

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

DANNA FOREMAN, ON BEHALF OF  
HERSELF AND OTHERS SIMILARLY  
SITUATED,

Plaintiff,

v.

4 CORNERS CONSTRUCTION, LLC,  
Defendant.

CASE NO. CIV-18-1260-F

**NOTICE OF REMOVAL**

TO: THE CLERK OF THE ABOVE TITLED COURT AND ALL PARTIES:

PLEASE TAKE NOTICE that Defendant 4 Corners Construction, LLC (“4 Corners”), hereby removes this action from the District Court of Oklahoma County, State of Oklahoma, to the United States District Court for the Western District of Oklahoma under 28 U.S.C. §§ 1331 and 1441(a). 4 Corners removes this case on the grounds that this Court has original jurisdiction based on the existence of a federal question. CNI’s Notice of Removal is based upon and supported by the following:

**BACKGROUND**

1. On October 17, 2018, Plaintiff Danna Foreman, on behalf of herself and others similarly situated (“Plaintiff”) filed this civil action against 4 Corners in the District Court of Oklahoma County, State of Oklahoma, Case No. CJ-2018-5697 (the “State Court Action”). Plaintiff brings claims of failure to pay wages in violation of Plaintiff’s employment contract, the Oklahoma Protection of Labor Act (OPLA) and the Fair Labor

Standards Act (FLSA). Plaintiff also asserts claims for wrongful termination in retaliation for complaints of unpaid wages in violation of the FLSA and Oklahoma's public policy. See State Court Docket, Exhibit 1; Petition, Exhibit 2 and Summons, Exhibit 3.

2. On November 30, 2018, Plaintiff served 4 Corners with her Petition via its registered agent.

3. This Notice of Removal is timely because it is filed within 30 days of service of the Petition. See 28 U.S.C. § 1446(b)(2)(B).

4. Removal to this Court is appropriate because the Petition is pending in the District Court of Oklahoma County, State of Oklahoma, which is located in this Court's jurisdiction. See 28 U.S.C. §§ 116(c), 1441(a).

#### **GROUND FOR REMOVAL**

5. The Court has original jurisdiction over the State Court Action under 28 U.S.C. §§ 1331. Plaintiff's claims under the Fair Labor Standards Act arise under the laws of the United States providing this Court federal question jurisdiction.

6. Therefore, the State Court Action may be removed to this Court by Defendant 28 U.S.C. § 1441(a).

#### **NOTICES PROVIDED TO PLAINTIFF AND TO STATE COURT**

7. Under 28 U.S.C. § 1446(a) and LCvR81.2(a), the docket sheet and a true and correct copy of all process, pleadings, and orders served upon the Defendants in the State Court Action are attached. See Exhibits 1-9;

8. In accordance with 28 U.S.C. § 1446(d), Defendants will promptly file a notice of filing of removal, with a copy of this Notice of Removal attached, with the

Cleveland County Court Clerk – which is the court in which this action was commenced and pending at the time this Notice of Removal was filed with this Court – in *Danna Foreman, on behalf of herself and others similarly situated v. 4 Corners Construction, LLC*, District Court of Oklahoma County, State of Oklahoma, Case No. CJ-2018-5697. Defendants will promptly serve a notice of filing of removal, with a copy of the Notice of Removal attached, on Plaintiff. See State Court Notice, Exhibit 10.

### **CONCLUSION**

9. By this notice, Defendants do not waive any objections it may have as to improper service, jurisdiction, venue, or any other defenses or objections to this action. Defendant intends no admission of fact, law or liability by this notice, and reserves all defenses, motions, and please. Defendant requests this action be removed to this Court for determination, that all further proceedings in the state court suit be stayed, and that the Defendant obtain all additional relief to which it is entitled.

Defendant 4 Corners respectfully removes the above-captioned action now pending against it in the District Court of Oklahoma County, State of Oklahoma, to this Court.

DATED: December 28, 2018.

Respectfully submitted,

/s/Sam R. Fulkerson

Sam R. Fulkerson, OK #14370

Kim Tran, #21384

OGLETREE, DEAKINS, NASH, SMOAK &  
STEWART, P.C.

The Heritage Building

621 N. Robinson Ave., Suite 400

Oklahoma City, Oklahoma 73102

Telephone: 405-546-3774

Facsimile: 405-546-3775

sam.fulkerson@ogletree.com

kim.tran@ogletree.com

***ATTORNEYS FOR DEFENDANT, 4  
CORNERS CONSTRUCTION, LLC.***

**CERTIFICATE OF SERVICE**

I hereby certify that on December 28, 2018, I electronically transmitted the foregoing document to the Clerk of Court using the ECF system for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

Mark E. Hammons

Amber L. Hurst

Kristin E. Richards

Hammons, Gowens, Hurst & Assoc.

