

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

Edward Fambro, Michael Holmes and
Kimberly Gertman, individually and on
behalf of all others similarly situated
who consent to their inclusion in a
collective action,

Plaintiffs,

vs.

City of Atlanta,

Defendant.

Civil Action No.

COMPLAINT

Plaintiffs Edward Fambro, (“Fambro”) Michael Holmes, (“Holmes”) and
Kimberly Gertman (“Gertman”) (collectively “Plaintiffs”), individually and on
behalf of all others similarly situated who consent to their inclusion in a collective
action, bring this Complaint against the City of Atlanta, (“the City”) and show the
Court as follows:

(1) Introduction

1.

This is a wage and hour case.

2.

Plaintiffs are corrections officers employed by the City. The City compensates them and other similarly situated employees in the City's Corrections Department with compensatory time in lieu of overtime compensation in a manner violative of the FLSA.

3.

Plaintiffs ask this Court to certify a collective of similarly situated individuals, to wit, "All persons who the City of Atlanta employed in the City's Corrections Department in the three years prior to December 6, 2017, who were awarded compensatory time in lieu of overtime, and who consent in writing to their inclusion in a collective action."

4.

Fambro's Consent to Serve as a Plaintiff Representative in this FLSA action is filed herewith as Exhibit "A".

5.

Holmes' Consent to Serve as a Plaintiff Representative in this FLSA action is filed herewith as Exhibit "B".

6.

Gertman's Consent to Serve as a Plaintiff Representative in this FLSA action is filed herewith as Exhibit "C".

7.

Plaintiffs request collective relief because the City treated employees in its Corrections Department in a similar manner with respect to compensatory time.

(2) *Jurisdiction and Venue*

8.

This Court has subject matter jurisdiction over the present action under Article III, § 2 of the United States Constitution, FLSA § 16(b), 29 U.S.C. § 216(b), 28 U.S.C. § 1331, because this case arises under the FLSA, a federal statute that affects interstate commerce.

9.

Venue properly lies in the Northern District of Georgia under 28 U.S.C. § 1391 because the City is located in this judicial district and a substantial portion of the events giving rise to the claims herein arose in this judicial district.

(3) *The Parties*

10.

Fambro resides in Fulton County, Georgia.

11.

Holmes resides in Fulton County, Georgia.

12.

Gertman resides in Henry County, Georgia.

13.

The City is a municipal corporation organized under the laws of the State of Georgia.

14.

The City is subject to the personal jurisdiction of this Court.

15.

At all times material hereto, the City was an “employer” of Plaintiffs as defined in FLSA § 3(d), 29 U.S.C. § 203(d).

16.

At all times material hereto, Plaintiffs were “employees” of the City as defined in the FLSA § 3(e)(2)(c), 29 U.S.C. § 203(e)(2)(c).

17.

At all times material hereto, the City employed the Plaintiffs as corrections officers.

18.

At all times material hereto, Plaintiffs have performed such work as conducting investigations or inspections for violations of law.

19.

At all times material hereto, Plaintiffs have performed such work as detaining or supervising suspected and convicted criminals.

20.

At all times material hereto, Plaintiffs have performed such work as interrogating and fingerprinting suspects.

21.

At all times material hereto, Plaintiffs have performed such work as preparing investigative reports.

22.

At all times material hereto, Plaintiffs were not exempt from the requirement they be paid an overtime premium pursuant to 29 CFR §541.3(b).

(4) *Additional Factual Allegations*

23.

The City employed Fambro as a corrections officer from July 5, 1994 through the date of filing of this action.

24.

The City employed Holmes as a corrections officer from October 15, 1991 through the date of filing of this action.

25.

The City employed Gertman as a corrections officer from December 1999 through October 2, 2017.

26.

At all times material hereto, the City did not employ Plaintiffs in a bona fide professional capacity within the meaning of 29 USC § 213 (a).

27.

At all times material hereto, the City did not employ Plaintiffs in a bona fide administrative capacity within the meaning of 29 USC § 213 (a).

28.

At all times material hereto, the City did not employ Plaintiffs in a bona fide executive capacity within the meaning of 29 USC § 213 (a).

29.

