IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

DEVINA MILLS, individually and on behalf of all others similarly situated, Plaintiff, v. GENERAL DYNAMICS INFORMATION TECHNOLOGY, INC., and GENERAL DYNAMICS CORP., Defendants.	No. **COLLECTIVE ACTION COMPLAINT AND JURY DEMAND**

INTRODUCTION

Plaintiff Devina Mills ("Mills" or "Plaintiff") individually and on behalf of all others similarly situated, files this Collective Action Complaint and Jury Demand against Defendants General Dynamics Information Technology, Inc. and General Dynamics Corp. (collectively, "Defendants") seeking all relief available under the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. § 201 *et seq.* ("FLSA") on behalf of Plaintiff and all current and former Customer Service Representatives, however variously titled, ("CSRs") who worked at all of Defendants' call center locations in the United States. The following allegations are based on personal knowledge as to Plaintiff's own conduct and are made on information and belief as to the acts of others:

NATURE OF THE ACTION

1. Plaintiff alleges on behalf of herself and other current and former CSRs who will opt into this action pursuant to the FLSA that they are entitled to: (i) unpaid wages from Defendants for overtime work for which they did not receive overtime premium pay, as required

by law, (ii) liquidated damages under the FLSA, and (iii) reasonable attorneys' fees and costs of this action.

JURISDICTION AND VENUE

2. This Court has subject matter jurisdiction pursuant to pursuant to 28 U.S.C. § 1331 and 29 U.S.C. § 216(b).

3. Each Defendant is subject to personal jurisdiction in the Middle District of Florida.

4. Defendants maintain places of business in this District.

5. Venue is proper in the Middle District of Florida pursuant to 28 U.S.C. § 1391 because Plaintiff Mills is employed by Defendants in this District and a substantial part of the events or omissions giving rise to the claim occurred within this District.

THE PARTIES

Plaintiff Devina Mills

6. Plaintiff Mills is an adult individual residing in Tampa, Florida.

7. Plaintiff works for Defendants as a CSR at Defendants' call center located in Riverview, Florida. Plaintiff has worked for Defendants in this role since on or about August 2014.

8. Plaintiff's and Opt-In Plaintiff's written consents to join this action are attached hereto as Exhibit A.

Defendants

9. Defendant General Dynamics Corp ("GDC") is a corporation organized and existing under the laws of Delaware, with its corporate headquarters in Fairfax, Virginia.

10. Defendant General Dynamics Information Technology, Inc. ("GDIT") is a wholly-owned subsidiary of GDC.

11. GDIT is large government contractor which, among many other services, operates call centers staffed by CSRs. At all times relevant, GDIT operated over 11 call centers in various states, including Florida, Arizona, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Texas, Utah, and Virginia.

12. Defendants employed Plaintiff and other similarly situated current and former CSRs at its call centers nationwide.

13. Each Defendant has had and has a gross volume of sales made or business done of not less than $500,000.00.

14. Defendant issued paychecks to the Plaintiff and all similarly situated employees during their employment.

15. Each Defendant directed the work of Plaintiff and similarly situated employees, and benefited from work performed that it suffered or permitted from them.

16. Defendants jointly employed Plaintiff and CSRs.

COLLECTIVE ACTION ALLEGATIONS

17. Pursuant to 29 U.S.C. § 207, Plaintiff seeks to prosecute her FLSA claims as a collective action on behalf of all persons who are or were formerly employed by Defendants at its call centers as CSRs and other similarly situated current and former employees holding comparable positions but different titles, at any time from April 6, 2015 to the entry of judgment in this case (the "Putative FLSA Collective").

18. Plaintiff and the Putative FLSA Collective worked in excess of 40 hours per workweek, without receiving overtime compensation as required by the FLSA.

19. Pursuant to Defendants' policy and pattern or practice, Defendants did not pay Plaintiff and the Putative FLSA Collective proper overtime wages for hours they worked for its benefit in excess of 40 hours in a workweek in violation of the FLSA.

20. Throughout the relevant period, it has been Defendants' policy, pattern, or practice to require, suffer, or permit the Plaintiff and the members of the Putative FLSA Collective to work in excess of 40 hours per workweek without paying them overtime wages for all overtime hours worked.

21. Defendants have intentionally, willfully, and regularly engaged in a company-wide policy, pattern, or practice of violating the FLSA with respect to the Plaintiff and the members of the Putative FLSA Collective, which policy, pattern or practice was authorized, established, promulgated, and/or ratified by Defendants' corporate headquarters.