325 Dean A. McGee Avenue

Oklahoma City, OK 73102

*Attorneys for Plaintiff*

/s/ Sam R. Fulkerson

Sam R. Fulkerson

36707362.1

# EXHIBIT 1



**OKLAHOMA**  
State Courts Network

The information on this page is NOT an official record. Do not rely on the correctness or completeness of this information. Verify all information with the official record keeper. The information contained in this report is provided in compliance with the Oklahoma Open Records Act, 51 O.S. 24A.1. Use of this information is governed by this act, as well as other applicable state and federal laws.

**IN THE DISTRICT COURT IN AND FOR OKLAHOMA COUNTY, OKLAHOMA**

1. DANNA FOREMAN, ON BEHALF OF  
HERSELF AND OTHERS SIMILARLY  
SITUATED,

Plaintiff,

v.

1. 4 CORNERS CONSTRUCTION, LLC,  
Defendant.

**No. CJ-2018-5697**

**(Civil relief more than \$10,000: WRONGFUL  
TERMINATION)**

Filed: 10/17/2018

Judge: Davis, Lisa T

**PARTIES**

4 Corners Construction Llc, Defendant  
Foreman, Danna, Plaintiff

**ATTORNEYS**

**Attorney**

FULKERSON, SAM R (Bar #14370)  
621 N ROBINSON, SUITE 400  
OKLAHOMA CITY, OK 73102

HURST, AMBER L (Bar #21231)  
325 DEAN A. MCGEE AVE  
OKLAHOMA CITY, OK 73102

TRAN, KIM (Bar #21384)  
621 N. ROBINSON AVENUE, SUITE 400  
OKLAHOMA CITY, OK 73102

**Represented Parties**

4 Corners Construction Llc,

Foreman, Danna

4 Corners Construction Llc,

## EVENTS

None

## ISSUES

For cases filed before 1/1/2000, ancillary issues may not appear except in the docket.

**Issue # 1.** Issue: WRONGFUL TERMINATION (TERMINATE)  
 Filed By: Foreman, Danna  
 Filed Date: 10/17/2018







Party Name	Disposition Information
	Pending.

## DOCKET

Date	Code	Description	Count	Party	Amount
10-17-2018	TEXT	CIVIL RELIEF MORE THAN \$10,000 INITIAL FILING.	1		
10-17-2018	TERMINATE	WRONGFUL TERMINATION			
10-17-2018	DMFE	DISPUTE MEDIATION FEE			\$ 7.00
10-17-2018	PFE1	PETITION			\$ 163.00
10-17-2018	PFE7	LAW LIBRARY FEE			\$ 6.00
10-17-2018	OCISR	OKLAHOMA COURT INFORMATION SYSTEM REVOLVING FUND			\$ 25.00
10-17-2018	OCJC	OKLAHOMA COUNCIL ON JUDICIAL COMPLAINTS REVOLVING FUND			\$ 1.55
10-17-2018	OCASA	OKLAHOMA COURT APPOINTED SPECIAL ADVOCATES			\$ 5.00
10-17-2018	SSFCHSCPC	SHERIFF'S SERVICE FEE FOR COURTHOUSE SECURITY PER BOARD OF COUNTY COMMISSIONER			\$ 10.00
10-17-2018	CCADMINCSF	COURT CLERK ADMINISTRATIVE FEE ON COURTHOUSE SECURITY PER BOARD OF COUNTY COMMISSIONER			\$ 1.00

Date	Code	Description	Count	Party	Amount
10-17-2018	CCADMIN0155	COURT CLERK ADMINISTRATIVE FEE ON \$1.55 COLLECTION			\$ 0.16
10-17-2018	SJFIS	STATE JUDICIAL REVOLVING FUND - INTERPRETER AND TRANSLATOR SERVICES			\$ 0.45
10-17-2018	DCADMIN155	DISTRICT COURT ADMINISTRATIVE FEE ON \$1.55 COLLECTIONS			\$ 0.23
10-17-2018	DCADMIN05	DISTRICT COURT ADMINISTRATIVE FEE ON \$5 COLLECTIONS			\$ 0.75
10-17-2018	DCADMINCSF	DISTRICT COURT ADMINISTRATIVE FEE ON COURTHOUSE SECURITY PER BOARD OF COUNTY COMMISSIONER			\$ 1.50
10-17-2018	CCADMIN04	COURT CLERK ADMINISTRATIVE FEE ON COLLECTIONS			\$ 0.50
10-17-2018	LTF	LENGTHY TRIAL FUND			\$ 10.00
10-17-2018	SMF	SUMMONS FEE (CLERKS FEE)			\$ 10.00
10-17-2018	EAA	ENTRY OF APPEARANCE Document Available (#1041902966)  TIFF  PDF			
10-17-2018	EAA	ENTRY OF APPEARANCE Document Available (#1041902978)  TIFF  PDF			
10-17-2018	EAA	ENTRY OF APPEARANCE Document Available (#1041902982)  TIFF  PDF			
10-17-2018	P	PETITION Document Available (#1041508157)  TIFF  PDF			
10-17-2018	TEXT	OCIS HAS AUTOMATICALLY ASSIGNED JUDGE DAVIS, LISA T TO THIS CASE.			