At all times material hereto, Plaintiffs were not exempt from the maximum hours requirements of the FLSA by reason of any exemption.

30.

At all times material hereto, the City determined overtime for its corrections officers on the basis of 28-day work periods.

31.

At all times material hereto, the City compensated Plaintiffs and the collective they seek to represent for work in excess of 171 hours in a 28-day work period (“overtime”) by awarding compensatory time in lieu of overtime compensation.

32.

At all times material hereto, the City compensated Plaintiffs and the collective they seek to represent for overtime by awarding compensatory time in lieu of monetary compensation at a rate of one hour of compensatory time for each hour of overtime.

33.

At all times material hereto, the City failed to compensate Plaintiffs and the collective they seek to represent for accrued compensatory time upon their separation from employment.

34.

At all times material hereto, the City failed to compensate Plaintiffs and the collective they seek to represent for overtime after their comp time accruals reached 480 hours.

35.

At all times material hereto, the City periodically and unlawfully truncated the compensatory accruals of Plaintiffs and the class they seek to represent.

COUNT I - FAILURE TO ACCRUE COMPENSATORY TIME AT ONE AND ONE-HALF TIMES THE OVERTIME WORKED

36.

The allegations in all previous paragraphs are incorporated by reference as if fully set out in this paragraph.

37.

At all times material hereto, Plaintiffs and the members of the collective they seek to represent were employees covered by the FLSA and entitled to the overtime protections set forth in FLSA § 7(a), 29 U.S.C. § 207(a).

38.

During their respective employment with the City, Plaintiffs and the members of the collective they seek to represent regularly worked overtime.

39.

The City failed to pay Plaintiffs and the members of the collective they seek to represent at one-and-one-half times their regular rate for overtime worked in any work period during the entire period of their employment.

40.

The City compensated Plaintiffs and the members of the collective they seek to represent with compensatory time in lieu of a monetary payment for overtime worked at all times during their employment.

41.

The City awarded such compensatory time on the basis of one hour of compensatory time for each hour of overtime worked in violation FLSA § 7(o)(1), 29 U.S.C. § 207(o)(1) and 29 CFR §553.20

42.

Plaintiffs and the members of the collective they seek to represent are entitled to due but unpaid overtime at one-and-one-half their regular rate for overtime worked pursuant to FLSA.

43.

As a result of the underpayment of overtime compensation as alleged above, Plaintiffs and the members of the collective they seek to represent are entitled to liquidated damages in accordance with FLSA § 16(b), 29 U.S.C. § 216(b).

44.

As a result of the underpayment of overtime compensation as alleged above, Plaintiffs and the members of the collective they seek to represent are entitled to their litigation costs, including their reasonable attorney's fees, in accordance with FLSA § 16(b); 29 U.S.C. § 216(b).

COUNT II - FAILURE TO PAY ACCRUED COMPENSATORY TIME AT SEPARATION OF EMPLOYMENT

45.

The allegations in all previous paragraphs are incorporated by reference as if fully set out in this paragraph.

46.

At all times material hereto, the City failed to compensate Plaintiffs and the collective they seek to represent for accrued compensatory time upon their separation from employment.

47.

Plaintiffs and the members of the collective they seek to represent are entitled to payment of accrued compensatory time as of their date of separation from employment.

48.

As a result of the underpayment of overtime compensation as alleged above, Plaintiffs and the members of the collective they seek to represent are entitled to liquidated damages in accordance with FLSA § 16(b), 29 U.S.C. § 216(b).

49.

As a result of the underpayment of overtime compensation as alleged above, Plaintiffs and the members of the collective they seek to represent are entitled to their litigation costs, including their reasonable attorney's fees, in accordance with FLSA § 16(b); 29 U.S.C. § 216(b).

COUNT III - FAILURE TO PAY OVERTIME

50.

The allegations in all previous paragraphs are incorporated by reference as if fully set out in this paragraph.

51.

At all times material hereto, the City failed to compensate Plaintiffs and the collective they seek to represent for overtime accrued after their compensatory time bank reached 480 hours.

52.

Plaintiffs and the members of the collective they seek to represent are entitled to payment of overtime accrued after their compensatory time bank reached 480 hours.

