

2. Plaintiff Arash Farasat is an individual who resides in Dallas County, Texas and was employed by Defendants within the meaning of the FLSA within the three year period preceding the filing of this Complaint. He hereby consents to be a party in this action and his consent form is attached as “Exhibit A.”

3. The Plaintiff and Class Members are Defendants’ current and former valet drivers who provide(d) Defendants’ valet services to Defendants’ clients and were paid in whole or in part on a tipped basis. At all times hereinafter mentioned Plaintiff and Class Members were individual employees who were engaged in commerce or in the production of goods for commerce as required by 29 U.S.C. §§ 206-207.

4. Defendant Prime Valet LLC (“Prime Valet”) is a corporation that does business in Texas and this District and can be served with process through its registered agent, John Jason Weeks at 4144 N Central Expressway, Suite 600, Dallas, Texas 75204 or wherever he may be found.

5. Defendant John Jason Weeks (“Weeks”) is an individual who may be served with process at 4307 McKinney Ave., Apt. 2, Dallas, TX 75205 or wherever he may be found.

III. JURISDICTION AND VENUE

6. This Court has jurisdiction over the claim because Plaintiff has asserted a claim arising under federal law under the Fair Labor Standards Act (FLSA). 29 U.S.C. § 201 et seq. Accordingly, this Court has jurisdiction over the subject matter of this action under 29 U.S.C. § 216(b) and 28 U.S.C. § 1331.

7. Venue is proper in the Northern District of Texas because the events forming the basis of the suit occurred in this District, and Defendants reside in this District.

IV. COVERAGE

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

9. At all times hereinafter mentioned, Defendants have been employers or joint employers within the meaning of the Section 3(d) of the FLSA, 29 U.S.C. § 203(d).

10. At all times hereinafter mentioned, Defendants have been an enterprise within the meaning of Section 3(r) of the FLSA, 29 U.S.C. § 203(r).

11. At all times hereinafter mentioned, Defendants have been enterprises engaged in commerce or in the production of goods for commerce within the meaning of Section 3(s)(1) of the FLSA, 29 U.S.C. § 203(s)(1), in that said enterprises have had employees engaged in commerce or in the production of goods for commerce, or employees handling, selling, or otherwise working on goods or materials that have been moved in or produced for commerce by any person and in that said enterprise has had and has an annual gross volume of sales made or business done of not less than \$500,000 (exclusive of excise taxes at the retail level which are separately stated).

12. At all times hereinafter mentioned, Plaintiff and Class Members were individual employees who were engaged in commerce or in the production of goods for commerce as required by 29 U.S.C. §§ 206-207.

V. FACTUAL ALLEGATIONS

13. Defendant Prime Valet specializes in providing valet services for various businesses and individuals throughout the Dallas/Fort Worth Metroplex. Defendants do over \$500,000.00 dollars per year in business. In addition, Defendants are engaged in commerce because the valet drivers park cars which have moved in or produced for commerce.

14. Defendant John Jason Weeks is the founder, owner and/or director of Defendant Prime Valet. In this capacity, he was/is responsible for running the day-to-day activities of Prime Valet. He makes decisions about how the company should operate, market, acquire work, hire or fire and pay their employees and vendors, and treat their employees. Weeks oversaw the work

performed by Plaintiff and the Class Members; designed, implemented, and enforced the pay plan and work schedules at issue in this suit; and, is ultimately responsible for the violations pursued in this case.

15. Plaintiff was employed by Defendants as a valet driver within the three years prior to filing this lawsuit.

16. As a valet driver, Plaintiff was required to perform valet services at various restaurants, bars, and other businesses and private locations. Plaintiff was responsible for parking vehicles and retrieving the vehicles for the owners of said vehicles.

17. Plaintiff was not provided any hourly wage. Rather than comply with the FLSA, Plaintiff was paid wholly in tips. In so doing, Defendants paid Plaintiff less than minimum wage, as he was not even paid the \$2.13 tip-credit minimum wage.

18. Moreover, Defendants required Plaintiff to pay a portion of his tips received each shift to the management of Defendants' companies in violation of requirements for legal tip pools under the FLSA.

19. During the three year period prior to this suit, Defendants have employed individuals as valets who performed the same job duties under the same pay provisions as Plaintiff, who were not paid minimum wage in accordance with 29 U.S.C. § 206.