Date	Code	Description	Count Party Amount
10-17-2018	ACCOUNT	RECEIPT # 2018-4467425 ON 10/17/2018. PAYOR: HAMMONS AND ASSOCIATES INC TOTAL AMOUNT PAID: \$ 242.14. LINE ITEMS: CJ-2018-5697: \$173.00 ON AC01 CLERK FEES. CJ-2018-5697: \$6.00 ON AC23 LAW LIBRARY FEE CIVIL AND CRIMINAL. CJ-2018-5697: \$1.66 ON AC31 COURT CLERK REVOLVING FUND. CJ-2018-5697: \$5.00 ON AC58 OKLAHOMA COURT APPOINTED SPECIAL ADVOCATES. CJ-2018-5697: \$1.55 ON AC59 COUNCIL ON JUDICIAL COMPLAINTS REVOLVING FUND. CJ-2018-5697: \$7.00 ON AC64 DISPUTE MEDIATION FEES CIVIL ONLY. CJ-2018-5697: \$0.45 ON AC65 STATE JUDICIAL REVOLVING FUND, INTERPRETER SVCS. CJ-2018-5697: \$2.48 ON AC67 DISTRICT COURT REVOLVING FUND. CJ-2018-5697: \$25.00 ON AC79 OCIS REVOLVING FUND. CJ-2018-5697: \$10.00 ON AC81 LENGTHY TRIAL FUND. CJ-2018-5697: \$10.00 ON AC88 SHERIFF'S SERVICE FEE FOR COURT HOUSE SECURITY.	
12-19-2018	EAA	ENTRY OF APPEARANCE Document Available (#1042410373)  TIFF  PDF	
12-19-2018	EAA	ENTRY OF APPEARANCE Document Available (#1042154132)  TIFF  PDF	
12-19-2018	MO	DEFENDANT'S MOTION FOR AN EXTENSION OF TIME TO FILE ANSWER OR OTHERWISE RESPOND TO PLAINTIFFS' PETITION Document Available (#1041885630)  TIFF  PDF	

# EXHIBIT 2

FILED IN DISTRICT COURT  
OKLAHOMA COUNTY

OCT 17 2018

IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
STATE OF OKLAHOMA

RICK WARREN  
COURT CLERK

31 \_\_\_\_\_

- 1. DANNA FOREMAN, on behalf of herself and others similarly situated, )
- Plaintiff, )
- v. )
- 1. 4 CORNERS CONSTRUCTION, LLC, )
- Defendant. )

**CJ-2018 - 5697**

Case No. CJ-2018-

ATTORNEY LIEN CLAIMED  
JURY TRIAL DEMANDED

**PETITION**

**COMES NOW** the Plaintiff and pleads her claims as follows:

**PARTIES**

- 1. The Plaintiff is Danna Foreman, an adult residing in Oklahoma County, Oklahoma.
- 2. The Defendant is 4 Corners Construction, LLC, a domestic company doing business in Oklahoma County, Oklahoma.

**CLAIMS & VENUE**

- 3. Plaintiff's claims are for failure to pay wages in violation of Plaintiff's employment contract, the Oklahoma Protection of Labor Act (OPLA) and the Fair Labor Standards Act (FLSA). Plaintiff also asserts claims for wrongful termination in retaliation for her complaints of unpaid wages, in violation of the FLSA and Oklahoma's clearly established public policy as set out in 40 Okla. St. § 165.1, *et seq.* and *Reynolds v. Avance Alarms, Inc.*, 232 P.3d 907 (2009).
- 4. Many of the actions giving rise to Plaintiff's claims arose in Oklahoma County such that venue is proper in Oklahoma County.