53.

As a result of the underpayment of overtime compensation as alleged above, Plaintiffs and the members of the collective they seek to represent are entitled to liquidated damages in accordance with FLSA § 16(b), 29 U.S.C. § 216(b).

54.

As a result of the underpayment of overtime compensation as alleged above, Plaintiffs and the members of the collective they seek to represent are entitled to their litigation costs, including their reasonable attorney's fees, in accordance with FLSA § 16(b); 29 U.S.C. § 216(b).

COUNT IV - FAILURE TO PAY FOR TRUNCATED COMPENSATORY TIME

55.

The allegations in all previous paragraphs are incorporated by reference as if fully set out in this paragraph.

56.

At all times material hereto, the City periodically and unlawfully truncated the compensatory accruals of Plaintiffs and the class they seek to represent.

57.

Plaintiffs and the members of the collective they seek to represent are entitled to payment of the unlawfully truncated compensatory accruals.

COUNT V– COLLECTIVE ACTION ALLEGATIONS

58.

The allegations in all previous paragraphs are incorporated by reference as if fully set out in this paragraph.

59.

At all times during the three years prior to the filing of this Complaint, the City violated FLSA § 7(o)(1), 29 U.S.C. § 207(o)(1) by failing to calculate compensatory time at one-and-one-half hours of compensatory time for each hour of overtime to employees with the City’s Department of Corrections.

60.

At all times during the three years prior to the filing of this Complaint, the City violated FLSA § 7(o)(1), 29 U.S.C. § 207(o)(1) by its treatment of compensatory time in lieu of overtime for all other employees with the City’s Department of Corrections in the same manner as alleged above with respect to Plaintiffs Fambro, Holmes and Gertman.

61.

All employees who worked in the City’s Department of Corrections within the three years prior to the filing of this action are “similarly situated” to Plaintiffs

Fambro, Holmes and Gertman within the meaning of FLSA § 16 (b), 29 U.S.C. § 216(b).

62.

The City is liable pursuant to 29 U.S.C. § 201 et seq. to all individuals similarly situated to Plaintiffs Fambro, Holmes and Gertman for unpaid compensatory time, liquidated damages, attorney's fees and costs of litigation, and other such equitable and legal relief that this Court finds proper.

63.

The proposed collective of individuals similarly situated to Fambro, Holmes and Gertman should be defined as "All individuals who performed the role of Lieutenant or Captain at any time from three years prior to the date of filing this action through the date of filing of this action."

64.

All such individuals similarly situated to Plaintiffs Fambro, Holmes and Gertman would benefit from the issuance of a Court-supervised Notice of Present Lawsuit and opportunity to consent in writing to their inclusion as Plaintiffs in this lawsuit pursuant to 29 U.S.C. § 216(b).

65.

All such individuals similarly situated to Plaintiffs Fambro, Holmes and Gertman are known to the City, are readily identifiable, and can be located through the records of the City.

WHEREFORE, Plaintiffs respectfully pray:

1. Take jurisdiction of this matter;
2. Permit this case to proceed as an FLSA collective action under 29 U.S.C. § 216 for those employees, past or present, who opt to participate by filing proper written notice with the Court;
3. Issue a Notice of Present Lawsuit to all individuals similarly situated to Plaintiffs, allowing all such similarly-situated individuals to file their written consent to join this action as Plaintiffs;
4. Issue an Order holding each Defendant to be an “employer” as that term is defined under the FLSA;
5. Grant a trial by jury as to all matters properly triable to a jury;
6. Issue a judgment declaring that Plaintiffs and the class they represent were covered by the provisions of the FLSA and that each Defendant has failed to comply with the requirements of the FLSA;
7. Award each Plaintiff proper payment or compensatory time for each overtime hour worked in the three years preceding the filing of this Complaint, calculated at one and one-half times the regular rate, and liquidated damages equaling 100% of overtime due each Plaintiff, as

- required by the FLSA;
8. Award Plaintiffs and each member of the class they represent prejudgment interest on all amounts owed;
 9. Award Plaintiffs and each member of the class they represent nominal damages;
 10. Award each Plaintiff and each member of the class they represent their reasonable attorneys' fees and costs of litigation pursuant to 29 U.S.C. § 216(b); and
 11. Award any and such other further relief this Court deems just, equitable and proper.

