

**FILED**  
U.S. DISTRICT COURT  
EASTERN DISTRICT ARKANSAS

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION

APR 22 2019

JAMES W. MCCORMACK, CLERK  
By:  DEP CLERK

**BRIAN DONNELL, Individually and on  
Behalf of All Those Similarly Situated**

**PLAINTIFF**

vs.

No. 4:19-cv-283-JM

**DASSAULT FALCON JET CORP.**

**DEFENDANT**

This case assigned to District Judge 

and to Magistrate Judge 

**ORIGINAL COMPLAINT – COLLECTIVE ACTION**

COMES NOW Brian Donnell, by and through his attorneys Daniel Ford and Josh Sanford of Sanford Law Firm, PLLC, and for his Original Complaint – Class and Collective Action (“Complaint”), he does hereby state and allege as follows:

**I. PRELIMINARY STATEMENTS**

1. This is an action brought by Plaintiff Brian Donnell, individually and on behalf of all those similarly situated, against Defendant Dassault Falcon Jet Corp (“Defendant”) for violations of the overtime provisions of the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.* (the “FLSA”), and the Arkansas Minimum Wage Act, Ark. Code Ann. § 11-4-201, *et seq.* (the “AMWA”).

2. Plaintiff seeks declaratory judgment; monetary damages; liquidated damages; prejudgment interest; costs; and a reasonable attorney’s fee, as a result of Defendant’s policy and practice of failing to pay Plaintiff proper overtime compensation under the FLSA and under the AMWA within the applicable statutory limitations period.

## II. JURISDICTION AND VENUE

3. The United States District Court for the Eastern District of Arkansas has subject matter jurisdiction over this suit under the provisions of 28 U.S.C. § 1331 because this suit raises federal questions under the FLSA.

4. This Complaint also alleges AMWA violations, which arise out of the same set of operative facts as the federal cause of action herein alleged; accordingly, this state cause of action would be expected to be tried with the federal claim in a single judicial proceeding. This Court has supplemental jurisdiction over Plaintiff's AMWA claims pursuant to 28 U.S.C. § 1367(a).

5. A substantial part of the acts complained of herein were committed and had their principal effect against Plaintiff within the Western Division of the Eastern District of Arkansas; therefore, venue is proper within this District pursuant to 28 U.S.C. § 1391.

## III. THE PARTIES

6. Plaintiff is a citizen and resident of Saline County.

7. Defendant Dassault Falcon Jet Corp. is a foreign for-profit corporation registered to do business in the State of Arkansas.

8. Defendant Dassault Falcon Jet Corp.'s principal place of business is 200 Riser Road, Little Ferry, New Jersey 07643.

9. Defendant Dassault Falcon Jet Corp. maintains a website at: <http://www.dassaultfalcon.com>.

10. Defendant Dassault Falcon Jet Corp. manufactures airplanes and airplane components related to the air transportation business.

11. Defendant Dassault Falcon Jet Corp.'s services include installation, finishing, placement and assembly of airplane components at 3801 East 10th Street, Little Rock, Arkansas 72202.

12. The registered agent of Defendant Dassault Falcon Jet Corp is Corporate Creations Network, Inc., at 609 SW 8<sup>th</sup> Street #600, Bentonville, Arkansas 72712.

#### **IV. FACTUAL ALLEGATIONS**

13. Plaintiff repeats and re-alleges all the preceding paragraphs of this Complaint as if fully set forth in this section.

14. To support its services related to installation, replacement, repair or maintenance of airplane components, Defendant hires individuals including Plaintiff Donnell as hourly paid Team Leaders.

15. The duties of a Team Leader employee for Defendant is to work with other front-line employees (operators, painters, finishers, mechanics, cabinet makers and technicians) in service bays and install or replace aircraft components, most often interior cabinetry components, and repair and service the same component units.

16. At all relevant times, Plaintiff worked on projects or with materials that had been moved or included in interstate commerce.

17. For each of the three calendar years preceding the filing of the Original Complaint in this case, Defendant's annual gross volume of sales made or business done was not less than \$500,000.00 (exclusive of excise taxes at the retail level that are separately stated).

18. At all times relevant to this Complaint, Defendant employed more than four employees.

19. At all relevant times, Defendant was Plaintiff's employer and is and has been engaged in interstate commerce as that term is defined under the FLSA.

