPRESS, INC., d/b/a R&L GLOBAL LOGISTICS, and alleges:

1. Plaintiff was an employee of Defendants and bring 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 worked for Defendants in Fort Myers, Florida, from December 2013 to August 2017 as an account executive.

3. Defendants operate under various trade names under the R&L brand. *See* www2.rlcarriers.com, and www.rlglobal.com.

4. Defendants provide domestic and international shipping solutions to their customers, including transportation, logistics and supply chain management services.

5. Defendants operate fifteen (15) offices throughout the country, including in Fort Myers, Ocala, Orlando, Atlanta, Cincinnati, Nashville, Kansas City, Indianapolis, Chicago, Dallas, Laredo, Salt Lake City, Phoenix, Denver and Los Angeles. *See* Logistics Account Executive job opening attached as Exhibit A.

6. During his employment with Defendants, Plaintiff was paid through the PARAMOUNT TRANSPORTATION LOGISTICS SERVICES, LLC, entity.

7. During his employment with Defendants, Plaintiff used the other R&L trade names, including even wearing a R&L Global Logistics shirt and working at a building that said R&L Global Logistics on the outside.

8. R&L Global Logistics is a registered fictitious name in the state of Florida registered to AFC WORLDWIDE EXPRESS, INC, a Georgia Corporation.

9. Each Defendant lists the same Fort Myers address (7290 College Parkway) under its state of Florida corporate filing as an address for one of its officers/directors.

10. Defendants employed Plaintiff and other similarly situated employees at their offices throughout the United States.

11. This action is brought under the FLSA to recover from Defendants overtime compensation, liquidated damages, and reasonable attorneys' fees and costs. This action is intended to include each and every salary paid account executive who worked for Defendants at any time within the past three (3) years.

12. 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.

13. During Plaintiff's employment with Defendants, Defendants each earned more than \$500,000.00 per year in gross sales.

14. During Plaintiff's employment with Defendants, Defendants employed two or more employees which handled goods, materials and supplies which had travelled in interstate commerce.

15. Included in such goods, materials and supplies were telephones, computers, office equipment and furniture and other items which originated from outside the state of Florida

16. Therefore, Defendants are enterprises covered by the FLSA, and as defined by 29 U.S.C. §203(r) and 203(s).

17. Additionally, Plaintiff was engaged in interstate commerce during his employment with Defendants as a result of almost daily phone calls and e-mails which left the state of Florida, including telephone calls with potential customers.

FLSA VIOLATIONS

18. Defendants have failed to comply with the FLSA by misclassifying Plaintiff and all other account executives as exempt from overtime compensation at their offices throughout the country.

19. During most of his employment with Defendants, Plaintiff and these similarly situated employees were classified as exempt under the FLSA.

20. Defendants reclassified the account executive position near the end of 2016 and began paying overtime compensation to account executives.

21. Prior to this reclassification, Plaintiff and the similarly situated employees were paid a weekly salary as their compensation for forty (40) hours worked.

22. Plaintiff and the similarly situated employees' primary job duties were to talk and e-mail with customers to assist them in their freight needs throughout the country. This would include giving quotes generated by Defendants' systems from the available group of vendors in the system.

23. Plaintiff and the similarly situated employees did not set prices nor could they change significant parameters in the system.

24. Plaintiff and the similarly situated employees are truly non-exempt employees and should have been paid overtime compensation for overtime hours worked at all times.

25. Prior to the reclassification, Plaintiff and the similarly situated employees routinely worked overtime hours, but were never paid time and one-half

compensation for same.

26. The additional persons who may become plaintiffs in this action are employees who held similar account executive positions to Plaintiff and who worked in excess of forty (40) hours during one or more work weeks during the relevant time periods but who did not receive pay at one and one-half times their regular rate for their hours worked in excess of forty (40) hours.

27. Upon information and belief, the records, to the extent any exist and are accurate concerning the number of hours worked and amounts paid to Plaintiff and the similarly situated employees are in the possession and custody of Defendants.

RECOVERY OF OVERTIME COMPENSATION

28. Plaintiff reincorporates and readopts all allegations contained within Paragraphs 1-27 above.

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

30. From three years ago up until late 2016, Plaintiff and those similarly situated employees were misclassified as exempt and worked overtime hours without receiving additional overtime compensation from Defendants. *See* ¶¶ 18-26.

31. Defendants did not have a good faith basis for its decision to classify Plaintiff and other account executives as exempt under the FLSA prior to the end of 2016.

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

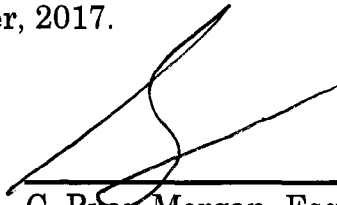
refusing to pay Plaintiff and those similarly situated employees proper overtime compensation, Plaintiff and those similarly situated employees have suffered damages plus incurring reasonable attorneys' fees and costs.

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

34. Plaintiff demands a trial by jury.

WHEREFORE, Plaintiff, THOMAS WEBER, on behalf of himself and those similarly situated, demand 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.

Dated this 6th day of November, 2017.



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Attorneys for Plaintiff

JS 44 (Rev. 12/12)

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
 THOMAS WEBER, on behalf of himself and those similarly situated,

(b) County of Residence of First Listed Plaintiff Lee
 (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
 Morgan & Morgan, P.A., 20 North Orange Avenue, Suite 1400, Orlando, Florida 32801; Telephone (407) 420-1414

DEFENDANTS
 PARAMOUNT TRANSPORTATION LOGISTICS SERVICES, LLC., A FLORIDA CORPORATION, ET AL.,

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)

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	PERSONAL INJURY <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"/> 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"/> 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	EMERGENCY	PRISONER PETITIONS	LABOR	FEDERAL TAX SUITS	
<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"/> 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"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	
			IMMIGRATION		
			<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions		

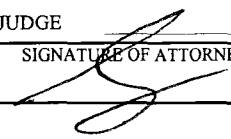
V. ORIGIN (Place an "X" in One Box Only)

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

VI. CAUSE OF ACTION Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
 U.S.C. Section 216(b)
 Brief description of cause:
 Overtime Compensation

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: 11/06/2017 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: [R&L Carriers, Subsidiaries Trucked with Unpaid Overtime Lawsuit](#)
