

to recover unpaid wages and overtime compensation, liquidated damages, attorneys' fees, and costs owed to her individually and on behalf of other similarly situated individuals.

4. In addition, Plaintiff Carter brings this action for employment retaliation against her by Defendants for asserting her FLSA claims.

II. JURISDICTION AND VENUE

5. This Court has original subject matter jurisdiction under 28 U.S.C. § 1331 because Plaintiff's claims arise under federal law, namely the FLSA, 29 U.S.C. § 201 *et seq.*

6. Venue is proper because a substantial part of the acts and omissions giving rise to Plaintiff's claims occurred in the Western District of Virginia. 28 U.S.C. § 1391(b)(2).

III. THE PARTIES

7. Plaintiff Carter worked as a front desk clerk for Defendants at their Astoria Hotel West location in Danville, Virginia. She performed various tasks to assist with the day-to-day operation and maintenance of the hotel, including but not limited to checking in and out customers, answering phones, scheduling reservations, setting up and taking down the breakfast buffet, and cleaning the lobby area. She regularly worked in excess of 60 hours per week without receiving all the compensation she is due under the FLSA. Plaintiff Carter's consent is attached hereto as Exhibit A.

8. The class of similarly situated employees consists of all current and former hourly-paid Hotel Staff, including front desk clerks and maintenance workers, who were employed by Defendants during the three-year period preceding the filing of this Complaint. These similarly situated individuals are referred to as the "Members of the Class" or "the Class."

9. Defendant RNT Hospitality Group, LLC, doing business as Astoria Hotel West formerly known as Innkeeper Danville West, is a Virginia Limited Liability Company with a

principal place of business at 3020 Riverside Drive, Danville, Virginia 24541 that is engaged in commerce in the United States and is otherwise subject to the FLSA. Defendant RNT Hospitality Group, LLC employed Plaintiff within the meaning of the FLSA. Defendant RNT Hospitality Group, LLC may be served with process by serving its registered agent, Robert H. Whitt Jr. at 217 Lynn Street, Danville, Virginia 24541.

10. Defendant Zahid Choudhry is the co-owner and a principal of Defendant RNT and an individual residing in Florida. Choudhry, upon information and belief, possessed control over RNT's actual operations in a manner that directly relates to Plaintiff's employment and that of those similarly situated. Choudhry directly affected employment-related factors such as workplace conditions and/or operations, personnel, and/or compensation, and by doing so regularly transacted business within this district. Choudhry may be served with process at 12536 Highview Dr., Jacksonville, Florida 32225.

11. Defendant Ghulam Latif is the co-owner and a principal of Defendant RNT and an individual residing in Danville, Virginia. Latif, upon information and belief, possessed control over RNT's actual operations in a manner that directly relates to Plaintiff's employment and that of those similarly situated. Latif directly affected employment-related factors such as workplace conditions and/or operations, personnel, and/or compensation. Latif may be served with process at 112 Ridgeway Dr., Danville, Virginia 24541.

12. Defendants employed Plaintiff within the meaning of the FLSA.

IV. BACKGROUND

13. Defendants maintains and operate the Astoria Hotel West, which is located off Route 58 in Danville, Virginia. Upon information and belief, Defendants employ other Hotel

Staff, including other front desk clerks and maintenance workers similarly situated to Plaintiff to assist with the day-to-day operation and maintenance of the hotel.

14. Defendants' front desk clerks and Hotel Staff maintain the property and service hotel guests, including but not limited to checking in and out guests, answering phones, scheduling reservations, setting up and taking down the breakfast buffet, and cleaning the lobby area. Upon information and belief, Plaintiff and Members of the Class regularly worked in excess of 40 hours per work week. However, Defendants did not pay their Hotel Staff one and one-half times their regular rate for all hours in excess of 40 each week. Instead, Defendants only paid their Hotel Staff straight-time pay (no overtime) for all hours worked in excess of 40 hours per week. For the hours worked in excess of 40 hour each workweek, rather than paying proper overtime compensation, Defendants paid their Hotel Staff a "bonus," which did not correlate with the number of hours they actually suffered or were permitted to work. As a result, Defendants failed to properly compensate their employees under the FLSA.

V. PLAINTIFF'S INDIVIDUAL ALLEGATIONS

A. *Defendants Failed to Properly Pay Regular and Overtime Compensation and Unlawfully Retaliated Against Plaintiff Carter.*

15. Plaintiff worked for Defendants at their Astoria Hotel West as a front desk clerk, where she checked in and out customers, answered the phones, scheduled reservations, set up and took down the breakfast buffet, and cleaned the lobby area. During her employment, Plaintiff frequently worked seven consecutive days during a workweek. In a workweek, Plaintiff often worked approximately 60 or more hours.