**STATEMENT OF FACTS**

5. The Defendant is an employer under the Fair Labor Standards Act (FLSA) in that it is a company that builds residential homes in Oklahoma, Missouri and Iowa and has at least five hundred thousand dollars (\$500,000) in annual gross revenue.
6. The Plaintiff became employed with the Defendant around May 4, 2018.
7. The Plaintiff was hired under the job position as Sales Coordinator/Sales Executive.
8. The Plaintiff was not a supervisor and was entitled to both minimum wages and overtime wages under the FLSA.
9. The Plaintiff was qualified for her job and performed satisfactorily.
10. The Defendant also employed other Sales Coordinators/Sales Executives who were entitled to minimum and overtime wages under the Fair Labor Standards Act.
11. Around May 4, 2018, the Plaintiff and the Defendant entered into a contractual agreement which provided that Defendant would pay the Plaintiff a base salary of twenty four thousand dollars (\$24,000) per year.
12. Thereafter the Defendant also promised to pay the Plaintiff commissions of 1.5% on properties sold by the Plaintiff, in addition to her base salary.
13. Although the Plaintiff and Defendant maintained a written contractual agreement regarding the amount of her base salary, the Plaintiff was at all times an at-will employee.
14. During multiple weeks of her employment, including in July, August and September 2018, the Plaintiff worked in excess of forty (40) hours per week.
15. During these periods, the Defendant did not pay the Plaintiff any wages earned, including the wages agreed upon in the written and verbal contract, minimum wages

and/or overtime wages.

16. Defendant did not pay the Plaintiff commissions earned, including commissions on properties Plaintiff sold between July and September 2018.
17. In addition to the Plaintiff, there are at least ten current and/or former Sales Coordinators/Sales Executives who have worked for the Defendant during the preceding three years and earned wages which the Defendant has refused to pay.
18. Around September 12, 2018, the Plaintiff complained to the Defendant that Defendant was violating the law by failing to pay Plaintiff her wages.
19. Defendant terminated the Plaintiff's employment around September 28, 2018.
20. The stated reason was that the Plaintiff's job performance.
21. The Defendant's claimed justification for terminating the Plaintiff is untrue for several reasons, including that Plaintiff's performance was on par and/or better than other similarly situated employees and that Plaintiff's supervisors (including Marty Vevea, Division President) had recently praised her job performance.
22. As a direct result of the Plaintiff's termination, she has suffered, and continues to suffer, wage loss (including back, present and front pay along with the value of benefits associated with such wages) and emotional distress/dignitary harm damages including worry, frustration, anxiety and similar unpleasant emotions.
23. At the least, significant factors in the decision to terminate the Plaintiff's employment include her complaints of unpaid wages and Defendant's violations of wage laws.
24. After Plaintiff's termination, the Defendant offered her a "Severance Agreement and Release" which purports to require Plaintiff to release claims for, and entitlement to, her earned wages, including minimum and overtime wages.

**COUNT I**

Plaintiff incorporates the above statements and further alleges:

25. Failure to pay wages (including minimum and overtime wages) and retaliation after Plaintiff complained of unpaid wages, violates the FLSA.
26. Under this Count, the Plaintiff is entitled to her wages loss (including back, present and front pay along with the value of benefits associated with such wages) and liquidated damages.
27. Plaintiff is also entitled to an award of attorney fees and costs.

**COUNT II**

Plaintiff incorporates the above statements and further alleges:

28. Failure to pay agreed upon wages violates the Oklahoma Protection of Labor Act.
29. Under this Count, the Plaintiff is entitled to her wages loss and an equal amount of liquidated damages.
30. Plaintiff is also entitled to an award of attorney fees and costs.

**COUNT III**

Plaintiff incorporates the above statements and further alleges:

31. Failure to pay agreed upon wages violates Plaintiff's contractual agreements with the Defendant.
32. Under this Count, the Plaintiff is entitled to her agreed upon wages and liquidated damages.
33. Plaintiff is also entitled to an award of attorney fees and costs.

**COUNT IV**

Plaintiff incorporates the above statements and further alleges:

34. Terminating the Plaintiff in retaliation for complaining of unpaid wages violates Oklahoma's clearly established public policy as set out in 40 Okla. St. § 165.1, *et seq.*, and *Reynolds v. Avance Alarms, Inc.*, 232 P.3d 907 (2009) (protecting employees who report unpaid wages and assert their right to payment for wages earned).
35. Under this Count, the Plaintiff is entitled to her wage loss (including back, present and front pay along with the value of benefits associated with such wages) and emotional distress/dignitary harm damages.
36. Because the Defendant's conduct was willful or, at the least, in reckless disregard of Plaintiff's rights, the Plaintiff is entitled to an award of punitive damages.

#### CLASS CERTIFICATION

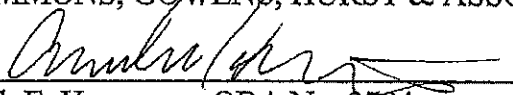
37. The actions described constitutes an illegal policy and/or procedure of non-payment of wages, including minimum and/or overtime wages, as prohibited by the FLSA and OPLA.
38. Because the Plaintiff's injuries arise from an unlawful policy and/or procedure, Plaintiff should, upon discovery of the identity of the similarly situated employees, be entitled to a certification of a class of injured employees entitled to such relief.
39. There are, to Plaintiff's knowledge, at least ten to fifty employees who would be subject to the same unlawful policies and procedures and who have suffered the same injury as Plaintiff (non-payment of wages) with the only distinction being the amount of injury each suffered.
40. The class is specifically knowable and defined as it consists of current and former employees of the Defendant who, like Plaintiff, were not paid their wages earned (including minimum and overtime wages) and which were owed to them.