Respectfully submitted,

**DELONG CALDWELL
BRIDGERS FITZPATRICK &
BENJAMIN, LLC**

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/s/Kevin D. Fitzpatrick, Jr.
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Ga. Bar No. 262375
/s/Charles R. Bridgers
Charles R. Bridgers
Ga. Bar No. 080791

Counsel for Plaintiffs

JS44 (Rev. 1/13 NDGA)

CIVIL COVER SHEET

The JS44 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 is required for the use of the Clerk of Court for the purpose of initiating the civil docket record. (SEE INSTRUCTIONS ATTACHED)

<p>I. (a) PLAINTIFF(S)</p> <p>Edward Fambro, Michael Holmes and Kimberly Gertman, individually and on behalf of all others similarly situated who consent to their inclusion in a collective action</p> <p>(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF <u>Fulton County</u> (EXCEPT IN U.S. PLAINTIFF CASES)</p>	<p>DEFENDANT(S)</p> <p>City of Atlanta</p> <p>COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT _____ (IN U.S. PLAINTIFF CASES ONLY)</p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED</p>
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<p>(c) ATTORNEYS (FIRM NAME, ADDRESS, TELEPHONE NUMBER, AND E-MAIL ADDRESS)</p> <p>Charles R. Bridgers and Kevin D. Fitzpatrick, Jr. DeLong Caldwell Bridgers Fitzpatrick & Benjamin, LLC 3100 Centennial Tower 101 Marietta Street, NW Atlanta, GA 30303 (404)979-3150 charlesbridgers@dcbflegal.com kevin.fitzpatrick@dcbflegal.com</p>	<p>ATTORNEYS (IF KNOWN)</p>
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II. BASIS OF JURISDICTION
(PLACE AN "X" IN ONE BOX ONLY)

<input type="checkbox"/> 1 U.S. GOVERNMENT PLAINTIFF	<input checked="" type="checkbox"/> 3 FEDERAL QUESTION (U.S. GOVERNMENT NOT A PARTY)
<input type="checkbox"/> 2 U.S. GOVERNMENT DEFENDANT	<input type="checkbox"/> 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)
(FOR DIVERSITY CASES ONLY)

PLF	DEF		PLF	DEF	
<input type="checkbox"/> 1	<input type="checkbox"/> 1	CITIZEN OF THIS STATE	<input type="checkbox"/> 4	<input type="checkbox"/> 4	INCORPORATED OR PRINCIPAL PLACE OF BUSINESS IN THIS STATE
<input type="checkbox"/> 2	<input type="checkbox"/> 2	CITIZEN OF ANOTHER STATE	<input type="checkbox"/> 5	<input type="checkbox"/> 5	INCORPORATED AND PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE
<input type="checkbox"/> 3	<input type="checkbox"/> 3	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	<input type="checkbox"/> 6	<input type="checkbox"/> 6	FOREIGN NATION

IV. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

<input checked="" type="checkbox"/> 1 ORIGINAL PROCEEDING	<input type="checkbox"/> 2 REMOVED FROM STATE COURT	<input type="checkbox"/> 3 REMANDED FROM APPELLATE COURT	<input type="checkbox"/> 4 REINSTATED OR REOPENED	<input type="checkbox"/> 5 TRANSFERRED FROM ANOTHER DISTRICT (Specify District)	<input type="checkbox"/> 6 MULTIDISTRICT LITIGATION	<input type="checkbox"/> 7 APPEAL TO DISTRICT JUDGE FROM MAGISTRATE JUDGE JUDGMENT
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V. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE - DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Fair Labor Standards Act of 1938 (as amended) (29 U.S.C. § 201 et.seq.)