16. Defendants paid Plaintiff a set hourly rate for all hours worked per workweek, and Plaintiff was paid on a biweekly basis. Defendants paid Plaintiff straight-time only (no overtime) for all hours, regardless of the number of hours suffered or permitted to work. For the hours

worked in excess of 40 hours per workweek, Defendants paid Plaintiff a “bonus” that was not tied to any expenses incurred or correlated to the actual hours she suffered or was permitted to work. Plaintiff did not receive any overtime compensation at one and one-half time her regular rate; rather, she only received straight-time compensation for all hours worked up to 40 hours per workweek.

17. Additionally, Plaintiff did not receive any compensation for the last two weeks she worked for Defendants. As a result, Defendants failed to pay Plaintiff at least minimum wage for all hours worked and failed to pay overtime compensation, as required by the FLSA.

18. The FLSA requires Defendants to pay hourly compensation for each hour an employee suffers or is permitted to work, and to pay overtime compensation at one and a half times Plaintiff’s regular rate of pay for each hour Plaintiff works in excess of 40 hours in a week. Defendants should have paid Plaintiff for 40 hours of regular pay and at least 20 hours or more of overtime in a typical workweek, but Defendants failed to pay the Plaintiff that amount.

19. By failing to pay Plaintiff as described above, Defendants have deprived Plaintiff of a significant amount of regular and overtime compensation to which she is rightfully entitled.

20. Furthermore, prior to March 29, 2018, Plaintiff had complained about her unpaid overtime wages to Defendant Latif and a co-worker at the time. After Plaintiff contacted counsel to institute this action, she informed her now former co-worker that she had contacted an attorney to pursue her unpaid overtime wages. A few days later, Plaintiff was approached by Defendant Latif, who stated “I hear you are suing me. You’re fired, don’t come back.” Plaintiff was terminated on or about March 29, 2018.

21. By terminating Plaintiff Carter in retaliation for her overtime-related complaints, Defendants violated the FLSA's provisions prohibiting and making it illegal to retaliate against employees who raise claims for unpaid overtime compensation.

22. By complaining about her overtime-related claims and seeking counsel to institute her FLSA lawsuit, Plaintiff was engaging in protected conduct and expression. Despite that protection, Defendants unlawfully discharged Plaintiff because she was initiating her lawsuit for unpaid overtime. In other words, the immediate cause of Defendants termination of Plaintiff and other action against her was retaliation against her for her FLSA claims.

23. As a direct result of Defendants' unlawful discharge, Plaintiff Carter suffered lost wages and pain and suffering, including but not limited to mental and emotional distress.

B. Defendants Willfully Violated the FLSA.

24. The FLSA and Department of Labor regulations require that individuals receive at least minimum wage for all hours suffered or permitted to work. In addition, the FLSA and Department of Labor regulations set forth the proper means for calculating and paying minimum wage and overtime compensation to non-exempt employees like Plaintiff. Defendants failed to follow these rules when paying Plaintiff.

25. Defendants had a policy and/or practice of not paying their employees for all of the regular time and overtime they worked each week at the proper rate. Defendants should have paid their employees their regular rate for all hours worked, and they should have paid their employees overtime compensation at one and one-half their regular rates for all hours worked in excess of 40 per workweek.

26. Defendants knew of, or have shown reckless disregard for, the requirements of the FLSA with respect to compensation for Plaintiff.

VI. COLLECTIVE ACTION ALLEGATIONS

27. Plaintiff is aware that Defendants' illegal policies or practices have been imposed upon Members of the Class. Like Plaintiff, the Members of the Class are employed by Defendants as Hotel Staff, including front desk clerks and maintenance workers, who assist(ed) with the day-to-day operation and maintenance of the hotel. The Members of the Class perform job duties similar to Plaintiff, as described above.

28. As with Plaintiff, Members of the Class typically worked seven consecutive days and frequently worked 60 hours or more per workweek. Like Plaintiff, Members of the Class were paid biweekly.

29. Upon information and belief, the Members of the Class are also not properly paid for all hours suffered or permitted to work, as described above with regard to Plaintiff.

30. Defendants' failure to properly compensate Plaintiff and Members of the Class results, upon information and belief, from a generally applicable policy and/or practice. Specifically, upon information and belief, it is a policy and/or practice at Defendants to pay their employees for less than all of the regular and overtime hours its Hotel Staff is suffered or permitted to work. As such, the Members of the Class are owed additional regular time and overtime compensation for precisely the same reasons as Plaintiff.

31. Accordingly, the class of similarly situated plaintiffs is properly defined as:

All current and former hourly paid Hotel Staff, including front desk clerks and maintenance workers, who were employed by Defendants during the three-year period preceding the filing of this complaint.

32. Members of the Class should be notified of this lawsuit and given the opportunity to opt-in if they so desire.

33. Notice from this Court should be expedited to protect these workers from losing a portion of their damages due to the running of the statute of limitations.

VII. CAUSES OF ACTION

34. The preceding paragraphs are incorporated by reference.

35. As set forth above, Defendants violated the FLSA with respect to Plaintiff and Members of the Class by failing to pay at least minimum wage for all hours suffered or permitted to work in a week and by failing to provide proper overtime pay for all hours worked in excess of 40 hours in a week. 29 U.S.C. §§ 206, 207.