41. The class is sufficiently numerous that it is impractical to name each member of the class individually and such that a class action is the most economical, expeditious and just way of managing this claim.
42. There are questions of law or fact common to the class, including whether the employees were denied overtime wages in violation of the FLSA and OPLA.
43. Plaintiff Foreman, as the class representative, shares the same questions of law and fact with other class members and will fairly and adequately protect the interests of the class.
44. The only factual matter different between the collective plaintiffs would be the amount of wages lost and damages owed.

**WHEREFORE**, Plaintiff prays that she be granted judgment in her favor and against the Defendant on her claims and that this Court grant the Plaintiff and the class all available compensatory damages, liquidated damages, pre-and post-judgment interests, costs, attorneys' fees and any other legal or equitable relief allowed by law.

**RESPECTFULLY SUBMITTED THIS 17<sup>th</sup> DAY OF OCTOBER, 2018.**

HAMMONS, GOWENS, HURST & ASSOC.

  
Mark E. Hammons, OBA No. 3784  
Amber L. Hurst, OBA No. 21231  
Kristin E. Richards, OBA No. 33255  
325 Dean A. McGee Avenue  
Oklahoma City, Oklahoma 73102  
Telephone: (405) 235-6100  
Facsimile: (405) 235-6111  
mark@hammonslaw.com  
amber@hammonslaw.com  
kristin@hammonslaw.com  
ATTORNEY LIEN CLAIMED  
*Attorneys for Plaintiff*



# EXHIBIT 3

IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
STATE OF OKLAHOMA

1. DANNA FOREMAN, on behalf of  
herself and others similarly situated,

Plaintiff,

v.

1. 4 CORNERS CONSTRUCTION, LLC,

Defendant.

Case No. CJ-18-

**CJ-2018-5697**

JURY TRIAL DEMANDED  
ATTORNEY LIEN CLAIMED


**SUMMONS**

To: 4 Corners Construction, LLC  
c/o its Registered Agent  
Dennis Boren  
6180 Boucher  
Edmond, OK 73034

You have been sued by the above-named Plaintiff, and you are directed to file a written answer to the attached petition in the court at the above address within **twenty (20)** days after service of this summons upon you, exclusive of the day of service. Within the same time, a copy of your answer must be delivered or mailed to the attorney for the Plaintiff.

ISSUED THIS 17<sup>th</sup> DAY OF OCTOBER, 2018.

OKLAHOMA COUNTY COURT CLERK

By   
Deputy Court Clerk

Attorney for Plaintiff:  
HAMMONS, GOWENS, HURST & ASSOC.  
Amber L. Hurst, OBA No. 21231  
325 Dean A. McGee Avenue  
Oklahoma City, Oklahoma 73102  
(405) 235-6100; (405) 235-6111 (fax)

This summons was served on \_\_\_\_\_ by \_\_\_\_\_  
Signature of person serving summons

**YOU MAY SEEK THE ADVICE OF AN ATTORNEY ON ANY MATTER CONNECTED WITH THIS SUIT OR YOUR ANSWER. SUCH ATTORNEY SHOULD BE CONSULTED IMMEDIATELY SO THAT AN ANSWER MAY BE FILED WITHIN THE TIME LIMIT STATED IN THE SUMMONS.**

# EXHIBIT 4

FILED IN DISTRICT COURT  
OKLAHOMA COUNTY

OCT 17 2018

IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
STATE OF OKLAHOMA

RICK WARREN  
COURT CLERK

31 \_\_\_\_\_

1. DANNA FOREMAN, on behalf of )  
 herself and others similarly situated, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 1. 4 CORNERS CONSTRUCTION, LLC, )  
 )  
 Defendant. )

CJ 2018 - 5697

Case No. CJ-2018-

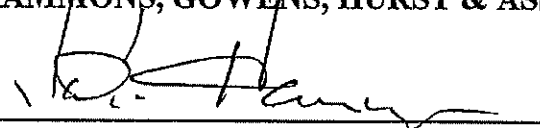
ATTORNEY LIEN CLAIMED  
JURY TRIAL DEMANDED

**ENTRY OF APPEARANCE**

COMES NOW Mark E. Hammons of Hammons, Gowens, Hurst & Associates,  
 hereby enters his appearance as an attorney for the Plaintiff in the above captioned action.  
 I certify that I am admitted to practice in this Court.