(IF COMPLEX, CHECK REASON BELOW)

<input type="checkbox"/> 1. Unusually large number of parties.	<input type="checkbox"/> 6. Problems locating or preserving evidence
<input type="checkbox"/> 2. Unusually large number of claims or defenses.	<input type="checkbox"/> 7. Pending parallel investigations or actions by government.
<input type="checkbox"/> 3. Factual issues are exceptionally complex	<input type="checkbox"/> 8. Multiple use of experts.
<input type="checkbox"/> 4. Greater than normal volume of evidence.	<input type="checkbox"/> 9. Need for discovery outside United States boundaries.
<input type="checkbox"/> 5. Extended discovery period is needed.	<input type="checkbox"/> 10. Existence of highly technical issues and proof.

CONTINUED ON REVERSE

FOR OFFICE USE ONLY			
RECEIPT # _____	AMOUNT \$ _____	APPLYING IFP _____	MAG. JUDGE (IFP) _____
JUDGE _____	MAG. JUDGE _____ (Referral)	NATURE OF SUIT _____	CAUSE OF ACTION _____

VI. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT - "0" MONTHS DISCOVERY TRACK

- 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT
- 152 RECOVERY OF DEFAULTED STUDENT LOANS (Excl. Veterans)
- 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS

CONTRACT - "4" MONTHS DISCOVERY TRACK

- 110 INSURANCE
- 120 MARINE
- 130 MILLER ACT
- 140 NEGOTIABLE INSTRUMENT
- 151 MEDICARE ACT
- 160 STOCKHOLDERS' SUITS
- 190 OTHER CONTRACT
- 195 CONTRACT PRODUCT LIABILITY
- 196 FRANCHISE

REAL PROPERTY - "4" MONTHS DISCOVERY TRACK

- 210 LAND CONDEMNATION
- 220 FORECLOSURE
- 230 RENT LEASE & EJECTMENT
- 240 TORTS TO LAND
- 245 TORT PRODUCT LIABILITY
- 290 ALL OTHER REAL PROPERTY

TORTS - PERSONAL INJURY - "4" MONTHS DISCOVERY TRACK

- 310 AIRPLANE
- 315 AIRPLANE PRODUCT LIABILITY
- 320 ASSAULT, LIBEL & SLANDER
- 330 FEDERAL EMPLOYERS' LIABILITY
- 340 MARINE
- 345 MARINE PRODUCT LIABILITY
- 350 MOTOR VEHICLE
- 355 MOTOR VEHICLE PRODUCT LIABILITY
- 360 OTHER PERSONAL INJURY
- 362 PERSONAL INJURY - MEDICAL MALPRACTICE
- 365 PERSONAL INJURY - PRODUCT LIABILITY
- 367 PERSONAL INJURY - HEALTH CARE/ PHARMACEUTICAL PRODUCT LIABILITY
- 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY

TORTS - PERSONAL PROPERTY - "4" MONTHS DISCOVERY TRACK

- 370 OTHER FRAUD
- 371 TRUTH IN LENDING
- 380 OTHER PERSONAL PROPERTY DAMAGE
- 385 PROPERTY DAMAGE PRODUCT LIABILITY

BANKRUPTCY - "0" MONTHS DISCOVERY TRACK

- 422 APPEAL 28 USC 158
- 423 WITHDRAWAL 28 USC 157

CIVIL RIGHTS - "4" MONTHS DISCOVERY TRACK

- 441 VOTING
- 442 EMPLOYMENT
- 443 HOUSING/ ACCOMMODATIONS
- 444 WELFARE
- 440 OTHER CIVIL RIGHTS
- 445 AMERICANS with DISABILITIES - Employment
- 446 AMERICANS with DISABILITIES - Other
- 448 EDUCATION

IMMIGRATION - "0" MONTHS DISCOVERY TRACK

- 462 NATURALIZATION APPLICATION
- 465 OTHER IMMIGRATION ACTIONS

PRISONER PETITIONS - "0" MONTHS DISCOVERY TRACK

- 463 HABEAS CORPUS- Alien Detainee
- 510 MOTIONS TO VACATE SENTENCE
- 530 HABEAS CORPUS
- 535 HABEAS CORPUS DEATH PENALTY
- 540 MANDAMUS & OTHER
- 550 CIVIL RIGHTS - Filed Pro se
- 555 PRISON CONDITION(S) - Filed Pro se
- 560 CIVIL DETAINEE: CONDITIONS OF CONFINEMENT

