

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

Case No:

**JAMES JORDAN, on behalf of himself and all others
similarly situated,**

Plaintiff,

v.

**PTE SYSTEMS INTERNATIONAL LLC,
a Florida Limited Liability Company**

Defendant.

COLLECTIVE ACTION COMPLAINT

Plaintiff James Jordan, on behalf of himself and all others similarly situated ("Plaintiff"), by and through his undersigned counsel, brings this collective action under the Fair Labor Standards Act ("FLSA") against PTE SYSTEMS INTERNATIONAL LLC ("Defendant" or "PTE ") for unpaid overtime compensation and hereby states as follows:

INTRODUCTION

1. Plaintiff worked as an hourly paid laborer for Defendant in the State of Florida, installing, maintaining, and servicing post-tensioning system packages for Defendant.
2. Plaintiff brings this lawsuit on behalf of himself and all other similarly-situated employees of Defendant, who performed similar duties to, and who were paid in the same illegal manner as Plaintiff.

3. Defendant has a policy and practice of failing to pay hourly paid laborers like Plaintiff full and proper overtime compensation for all overtime hours worked.
4. This lawsuit is brought as a collective action under the FLSA to recover unpaid overtime compensation owed to Plaintiff and other similarly-situated employees.
5. Plaintiff will seek conditional certification and notice to an opt-in class of hourly paid laborers pursuant to the FLSA, 29 U.S.C. § 216(b), who were employed by Defendant during the three-year period preceding the filing of this action (hereinafter, "Relevant Liability Period").

JURISDICTION AND VENUE

6. The FLSA authorizes court actions by private parties to recover damages for violation of the FLSA's wage and hour provisions. This Court has jurisdiction over Plaintiff's FLSA claims pursuant to 29 U.S.C. § 216(b) and 28 U.S.C. § 1331.
7. Venue in the Southern District of Florida is proper pursuant to 28 U.S.C. § 1391(b) and (c), because Defendant provides services in this District and is thus considered a resident of this District. Further, a significant portion of the events giving rise to the claim alleged herein occurred within this District.

PARTIES

8. Plaintiff is an adult resident of Florida and was employed by Defendant as an hourly paid laborer from approximately June 2012, until October 31, 2016, working for Defendant in Miami, Florida.

9. During the Relevant Liability Period, Plaintiff was a covered employee within the meaning of the FLSA.
10. During the Relevant Liability Period, Defendant failed to pay Plaintiff for all hours worked and denied Plaintiff overtime compensation for hours worked in excess of forty per week.
11. Plaintiff filed his Consent to Become Party Plaintiff in this action. *See* attached as Exhibit A.
12. Defendant is a Florida Limited Liability Company with its principal place of business in Miami, Florida.
13. Defendant is a covered employer within the meaning of the FLSA, and during the Relevant Liability Period, Defendant employed Plaintiff and other hourly paid laborers.
14. During the Relevant Liability Period, Defendant has employed two or more persons, including Plaintiff, and has "had employees handling, selling or otherwise working on goods or materials that have been moved in or produced for commerce by any person," as defined in § 203(s)(1)(A)(i).
15. During the Relevant Liability Period, Defendant has achieved annual gross sales made or business done of not less than \$500,000.00 in accordance with § 203(s)(1)(A)(ii).

FACTUAL ALLEGATIONS

16. Defendant holds itself out to the public as follows: “[Our] focus is to provide value engineering with the re- design of conventional concrete structural plans to include the value and strength of post-tensioning. We

offer a full range of services and products by applying our skills to large construction endeavors while remaining flexible enough to accommodate small and intermediate size projects. From parking garages and bridges to towering office buildings, vacation clubs, and hotel resort wonders we continually push the construction envelope. Having successfully completed countless square feet of post-tensioning construction structures we offer engineering expertise, state-of-the-art-equipment and unparalleled service to assure durable and cost-effective structures.”

17. Defendant employs hundreds of individuals throughout the State of Florida.
18. Defendant's s hourly paid laborers are the backbone of the company bringing and maintaining Defendant's services to the public.
19. Defendant has employed Plaintiff and similarly situated employees as hourly paid laborers, or in equivalent positions with similar job duties, however titled, throughout Florida.
20. Plaintiff, and those similarly situated, are not exempt from the overtime provisions of the FLSA and are paid on an hourly basis.
21. Defendant has, and continues to fail to, pay Plaintiff and the putative class proper overtime compensation, by classifying their overtime hours as “reimbursements” or other monikers without full and complete payment of time and one half wages.
22. In sum, Plaintiff and the putative class routinely worked over forty hours in a work week, but were not paid overtime wages for all of that work, as required by the FLSA.

23. Defendant's policy of wrongfully titling/classifying Plaintiff, and the putative class' hours of overtime work is companywide.
24. Defendant has known that Plaintiff and all similarly employees perform work without compensation and has chosen to deny them overtime compensation for performing this work in willful disregard of their rights under the FLSA.

COLLECTIVE ACTION ALLEGATIONS

25. Plaintiff re-alleges and incorporates by reference the preceding paragraphs through 24.
26. Plaintiff brings Count I as an opt-in collective action pursuant to 29 U.S.C. § 216(b) on behalf of himself and the following:

All persons employed as hourly paid laborers for Defendant for the past three years (plus any applicable tolling) from the date of this Complaint to the present.
27. The FLSA claim may be pursued by those who opt-in to this case, pursuant to 29 U.S.C. § 216(b).
28. Plaintiff, individually and on behalf of other similarly-situated employees, seeks relief on a collective basis challenging, among other FLSA violations, Defendant's policies and practices of failing to pay full and proper overtime compensation.
29. The number and identity of other Plaintiffs yet to opt-in and consent to be party Plaintiffs may be determined from the records of Defendant, and potential class members may easily and quickly be notified of the pendency of this action.