22. Pursuant to their uniform, companywide policy and practice, Defendants failed to accurately track or record all of the actual hours worked by its CSRs. Defendants furthered this wrongful policy by: (i) failing to provide CSRs with a way to accurately record the hours they actually worked; and (ii) requiring CSRs to work before they "clock in" to Defendants' timekeeping system.

23. Because Plaintiff and the other CSRs regularly worked over 40 hours in a workweek, Defendants' policies and practices described herein resulted in Plaintiff and the other CSRs working overtime hours for which they were not compensated.

24. Defendants' systematic failure and refusal to compensate Plaintiff and all other similarly situated CSRs for unpaid overtime hours worked violates the FLSA.

25. Defendants are aware, or should have been aware, that the FLSA requires them to pay the Plaintiff and the members of the Putative FLSA Collective an overtime premium for all hours worked in excess of 40 hours per workweek.

26. Defendants failed to keep accurate records of all hours worked by Plaintiff and the members of the Putative FLSA Collective.

27. Defendants assigned the work that the Plaintiff and the members of the Putative FLSA Collective have performed or Defendants were aware of the work they performed.

28. The work performed by the Plaintiff and the members of the Putative FLSA Collective constitutes compensable work time under the FLSA and was not *de minimis*.

29. There are numerous similarly situated current and former CSRs who have not been paid proper overtime wages in violation of the FLSA and who would benefit from the issuance of court-supervised notice of this lawsuit and the opportunity to join it. Thus, notice should be sent to the Putative FLSA Collective pursuant to 29 U.S.C. § 216(b).

30. Those similarly situated employees are known to Defendants, are readily identifiable, and can be located through Defendants' records.

FIRST CAUSE OF ACTION
Fair Labor Standards Act: Unpaid Overtime Wages
Brought on Behalf of Plaintiff and the Putative FLSA Collective Against Defendants

31. Plaintiff and the Putative FLSA Collective reallege and incorporate by reference all preceding paragraphs as if they were set forth again herein.

32. Defendants have engaged in a widespread pattern and practice of violating the FLSA, as detailed in this Collective Action Complaint and Jury Demand.

33. Plaintiff has consented in writing to be a party to this action, pursuant to 29 U.S.C. § 216(b).

34. At all relevant times, Plaintiff and the Putative FLSA Collective were engaged in commerce and/or the production of goods for commerce within the meaning of 29 U.S.C. §§ 206(a) and 207(a).

35. The overtime wage provisions set forth in 29 U.S.C. §§ 201 *et seq*. apply to Defendants.

36. Defendants are employers engaged in commerce and/or the production of goods for commerce within the meaning of 29 U.S.C. §§ 206(a) and 207(a).

37. At all times relevant, Plaintiff and the members of the Putative FLSA Collective were employees within the meaning of 29 U.S.C. §§ 203 (e) and 207(a).

38. Defendants have failed to pay Plaintiff and the Putative FLSA Collective the overtime wages to which they were entitled under the FLSA.

39. Defendants' violations of the FLSA, as described in the Collective Action Complaint and Jury Demand, have been intentional and willful. Defendants have not made a good faith effort to comply with the FLSA with respect to the compensation of the Plaintiff and of the Putative FLSA Collective.

40. Because Defendants' violations of the FLSA have been willful, a three-year statute of limitations applies, pursuant to 29 U.S.C. § 255.

41. As a result of the Defendants' violations of the FLSA, Plaintiff and the Putative FLSA Collective have suffered damages by being denied overtime wages in accordance with 29 U.S.C. §§ 201, *et seq.*

42. As a result of the unlawful acts of Defendants, Plaintiff and the Putative FLSA Collective have been deprived of overtime compensation and other wages in amounts to be determined at trial, and are entitled to recover such amounts, liquidated damages, pre-judgment and post-judgment interest, attorneys' fees, costs, and other compensation pursuant to 29 U.S.C. § 216(b).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, individually and on behalf of all other similarly situated members of the Putative FLSA Collective, prays for the following relief:

A. Certification of the collective consisting of Plaintiff and all similarly situated CSRs;

B. Unpaid wages and liquidated damages in the maximum amount allowed by 29 U.S.C. §§ 201 *et seq*. and the supporting United States Department of Labor regulations and the employer's share of FICA, FUTA, state unemployment insurance and any other required employment taxes;

C. Pre-judgment and post-judgment interest;

D. Attorneys' fees and costs of the action, including expert fees and costs; and

E. Such other relief as this Court deems just and proper.

DEMAND FOR TRIAL BY JURY

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff demands a trial by jury on all questions of fact raised by this Collective Action Complaint and Jury Demand.