**RESPECTFULLY SUBMITTED THIS 17<sup>th</sup> DAY OF OCTOBER, 2018.**

**HAMMONS, GOWENS, HURST & ASSOC.**



Mark E. Hammons, OBA No. 3784  
 Amber L. Hurst, OBA No. 21231  
 Kristin E. Richards, OBA No. 33255  
 325 Dean A. McGee Avenue  
 Oklahoma City, Oklahoma 73102  
 Telephone: (405) 235-6100  
 Facsimile: (405) 235-6111  
 mark@hammonslaw.com  
 amber@hammonslaw.com  
 kristin@hammonslaw.com  
 ATTORNEY LIEN CLAIMED  
 Attorneys for Plaintiff

# EXHIBIT 5

FILED DISTRICT COURT  
OK: OMA COUNTY

IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
STATE OF OKLAHOMA

OCT 17 2018  
MARK WARREN  
COURT CLERK

1. DANNA FOREMAN, on behalf of )  
herself and others similarly situated, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
1. 4 CORNERS CONSTRUCTION, LLC, )  
 )  
Defendant. )

31 \_\_\_\_\_

CJ-2018 - 5697  
Case No. CJ-2018-

ATTORNEY LIEN CLAIMED  
JURY TRIAL DEMANDED

**ENTRY OF APPEARANCE**

COMES NOW Amber L. Hurst of Hammons, Gowens, Hurst & Associates, hereby enters her appearance as an attorney for the Plaintiff in the above captioned action. I certify that I am admitted to practice in this Court.

**RESPECTFULLY SUBMITTED THIS 17<sup>th</sup> DAY OF OCTOBER, 2018.**

**HAMMONS, GOWENS, HURST & ASSOC.**



Mark E. Hammons, OBA No. 3784  
Amber L. Hurst, OBA No. 21231  
Kristin E. Richards, OBA No. 33255  
325 Dean A. McGee Avenue  
Oklahoma City, Oklahoma 73102  
Telephone: (405) 235-6100  
Facsimile: (405) 235-6111  
mark@hammonslaw.com  
amber@hammonslaw.com  
kristin@hammonslaw.com  
ATTORNEY LIEN CLAIMED  
*Attorneys for Plaintiff*

# EXHIBIT 6

FILED IN DISTRICT COURT  
OKLAHOMA COUNTY

IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
STATE OF OKLAHOMA

OCT 17 2018

RICK WARREN  
COURT CLERK

31

CJ-2018-5697

1. DANNA FOREMAN, on behalf of )  
 herself and others similarly situated, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 1. 4 CORNERS CONSTRUCTION, LLC, )  
 )  
 Defendant. )

Case No. CJ-2018-

ATTORNEY LIEN CLAIMED  
JURY TRIAL DEMANDED

**ENTRY OF APPEARANCE**

COMES NOW Kristin E. Richards of Hammons, Gowens, Hurst & Associates,  
hereby enters her appearance as an attorney for the Plaintiff in the above captioned action.

I certify that I am admitted to practice in this Court.

**RESPECTFULLY SUBMITTED THIS 17<sup>th</sup> DAY OF OCTOBER, 2018.**

**HAMMONS, GOWENS, HURST & ASSOC.**

*Kristin E. Richards*

---

Mark E. Hammons, OBA No. 3784  
 Amber L. Hurst, OBA No. 21231  
 Kristin E. Richards, OBA No. 33255  
 325 Dean A. McGee Avenue  
 Oklahoma City, Oklahoma 73102  
 Telephone: (405) 235-6100  
 Facsimile: (405) 235-6111  
 mark@hammonslaw.com  
 amber@hammonslaw.com  
 kristin@hammonslaw.com  
 ATTORNEY LIEN CLAIMED  
*Attorneys for Plaintiff*



# EXHIBIT 7

IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
STATE OF OKLAHOMA

FILED IN DISTRICT COURT  
OKLAHOMA COUNTY

DEC 19 2018

RICK WARREN  
COURT CLERK

31

DANNA FOREMAN, on behalf of herself and  
others similarly situated,

Plaintiffs,

vs.

4 CORNERS CONSTRUCTION, LLC,

Defendant.

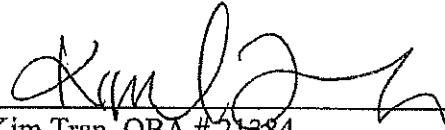
Case No.: CJ-2018-5697

Judge Lisa T. Davis

**ENTRY OF APPEARANCE**

The undersigned Kim Tran of Ogletree, Deakins, Nash, Smoak & Stewart, P.C. hereby enters her appearance in this case as counsel for Defendant, 4 Corners Construction, LLC.

Respectfully submitted,



Kim Tran, OBA # 21384  
OGLETREE, DEAKINS, NASH, SMOAK  
& STEWART, P.C.