COUNT I

**FAILURE TO PAY OVERTIME COMPENSATION TO HOURLY PAID
LABORERS IN VIOLATION OF THE FLSA DURING THE FLSA
RELEVANT LIABILITY PERIOD**

30. Plaintiff re-alleges and incorporates by reference the preceding paragraphs 1 through 24 with respect to all hourly paid laborers.
31. During the FLSA Relevant Liability Period, Defendant failed to accurately record all hours worked by all hourly paid laborers, and did not fully compensate hourly paid laborers for all their hours worked for Defendant in excess of forty (40) per week as required by Section 207 of the FLSA.
32. Hourly paid laborers were victims of an illegal policy and plan by Defendant to deny them overtime compensation required by the FLSA.
33. Defendant's failure to pay hourly paid laborers in accordance with the requirements of Section 207 of the FLSA was in willful disregard of the overtime wage compensation requirements of the FLSA.
34. Plaintiff, on behalf of himself and other hourly paid laborers, seeks unpaid overtime compensation in an amount to be determined, as well as an equal amount of liquidated damages (or pre-judgment interest in the event liquidated damages are denied), post-judgment interest, and attorneys' fees and costs pursuant to 29 U.S.C. § 216(b).

PRAYER FOR RELIEF

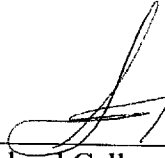
WHEREFORE, Plaintiff, individually and on behalf of all hourly paid laborers, demands judgment against Defendant and prays this Court:

- a. Issue notice to all hourly paid laborers who were employed by Defendant at any time during the Relevant Liability Period, informing them of their right to file consents to join this action;
- b. Declare Defendant's policy of failing to keep accurate time records and not paying hourly paid laborers overtime illegal under the FLSA;
- c. Find that Defendant's violation of the FLSA was willful and impose a three- year statute of limitations period for FLSA claims;
- d. Award Plaintiff and all other hourly paid laborers unpaid overtime compensation;
- e. Award hourly paid laborers an amount equal to unpaid overtime compensation as liquidated damages under 29 U.S.C. § 216(b);
- f. Award hourly paid laborers pre-judgment interest if liquidated damages are not awarded;
- g. Award hourly paid laborers post-judgment interest as provided by law;
- h. Award hourly paid laborers reasonable attorneys' fees and costs as mandated by Section 216(b) of the FLSA; and
- i. Award hourly paid laborers such other relief as the Court deems fair and equitable

JURY DEMAND

Plaintiff hereby requests that upon trial of this action, all issues be submitted to and determined by a jury except those issues expressly reserved by law for determination by the Court.

Dated this 1st day of December 2016.



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JS 44 (Rev. 12/12) (Modified by FLSD - April 29, 2013)

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.) **NOTICE: Attorneys MUST Indicate All Re-filed Cases Below.**

I. (a) PLAINTIFFS JAMES JORDAN, on behalf of himself and all others
DEFENDANTS PTE SYSTEMS INTERNATIONAL LLC, a Florida Limited Liability Company

(b) County of Residence of First Listed Plaintiff **Miami-Dade** (EXCEPT IN U.S. PLAINTIFF CASES)
 County of Residence of First Listed Defendant **Miami-Dade** (IN U.S. PLAINTIFF CASES ONLY)

(c) Attorneys (Firm Name, Address, and Telephone Number)
 Richard Celler Legal, P.A, Noah Storch, Esq. 7450 GRIFFIN ROAD, SUITE 230 DAVIE, FLORIDA 33314, (866) 344-9243,
 NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.
 Attorneys (If Known)

(d) Check County Where Action Arose: MIAMI-DADE MONROE BROWARD PALM BEACH MARTIN ST. LUCIE INDIAN RIVER OKEECHOBEE HIGHLANDS

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)
 Citizen of This State: PTF 1 DEF 1
 Citizen of Another State: 2 2
 Citizen or Subject of a Foreign Country: 3 3
 Incorporated or Principal Place of Business In This State: 4 4
 Incorporated and Principal Place of Business In Another State: 5 5
 Foreign Nation: 6 6

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

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Med. Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 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 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence Other: <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 type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	LABOR <input checked="" type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. 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 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	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 Re-filed (See VI below)
 4 Reinstated or Reopened
 5 Transferred from another district (specify)
 6 Multidistrict Litigation
 7 Appeal to District Judge from Magistrate Judgment
 8 Remanded from Appellate Court

VI. RELATED/RE-FILED CASE(S) (See instructions):
 a) Re-filed Case YES NO
 b) Related Cases YES NO
 JUDGE _____ DOCKET NUMBER _____

VII. CAUSE OF ACTION 29 U.S.C. §216(b) and 28 U.S.C. § 1331
 LENGTH OF TRIAL via _____ days estimated (for both sides to try entire case)

VIII. REQUESTED IN COMPLAINT:
 CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23
 DEMAND \$ _____
 CHECK YES only if demanded in complaint:
 JURY DEMAND: Yes No

ABOVE INFORMATION IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE
 DATE: December 1, 2016
 SIGNATURE OF ATTORNEY OF RECORD: _____

FOR OFFICE USE ONLY
 RECEIPT # _____ AMOUNT _____ IFF _____ 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: [Laborer Files Lawsuit against PTE Systems in Florida](#)