PRISONER PETITIONS - "4" MONTHS DISCOVERY TRACK

- 550 CIVIL RIGHTS - Filed by Counsel
- 555 PRISON CONDITION(S) - Filed by Counsel

FORFEITURE/PENALTY - "4" MONTHS DISCOVERY TRACK

- 625 DRUG RELATED SEIZURE OF PROPERTY 21 USC 881
- 690 OTHER

LABOR - "4" MONTHS DISCOVERY TRACK

- 710 FAIR LABOR STANDARDS ACT
- 720 LABOR/MGMT. RELATIONS
- 740 RAILWAY LABOR ACT
- 751 FAMILY and MEDICAL LEAVE ACT
- 790 OTHER LABOR LITIGATION
- 791 EMPL. RET. INC. SECURITY ACT

PROPERTY RIGHTS - "4" MONTHS DISCOVERY TRACK

- 820 COPYRIGHTS
- 840 TRADEMARK

PROPERTY RIGHTS - "8" MONTHS DISCOVERY TRACK

- 830 PATENT

SOCIAL SECURITY - "0" MONTHS DISCOVERY TRACK

- 861 HIA (1395f)
- 862 BLACK LUNG (923)
- 863 DIWC (405(g))
- 863 DIWW (405(g))
- 864 SSID TITLE XVI
- 865 RSI (405(g))

FEDERAL TAX SUITS - "4" MONTHS DISCOVERY TRACK

- 870 TAXES (U.S. Plaintiff or Defendant)
- 871 IRS - THIRD PARTY 26 USC 7609

OTHER STATUTES - "4" MONTHS DISCOVERY TRACK

- 375 FALSE CLAIMS ACT
- 400 STATE REAPPORTIONMENT
- 430 BANKS AND BANKING
- 450 COMMERCE/ICC RATES/ETC.
- 460 DEPORTATION
- 470 RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS
- 480 CONSUMER CREDIT
- 490 CABLE/SATELLITE TV
- 891 AGRICULTURAL ACTS
- 893 ENVIRONMENTAL MATTERS
- 895 FREEDOM OF INFORMATION ACT
- 950 CONSTITUTIONALITY OF STATE STATUTES
- 890 OTHER STATUTORY ACTIONS
- 899 ADMINISTRATIVE PROCEDURES ACT / REVIEW OR APPEAL OF AGENCY DECISION

OTHER STATUTES - "8" MONTHS DISCOVERY TRACK

- 410 ANTITRUST
- 850 SECURITIES / COMMODITIES / EXCHANGE

OTHER STATUTES - "0" MONTHS DISCOVERY TRACK

- 896 ARBITRATION (Confirm / Vacate / Order / Modify)

*** PLEASE NOTE DISCOVERY TRACK FOR EACH CASE TYPE. SEE LOCAL RULE 26.3**

VII. REQUESTED IN COMPLAINT:

CHECK IF CLASS ACTION UNDER F.R.Civ.P. 23 DEMAND \$ _____

JURY DEMAND YES NO (CHECK YES ONLY IF DEMANDED IN COMPLAINT)

VIII. RELATED/REFILED CASE(S) IF ANY

JUDGE _____ DOCKET NO. _____

CIVIL CASES ARE DEEMED RELATED IF THE PENDING CASE INVOLVES: (CHECK APPROPRIATE BOX)

- 1. PROPERTY INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.
- 2. SAME ISSUE OF FACT OR ARISES OUT OF THE SAME EVENT OR TRANSACTION INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.
- 3. VALIDITY OR INFRINGEMENT OF THE SAME PATENT, COPYRIGHT OR TRADEMARK INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.
- 4. APPEALS ARISING OUT OF THE SAME BANKRUPTCY CASE AND ANY CASE RELATED THERETO WHICH HAVE BEEN DECIDED BY THE SAME BANKRUPTCY JUDGE.
- 5. REPETITIVE CASES FILED BY PRO SE LITIGANTS.
- 6. COMPANION OR RELATED CASE TO CASE(S) BEING SIMULTANEOUSLY FILED (INCLUDE ABBREVIATED STYLE OF OTHER CASE(S)):

7. EITHER SAME OR ALL OF THE PARTIES AND ISSUES IN THIS CASE WERE PREVIOUSLY INVOLVED IN CASE NO. _____, WHICH WAS DISMISSED. This case IS IS NOT (check one box) SUBSTANTIALLY THE SAME CASE.