36. Plaintiff and Members of the Class are entitled to recover at least a minimum wage for all hours worked as well as overtime compensation, at one and one-half times their regular rate of pay, for all hours worked in excess of 40 hours in a week.

37. In addition, Plaintiff and Members of the Class are entitled to liquidated damages in an amount equal to their unpaid wages and overtime wages.

38. Moreover, Plaintiff and Members of the Class are entitled to reasonable attorneys' fees and costs pursuant to 29 U.S.C. § 216 (b).

39. Additionally, Plaintiff Carter is entitled to lost wages, liquidated damages, and compensation for pain and suffering, including but not limited to mental and emotional distress as well as punitive damages, as a result of Defendants termination of Plaintiff Carter, and other adverse action against her as described herein, in violation of the FLSA. 29 U.S.C. § 215(a)(3).

VIII. JURY DEMAND

40. Plaintiff demands a jury trial. Any required jury fee has been or will be timely paid.

PRAYER

WHEREFORE, Plaintiff requests that this Court award her and Members of the Class judgment against RNT Hospitality Group, LLC, doing business as Astoria Hotel West formerly known as Innkeeper Danville West, Zahid Choudhry, and Ghulam Latif for:

1. damages for the full amount of their unpaid wages;
2. damages for the full amount of their unpaid overtime compensation;
3. an amount equal to their unpaid wages and unpaid overtime compensation as liquidated damages;
4. reasonable attorneys' fees, costs and expenses of this action;
5. for Plaintiff Carter, lost wages, liquidated damages, consequential damages for pain and suffering as a result of her wrongful termination and other adverse action against her in retaliation for instituting this FLSA action, and punitive damages;
6. pre-judgment and post-judgment interest at the highest rate allowed by law; and
7. such other and further relief as may be allowed by law.

DATED this 18th day of July 2018.

Respectfully submitted,

MONIQUE CARTER, on behalf of herself
and other similarly situated

By Counsel

/s/ David W. Thomas
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rcowan@bpblaw.com

Attorneys for Plaintiffs

EXHIBIT A

NOTICE OF CONSENT

I consent to be a party plaintiff in this action and, if necessary, a subsequent action, to recover any unpaid wages owed to me by:

RNT Hospitality Group, LLC and Related Entities

I consent to join the lawsuit in which this Notice of Consent is filed by Bailey Peavy Bailey Cowan Heckaman PLLC and/or any of its co-counsel (collectively "BPB") and on my behalf (the "Lawsuit").

I performed the duties and was paid in the manner described in the active Complaint or Petition in this Lawsuit.

If I am not a Named Plaintiff in this Lawsuit (i.e., if my name does not appear at the top of the first page of pleadings in this Lawsuit), then I authorize the named Plaintiff(s) and BPB to file and prosecute the Lawsuit on my behalf, and I designate the named Plaintiff(s) to make decisions on my behalf concerning the Lawsuit, including negotiating and deciding a resolution of my claims, including any pretrial or post-trial settlement, and I understand that I may be bound by such decisions, subject to Court approval if necessary or required.

I agree to be represented by BPB in this Lawsuit. I agree to be bound by the Contract of Representation executed between the named Plaintiffs in this Lawsuit and BPB, subject to the additional terms stated in this Notice of Consent. I may obtain a copy of the executed Contract(s) of Representation by contacting BPB in writing.

In the event this Lawsuit is not certified or is decertified, I authorize BPB to reuse this Notice of Consent to re-file my claims in separate or related action(s) against the named Defendant(s) in this Lawsuit.

Monique Carter
Signature

Monique Simone Carter
Full Legal Name (print)

March 28, 2018
Date

BAILEY PEAVY BAILEY COWAN HECKAMAN PLLC
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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
 MONIQUE CARTER, on behalf of herself and others similarly situated

(b) County of Residence of First Listed Plaintiff Danville City County, VA
 (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
 David W. Thomas, Esq. (VSB No. 73700)
 MichieHamlett PLLC, 500 Court Square, Suite 300, P.O. Box 298
 Charlottesville, VA 22902, 434-951-7242, dthomas@michiehamlett.com

DEFENDANTS
 RNT HOSPITALITY GROUP, LLC, d/b/a ASTORIA HOTEL WEST
 f/k/a INNKEEPER DANVILLE WEST, ZAHID CHOUDHRY and
 GHULAM LATIF

County of Residence of First Listed Defendant Danville City County, VA
 (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 type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157	<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 <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	CIVIL RIGHTS <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	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 464 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	LABOR <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	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

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):
29 U.S.C. sec. 201 et seq.

Brief description of cause:
FLSA: Unpaid Wages and Overtime

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 PENDING OR CLOSED CASE(S) IF ANY (See instructions): JUDGE _____ DOCKET NUMBER _____

DATE: 07/18/2018 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: [Lawsuit Filed Against Astoria Hotel West Alleging Unpaid Wages, Retaliatory Discharge](#)