20. Defendants knowingly, willfully, or with reckless disregard carried out their illegal pattern or practice of failing to pay minimum wage compensation with respect to Plaintiff and the Class Members.

VI. COLLECTIVE ACTION ALLEGATIONS

21. Plaintiff and the Class Members performed the same or similar job duties as one another in that they worked as valets for Defendants.

22. Plaintiff and Class Members were subjected to the same pay provisions in that they were paid in whole or in part through tips. The Class Members were also required to pay a portion of the tips they received to management.

23. Defendants violated 29 U.S.C. § 203(m) by not allowing Plaintiff and the Class Members' to keep all tips received during their time working for the Defendants. Defendants consequently violated 29 U.S.C. § 206 in failing to pay Plaintiff and the Class Members the federal minimum wage for all hours worked. Application of this policy or practice does not depend on the personal circumstances of the Plaintiff or those joining this lawsuit. Rather, the same policy or practice which resulted in the non-payment of minimum wage to Plaintiff applied to all Class Members. Accordingly, the "Class Members" are properly defined as:

All Valet Drivers who worked for or are working for Defendants who were paid in whole or in part on tips.

24. Defendants knowingly, willfully, or with reckless disregard carried out their illegal pattern or practice of forcing valets to share their tips with management and failing to pay valets pursuant to a lawful tip credit, commonly denying minimum wage with respect to Plaintiff and the Class Members.

VII. CAUSE OF ACTION: FAILURE TO PAY WAGES IN ACCORDANCE WITH THE FAIR LABOR STANDARDS ACT

25. During the relevant period, Defendants have violated and are violating the provisions of 29 U.S.C. § 203(m) and § 206 by employing employees in an enterprise engaged in commerce or in the production of goods for commerce within the meaning of the FLSA as aforesaid, and failing to comply with the "tip credit" provisions of this provision and minimum wage requirements of the FLSA. Defendants have acted willfully in failing to pay Plaintiff and the Class Members in accordance with the law.

VIII. RELIEF SOUGHT

26. WHEREFORE, cause having been shown, Plaintiff prays for judgment against Defendants as follows:

a. For an Order pursuant to Section 16(b) of the FLSA finding Defendants liable for unpaid back wages due to Plaintiff, including the amount of tips he was required to give management (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); and

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; and

d. For and 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. Forester

J. Derek Braziel

Texas Bar No. 00793380

J. Forester

Texas Bar No. 24087532

Travis Gasper

State Bar No. 24096881

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ATTORNEYS FOR PLAINTIFF

NOTICE OF CONSENT

I hereby consent to become a party plaintiff in the overtime lawsuit in which this consent is filed.

DocuSigned by:

Arash Farasat

Signature 07D16456...

10/26/2016

Date

Arash Farasat

Printed Name

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 THE REVERSE SIDE OF THE FORM.)

I. (a) PLAINTIFFS

Arash Farasat on Behalf of Himself and All Others
Similarly Situated

DEFENDANTS

Prime Valet LLC and John Jason Weeks, individually
 County of Residence of First Listed Defendant Dallas
 (IN U.S. PLAINTIFF CASES ONLY)

(b) County of Residence of First Listed Plaintiff _____
 (EXCEPT IN U.S. PLAINTIFF CASE)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)

Attorneys (If Known)

J. Derek Braziel PHONE
LEE & BRAZIEL, LLP 214-749-1400
 1801 N. Lamar Street, Suite 325
 Dallas, Texas 75202

II. BASIS OF JURISDICTION (Place and "X" in One Box Only)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- 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)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated <i>or</i> Principal Place of Business In This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated <i>or</i> Principal Place of Business In Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 |

IV. NATURE OF SUITE (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 (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayments of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	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 PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 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"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety / Health <input type="checkbox"/> 690 Other	<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	<input type="checkbox"/> 400 State Reappointment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	LABOR	SOCIAL SECURITY
<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"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input checked="" type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<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
- 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes under diversity.)

Fair Labor Standards Act, 29 U.S.C. Section 201, et seq.

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION DEMAND \$ _____

CHECK YES only if demanded in complaint:

JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See instructions):

JUDGE _____

DOCKET NUMBER _____

Date SIGNATURE OF ATTORNEY OF RECORD

11/15/2016

/s/J. Derek Braziel

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: [Class Action Says Prime Valet Took Illegal Tip Credit, Violated FLSA](#)