The Heritage Building  
621 N. Robinson Avenue, Suite 400  
Oklahoma City, OK 73102

Telephone: (405) 546-3760

Facsimile: (405)546-3775


kim.tran@ogletree.com

*Attorneys for Defendant*

**CERTIFICATE OF SERVICE**

This is to certify that on December 11, 2018, a true and correct copy of the foregoing was mailed in the US mail, postage prepaid, to the following:

Mark E. Hammons  
Amber L. Hurst  
Kristin E. Richards  
HAMMONS, GOWENS, HURST & ASSOC.  
325 Dean A. McGee Avenue  
Oklahoma City, Oklahoma 73102

  
\_\_\_\_\_  
Kim Tran

36769437.1

# EXHIBIT 8

IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
STATE OF OKLAHOMA FILED IN DISTRICT COURT  
OKLAHOMA COUNTY

DANNA FOREMAN, on behalf of herself and  
others similarly situated,

Plaintiffs,

vs.

4 CORNERS CONSTRUCTION, LLC,

Defendant.

DEC 19 2018

RICK WARREN  
COURT CLERK

31

Case No.: CJ-2018-5697

Judge Lisa T. Davis

**ENTRY OF APPEARANCE**

The undersigned Sam R. Fulkerson of Ogletree, Deakins, Nash, Smoak & Stewart, P.C.  
hereby enters his appearance in this case as counsel for Defendant, 4 Corners Construction, LLC.

Respectfully submitted,



Samuel R. Fulkerson, OBA #14370  
OGLETREE, DEAKINS, NASH, SMOAK  
& STEWART, P.C.

The Heritage Building  
621 N. Robinson Avenue, Suite 400  
Oklahoma City, OK 73102

Telephone: (405) 546-3751

Facsimile: (405)546-3775

[sam.fulkerson@ogletree.com](mailto:sam.fulkerson@ogletree.com)

*Attorneys for Defendant*

**CERTIFICATE OF SERVICE**

This is to certify that on December 19, 2018, a true and correct copy of the foregoing was mailed in the US mail, postage prepaid, to the following:

Mark E. Hammons  
Amber L. Hurst  
Kristin E. Richards  
HAMMONS, GOWENS, HURST & ASSOC.  
325 Dean A. McGee Avenue  
Oklahoma City, Oklahoma 73102

  
\_\_\_\_\_  
Samuel R. Fulkerson

36769407.1

# EXHIBIT 9

**IN THE DISTRICT COURT OF OKLAHOMA COUNTY**

**STATE OF OKLAHOMA**

**FILED IN DISTRICT COURT  
OKLAHOMA COUNTY**

DANNA FOREMAN, on behalf of herself and  
others similarly situated,

Plaintiffs,

vs.

4 CORNERS CONSTRUCTION, LLC,

Defendant.

DEC 19 2018

RICK WARREN  
COURT CLERK

31 \_\_\_\_\_

Case No.: CJ-2018-5697

Judge Lisa T. Davis

**DEFENDANT'S MOTION FOR AN  
EXTENSION OF TIME TO FILE ANSWER OR OTHERWISE RESPOND  
TO PLAINTIFFS' PETITION**

Defendant 4 Corners Construction, LLC ("4 Corners"), respectfully moves for an extension of time to file its answer or otherwise respond to Plaintiffs' Petition filed in this Court on October 17, 2018. In support of the requested extension, 4 Corners would show the Court as follows:

1. 4 Corners was served by Plaintiffs on November 30, 2018.
2. Currently, 4 Corners' response to Plaintiffs' Petition is due Thursday, December 20, 2018.
3. Due to the nature of the claims in Plaintiffs' Petition and the volume of documents necessary to review before an adequate response is filed, 4 Corners is seeking an extension of time to file their response to the Petition until Friday, December 28, 2018.
4. The requested extension is not made for the purposes of delay and will not adversely affect any deadlines in the case.



5. No prior extensions of time to respond to the Petition have been requested by 4 Corners.

6. Plaintiffs' counsel has been consulted and has agreed to this request for an extension.

WHEREFORE, 4 Corners requests that the Court grant it until Friday, December 28, 2018 to answer or otherwise respond to Plaintiffs' Petition.