Dated: April 6, 2018
Boca Raton, Florida

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Attorneys for Plaintiff and the Putative FLSA Collective Members

*to apply for admission *pro hac vice*

EXHIBIT A

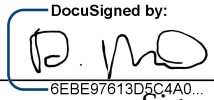
CONSENT TO BECOME A PARTY-PLAINTIFF

1. I consent to be a party plaintiff in a lawsuit against my current/former employer, General Dynamics Information Technologies and/or any related entities, for alleged violations of the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.*, and any applicable state law.

2. I designate Shulman Kessler LLP and Shavitz Law Group, P.A., to represent me and make decisions on my behalf concerning the litigation, including any settlement. I agree to be bound by any adjudication, whether it is favorable or unfavorable.

3. I also consent to join any separate or subsequent action to assert my claims against General Dynamics Information Technologies and/or any related entities potentially liable.

Date: 3/29/2018

DocuSigned by:

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Signature

Devina Mills
Print Name

CONSENT TO BECOME A PARTY-PLAINTIFF

1. I consent to be a party plaintiff in a lawsuit against my current/former employer, General Dynamics Information Technologies and/or any related entities, for alleged violations of the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.*, and any applicable state law.

2. I designate the named Plaintiffs and Plaintiffs' counsel, Shulman Kessler LLP and Shavitz Law Group, P.A., to represent me and make decisions on my behalf concerning the litigation, including any settlement. I agree to be bound by any adjudication, whether it is favorable or unfavorable.

3. I also consent to join any separate or subsequent action to assert my claims against General Dynamics Information Technologies and/or any related entities potentially liable.

Date: 3/16/2018

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Jocelyn Cayard
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Signature

Jocelyn Cayard
Print Name

CONSENT TO BECOME A PARTY-PLAINTIFF

1. I consent to be a party plaintiff in a lawsuit against my current/former employer, General Dynamics Information Technologies and/or any related entities, for alleged violations of the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.*, and any applicable state law.

2. I designate the named Plaintiffs and Plaintiffs' counsel, Shulman Kessler LLP and Shavitz Law Group, P.A., to represent me and make decisions on my behalf concerning the litigation, including any settlement. I agree to be bound by any adjudication, whether it is favorable or unfavorable.

3. I also consent to join any separate or subsequent action to assert my claims against General Dynamics Information Technologies and/or any related entities potentially liable.

Date: 3/23/2018

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Signature

James Finnemore
Print Name

CONSENT TO BECOME A PARTY-PLAINTIFF

1. I consent to be a party plaintiff in a lawsuit against my current/former employer, General Dynamics Information Technologies and/or any related entities, for alleged violations of the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.*, and any applicable state law.

2. I designate the named Plaintiffs and Plaintiffs' counsel, Shulman Kessler LLP and Shavitz Law Group, P.A., to represent me and make decisions on my behalf concerning the litigation, including any settlement. I agree to be bound by any adjudication, whether it is favorable or unfavorable.

3. I also consent to join any separate or subsequent action to assert my claims against General Dynamics Information Technologies and/or any related entities potentially liable.

Date: 3/22/2018

DocuSigned by:
Kathleen Flick
6F7DDD3CF3EA450...
Signature

Kathleen Flick
Print Name

CONSENT TO BECOME A PARTY-PLAINTIFF

1. I consent to be a party plaintiff in a lawsuit against my current/former employer, General Dynamics Information Technologies and/or any related entities, for alleged violations of the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.*, and any applicable state law.

2. I designate Shulman Kessler LLP and Shavitz Law Group, P.A., to represent me and make decisions on my behalf concerning the litigation, including any settlement. I agree to be bound by any adjudication, whether it is favorable or unfavorable.

3. I also consent to join any separate or subsequent action to assert my claims against General Dynamics Information Technologies and/or any related entities potentially liable.