20. At all relevant times, Defendant was Plaintiff's employer under the AMWA.

21. Defendant directly hired Plaintiff, paid him wages and benefits, controlled his work schedules, duties, protocols, applications, assignments and employment conditions, and kept at least some records regarding their employment.

22. Plaintiff performed the duties of a Team Leader for Defendant during the last three years.

23. Defendant paid Plaintiff an hourly rate in exchange for services as a Team Leader.

24. As a Team Leader for Defendant, Plaintiff was required to clock-in and clock-out each day, and to work on accounts.

25. Plaintiff and other Team Leaders regularly worked more than forty hours per week.

26. Despite working more than forty hours per week on a regular basis, Plaintiff and other Team Leaders were only paid their regular rate for any hours worked over forty, and not the proper overtime premium.

27. Defendant did not pay Plaintiff and other Team Leaders an overtime premium of one and-one-half times their regular rate of pay for all hours worked over forty per week.

#### **V. INDIVIDUAL CLAIM UNDER THE FLSA**

28. Plaintiff repeats and re-alleges all the preceding paragraphs of this Complaint as if fully set forth in this section.

29. 29 U.S.C. § 207 requires employers to pay employees one and one-half times the employee's regular rate for all hours that the employee works in excess of forty (40) per week. 29 U.S.C.S. § 207 (LEXIS 2013).

30. Defendant violated the FLSA by not paying Plaintiff one and one-half times his regular rate when calculating his overtime pay for all hours worked over forty in a given workweek.

31. Defendant's conduct and practice, as described above, has been and is willful, intentional, unreasonable, arbitrary and in bad faith.

32. By reason of the unlawful acts alleged herein, Defendant is liable to Plaintiff for, and Plaintiff seeks, unpaid overtime wages, liquidated damages, pre-judgment interest, and costs, including reasonable attorney's fees as provided by the FLSA.

## **VI. INDIVIDUAL CLAIM UNDER THE AMWA**

33. Plaintiff repeats and re-alleges all previous paragraphs of this Complaint as though fully incorporated in this section.

34. Plaintiff asserts this claim for damages and declaratory relief pursuant to the AMWA.

35. At all relevant times, Defendant was Plaintiff's "employer" within the meaning of the AMWA.

36. Arkansas Code Annotated § 211 requires employers to pay all employees one and one-half times regular wages for all hours worked over forty hours in a week, unless an employee meet the exemption requirements of 29 U.S.C. § 213 and accompanying Department of Labor regulations.

37. Defendant failed to pay Plaintiff all overtime wages owed, as required under the AMWA.

38. Defendant's failure to pay Plaintiff overtime of one and one-half his regular rate of pay for all hours worked resulted in a failure to pay Plaintiff full and complete overtime during weeks in which Plaintiff worked more than forty hours.

39. Defendant's conduct and practices, as described above, were willful, intentional, unreasonable, arbitrary and in bad faith.

40. By reason of the unlawful acts alleged herein, Defendant is liable to Plaintiff for monetary damages, liquidated damages, costs, and a reasonable attorney's fee provided by the AMWA for all violations which occurred beginning at least three (3) years preceding the filing of Plaintiff's Original Complaint.

41. Alternatively, should the Court find that Defendant acted in good faith in failing to pay Plaintiff as provided by the AMWA, Plaintiff is entitled to an award of prejudgment interest at the applicable legal rate.

## **VII. FLSA § 216(b) REPRESENTATIVE ACTION ALLEGATIONS**

42. Plaintiff repeats and re-alleges all the preceding paragraphs of this Original Complaint as if fully set forth in this section.

43. Plaintiff brings this collective action on behalf of all Team Leaders employed by Defendant to recover monetary damages owed by Defendant to Plaintiff and members of the putative collective for all the overtime compensation for all the hours he and they worked in excess of forty (40) each week.

44. Plaintiff brings this action on behalf of himself individually *and* all other similarly situated employees, former and present, who were and/or are affected by Defendant's willful and intentional violation of the FLSA.