SIGNATURE OF ATTORNEY OF RECORD

12/6/2017
DATE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

**CONSENT TO SERVE AS A PLAINTIFF REPRESENTATIVE UNDER THE
FAIR LABOR STANDARDS ACT**

I, Edward Fambro, a current or former employee of the City of Atlanta, understand that this lawsuit is brought under the Fair Labor Standards Act of 1938, as amended. (29 U.S.C. §201, *et seq.*) I consent to serve as a Plaintiff and Class Representative in the above-referenced action¹ and to fairly represent the interests of the class members with respect to all cognizable claims for minimum wage and overtime compensation and any other benefits available under the Fair Labor Standards Act and other applicable laws, in accordance with the Fee Agreement executed by the undersigned for such purpose.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

This 22nd day of June 2017.



Signature

¹ In the event that this case is dismissed without prejudice, my claim is dismissed without prejudice or any class in this case is decertified, I consent to serve as a Plaintiff, Class Representative and/or Opt-In Plaintiff in any subsequent action brought against any and/or all Defendants and any other defendants to recover under the FLSA as part of collective action or individually. I reserve the right to revoke this Consent in part or in its entirety upon written notice to my Attorneys or the Court.

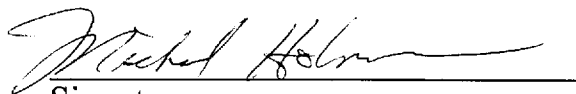
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

**CONSENT TO SERVE AS A PLAINTIFF REPRESENTATIVE UNDER THE
FAIR LABOR STANDARDS ACT**

I, Michael Holmes, a current or former employee of the City of Atlanta understand that this lawsuit is brought under the Fair Labor Standards Act of 1938, as amended. (29 U.S.C. §201, *et seq.*) I consent to serve as a Plaintiff and Class Representative in the above-referenced action¹ and to fairly represent the interests of the class members with respect to all cognizable claims for minimum wage and overtime compensation and any other benefits available under the Fair Labor Standards Act and other applicable laws, in accordance with the Fee Agreement executed by the undersigned for such purpose.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

This 22nd day of June 2017.


Signature

¹ In the event that this case is dismissed without prejudice, my claim is dismissed without prejudice or any class in this case is decertified, I consent to serve as a Plaintiff, Class Representative and/or Opt-In Plaintiff in any subsequent action brought against any and/or all Defendants and any other defendants to recover under the FLSA as part of collective action or individually. I reserve the right to revoke this Consent in part or in its entirety upon written notice to my Attorneys or the Court.

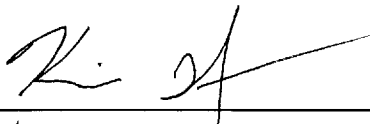
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

**CONSENT TO SERVE AS A PLAINTIFF REPRESENTATIVE UNDER THE
FAIR LABOR STANDARDS ACT**

I, Kimberly Gertman, a current or former employee of the City of Atlanta, understand that this lawsuit is brought under the Fair Labor Standards Act of 1938, as amended. (29 U.S.C. §201, *et seq.*) I consent to serve as a Plaintiff and Class Representative in the above-referenced action¹ and to fairly represent the interests of the class members with respect to all cognizable claims for minimum wage and overtime compensation and any other benefits available under the Fair Labor Standards Act and other applicable laws, in accordance with the Fee Agreement executed by the undersigned for such purpose.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

This 27th day of November 2017.



Signature

¹ In the event that this case is dismissed without prejudice, my claim is dismissed without prejudice or any class in this case is decertified, I consent to serve as a Plaintiff, Class Representative and/or Opt-In Plaintiff in any subsequent action brought against any and/or all Defendants and any other defendants to recover under the FLSA as part of collective action or individually. I reserve the right to revoke this Consent in part or in its entirety upon written notice to my Attorneys or the Court.

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Corrections Officers Sue City of Atlanta Over Comp Time](#)