Date: 3/15/2018

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CD5B54F6812B4BE...
Signature

Steven Skinner
Print Name

JS 44 (Rev. 11/15) District of Colorado Form

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
DEVINA MILLS, individually and on behalf of all others similarly situated,

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

(c) Attorneys *(Firm Name, Address, and Telephone Number)*
SHAVITZ LAW GROUP, P.A.
1515 South Federal Highway, Suite 404
Boca Raton, FL 33432 Telephone: (561) 447-8888

DEFENDANTS
GENERAL DYNAMICS INFORMATION TECHNOLOGY, INC., and GENERAL DYNAMICS CORP.

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys *(If Known)*

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

- ☐ 1 U.S. Government Plaintiff
- ☒ 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)

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

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

CONTRACT
- ☐ 110 Insurance
- ☐ 120 Marine
- ☐ 130 Miller Act
- ☐ 140 Negotiable Instrument
- ☐ 150 Recovery of Overpayment & Enforcement of Judgment
- ☐ 151 Medicare Act
- ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans)
- ☐ 153 Recovery of Overpayment of Veteran's Benefits
- ☐ 160 Stockholders' Suits
- ☐ 190 Other Contract
- ☐ 195 Contract Product Liability
- ☐ 196 Franchise

REAL PROPERTY
- ☐ 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
- ☐ 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

PERSONAL INJURY
- ☐ 365 Personal Injury - Product Liability
- ☐ 367 Health Care/ Pharmaceutical Personal Injury Product Liability
- ☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

CIVIL RIGHTS
- ☐ 440 Other Civil Rights
- ☐ 441 Voting
- ☐ 442 Employment
- ☐ 443 Housing/ Accommodations
- ☐ 445 Amer. w/Disabilities - Employment
- ☐ 446 Amer. w/Disabilities - Other
- ☐ 448 Education

PRISONER PETITIONS

Habeas Corpus:
- ☐ 463 Alien Detainee
- ☐ 510 Motions to Vacate Sentence
- ☐ 530 General
- ☐ 535 Death Penalty

Other:
- ☐ 540 Mandamus & Other
- ☐ 550 Civil Rights
- ☐ 555 Prison Condition
- ☐ 560 Civil Detainee - Conditions of Confinement

FORFEITURE/PENALTY
- ☐ 625 Drug Related Seizure of Property 21 USC 881
- ☐ 690 Other

LABOR
- ☒ 710 Fair Labor Standards Act
- ☐ 720 Labor/Management Relations
- ☐ 740 Railway Labor Act
- ☐ 751 Family and Medical Leave Act
- ☐ 790 Other Labor Litigation
- ☐ 791 Employee Retirement Income Security Act

IMMIGRATION
- ☐ 462 Naturalization Application
- ☐ 465 Other Immigration Actions

BANKRUPTCY
- ☐ 422 Appeal 28 USC 158
- ☐ 423 Withdrawal 28 USC 157

PROPERTY RIGHTS
- ☐ 820 Copyrights
- ☐ 830 Patent
- ☐ 840 Trademark

SOCIAL SECURITY
- ☐ 861 HIA (1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

FEDERAL TAX SUITS
- ☐ 870 Taxes (U.S. Plaintiff or Defendant)
- ☐ 871 IRS—Third Party 26 USC 7609

OTHER STATUTES
- ☐ 375 False Claims Act
- ☐ 376 Qui Tam (31 USC 3729(a))
- ☐ 400 State Reapportionment
- ☐ 410 Antitrust
- ☐ 430 Banks and Banking
- ☐ 450 Commerce
- ☐ 460 Deportation
- ☐ 470 Racketeer Influenced and Corrupt Organizations
- ☐ 480 Consumer Credit
- ☐ 490 Cable/Sat TV
- ☐ 850 Securities/Commodities/ Exchange
- ☐ 890 Other Statutory Actions
- ☐ 891 Agricultural Acts
- ☐ 893 Environmental Matters
- ☐ 895 Freedom of Information Act
- ☐ 896 Arbitration
- ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision
- ☐ 950 Constitutionality of State Statutes

V. ORIGIN *(Place an "X" in One Box Only)*

☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District *(specify)* ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity)*:
29 U.S.C. §§ 201 et seq.
Brief description of cause:
Unpaid overtime wages
☐ AP Docket

VII. REQUESTED IN COMPLAINT:
☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND $
CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

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

DATE 04/06/2018 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: Lawsuit Takes Issue with General Dynamics' Alleged Pay Practices