45. In the past three years, Defendant has employed over 150 Team Leaders

46. Like Plaintiff, these Team Leaders regularly worked more than 40 hours in a week.

47. Defendant failed to pay these workers at the proper overtime rate. Because these employees are similarly situated to Plaintiff, and are owed overtime for the same reasons, the first 216(b) opt-in collective is properly defined as:

**All Team Leaders Within the Past Three Years**

**VIII. PRAYER FOR RELIEF**

WHEREFORE, premises considered, Plaintiff Brian Donnell, individually and on behalf of all those similarly situated, respectfully prays that Defendant be summoned to appear and to answer herein and for declaratory relief and damages as follows:

A. Certification of a collective action pursuant to § 216(b) of the FLSA, with all attendant notices to collective members, and proper procedures, all as set forth above and as to be explained more fully by motion practice;

B. A declaratory judgment that Defendant's practices alleged herein violate the FLSA, the AMWA, and their relating regulations;

C. Judgment for damages for all unpaid overtime compensation under the FLSA, the AMWA, and their relating regulations;

D. Judgment for liquidated damages pursuant to the FLSA, the AMWA, and their relating regulations;

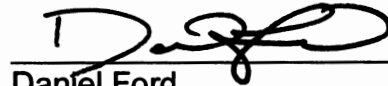
E. An order directing Defendant to pay Plaintiff and all other similarly situated employees prejudgment interest, a reasonable attorney's fee and all costs connected with this action; and

F. Such other and further relief as this Court may deem necessary, just and proper.

Respectfully submitted,

**PLAINTIFF BRIAN DONNELL,  
Individually and On Behalf of  
All Those Similarly Situated**

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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.)

4:19cv283-JM

I. (a) PLAINTIFFS

BRIAN DONNELL, Individually and On Behalf of Those Similarly Situated

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

(c) Attorneys (Firm Name, Address, and Telephone Number) Daniel Ford and Josh Sanford, SANFORD LAW FIRM, PLLC, One Financial Center, 650 South Shackleford, Suite 411, Little Rock, Arkansas 72211; 501-221-0088; josh@sanfordlawfirm.com

DEFENDANTS

DASSAULT FALCON JET CORP.

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, 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)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship and business location (Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation).

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Grid of boxes for various legal categories: 110 Insurance, 120 Marine, 130 Miller Act, 140 Negotiable Instrument, 150 Recovery of Overpayment & Enforcement of Judgment, 151 Medicare Act, 152 Recovery of Defaulted Student Loans, 153 Recovery of Overpayment of Veteran's Benefits, 160 Stockholders' Suits, 190 Other Contract, 195 Contract Product Liability, 196 Franchise, PERSONAL INJURY (310-367), PERSONAL PROPERTY (370-385), Habeas Corpus (463-560), 210 Land Condemnation, 220 Foreclosure, 230 Rent Lease & Ejectment, 240 Torts to Land, 245 Tort Product Liability, 290 All Other Real Property, 440 Other Civil Rights, 441 Voting, 442 Employment, 443 Housing/Accommodations, 445 Amer. w/Disabilities - Employment, 446 Amer. w/Disabilities - Other, 448 Education, 625 Drug Related Seizure of Property 21 USC 881, 690 Other, 710 Fair Labor Standards Act, 720 Labor/Management Relations, 740 Railway Labor Act, 751 Family and Medical Leave Act, 790 Other Labor Litigation, 791 Employee Retirement Income Security Act, 422 Appeal 28 USC 158, 423 Withdrawal 28 USC 157, 820 Copyrights, 830 Patent, 840 Trademark, 861 HIA (1395ff), 862 Black Lung (923), 863 DIWC/DIWW (405(g)), 864 SSID Title XVI, 865 RSI (405(g)), 870 Taxes (U.S. Plaintiff or Defendant), 871 IRS—Third Party 26 USC 7609, 375 False Claims Act, 376 Qui Tam (31 USC 3729(a)), 400 State Reapportionment, 410 Antitrust, 430 Banks and Banking, 450 Commerce, 460 Deportation, 470 Racketeer Influenced and Corrupt Organizations, 480 Consumer Credit, 490 Cable/Sat TV, 850 Securities/Commodities/Exchange, 890 Other Statutory Actions, 891 Agricultural Acts, 893 Environmental Matters, 895 Freedom of Information Act, 896 Arbitration, 899 Administrative Procedure Act/Review or Appeal of Agency Decision, 950 Constitutionality of State Statutes.

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 USC 201 et seq.

Brief description of cause: Unpaid 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 CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE 04/22/2019

SIGNATURE OF ATTORNEY OF RECORD

[Handwritten Signature]

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: [Dassault Falcon Jet Corp. Sued by Team Leader Over Alleged Wage Violations](#)

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