Respectfully submitted,

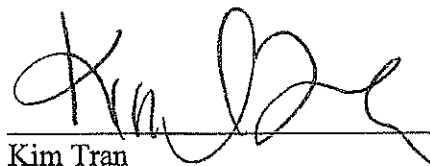


Samuel R. Fulkerson, OBA #14370  
Kim Tran, OBA # 21384  
OGLETREE, DEAKINS, NASH, SMOAK  
& STEWART, P.C.  
The Heritage Building  
621 N. Robinson Avenue, Suite 400  
Oklahoma City, OK 73102  
Telephone: (405) 546-3751  
Facsimile: (405) 546-3775  
[sam.fulkerson@ogletree.com](mailto:sam.fulkerson@ogletree.com)  
[kim.tran@ogletree.com](mailto:kim.tran@ogletree.com)  
*Attorneys for Defendant*

**CERTIFICATE OF SERVICE**

This is to certify that on December 19, 2018, a true and correct copy of the foregoing was mailed in the US mail, postage prepaid, to the following:

Mark E. Hammons  
Amber L. Hurst  
Kristin E. Richards  
HAMMONS, GOWENS, HURST & ASSOC.  
325 Dean A. McGee Avenue  
Oklahoma City, Oklahoma 73102



Kim Tran

36767570.1

# EXHIBIT 10

**IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
STATE OF OKLAHOMA**

DANNA FOREMAN, on behalf of herself  
and others similarly situated,

Plaintiffs,

vs.

4 CORNERS CONSTRUCTION, LLC,

Defendant.

Case No.: CJ-2018-5697

Judge Lisa T. Davis

**NOTICE TO STATE COURT OF FILING NOTICE OF REMOVAL**

In accordance with 28 U.S.C. § 1446(d), Defendant, 4 Corners Construction, LLC (“4 Corners”), hereby provides notice that on December 28, 2018, it filed a Notice of Removal under 28 U.S.C. §§ 1331 and 1441(a) with the Court Clerk for the United States District Court for the Western District of Oklahoma in this action. A copy of the Notice of Removal and all exhibits are attached to this notice as Exhibit A.

Under 28 U.S. C. § 1446(d), because the Notice or Removal is hereby filed with the Court Clerk for the District Court of Oklahoma County, State of Oklahoma, hereby effecting removal, the “State court shall proceed no further unless and until the case is remanded.”

DATED: December 28, 2018

Respectfully submitted,



---

Sam R. Fulkerson, OBA #14370  
Kim Tran, OBA # 21384  
OGLETREE, DEAKINS, NASH, SMOAK  
& STEWART, P.C.  
The Heritage Building  
621 N. Robinson, Suite 400  
Oklahoma City, OK 73102  
Telephone: (405) 546-3774  
Facsimile: (405) 546-3775  
sam.fulkerson@ogletree.com  
kim.tran@ogletree.com  
*Attorneys for Defendant*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 28th day of December 2018, a true and correct copy of the foregoing was deposited in the US mail with postage prepaid, upon the following:

Mark E. Hammons  
Amber L. Hurst  
Kristin E. Richards  
HAMMONS, GOWENS, HURST & ASSOC.  
325 Dean A. McGee Avenue  
Oklahoma City, OK 73102  
*Attorneys for Plaintiff*



---

Kim Tran

JS 44 (Rev. 06/17)

**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**  
**DANNA FOREMAN, ON BEHALF OF HERSELF AND OTHERS**  
 SIMILARLY SITUATED,

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

**(c)** Attorneys (Firm Name, Address, and Telephone Number)  
 Mark E. Hammons and Amber L. Hurst, Hammons, Gowens, Hurst & Assoc., 325 Dean A. McGee Avenue, Oklahoma City, OK 73102, (405) 235-6100

**DEFENDANTS**  
**4 CORNERS CONSTRUCTION, LLC.,**

County of Residence of First Listed Defendant Oklahoma  
 (IN U.S. PLAINTIFF CASES ONLY)

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

Attorneys (If Known)  
 Sam Fulkerson and Kim Tran, Ogletree, Deakins, Nash, Smoak & Stewart, P.C., The Heritage Bldg., 621 N. Robinson Avenue, Suite 400, Oklahoma City, OK 73102, (405) 546-3774

**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)

(For Diversity Cases Only)

	<b>PTF</b>	<b>DEF</b>		<b>PTF</b>	<b>DEF</b>
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) Click here for: Nature of Suit Code Descriptions.

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	<b>PERSONAL INJURY</b> <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	<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 <b>PERSONAL PROPERTY</b> <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 <b>LABOR</b> <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 <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <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)) <b>FEDERAL TAX SUITS</b> <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"/> 376 Qui Tam (31 USC 3729(a)) <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
<b>REAL PROPERTY</b> <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	<b>CIVIL RIGHTS</b> <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	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <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 <b>Other:</b> <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			

**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 - Transfer  8 Multidistrict Litigation - Direct File


**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. (FLSA)

Brief description of cause:

**VII. REQUESTED IN COMPLAINT:**  CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. **DEMAND \$** \_\_\_\_\_ **JURY DEMAND:**  Yes  No

**VIII. RELATED CASE(S) IF ANY** (See instructions): JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

DATE 12/28/18 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: [Ex-Sales Executive Sues 4 Corners Construction Over Alleged Wage Violations](#)

---