

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No.: 1:18-cv-1734

NICHOLAS RANDALL, on behalf of himself and all similarly situated persons,

Plaintiff,

vs.

CAMRON LENTE, FRANK CLARK, LUKE WOOTEN and NEXT GENERATION
CONSTRUCTION & ENVIRONMENTAL, LLC,

Defendants.

NOTICE OF REMOVAL

Defendants Camron Lente, Luke Wooten, and Next Generation Construction & Environmental, LLC (collectively “Defendants”), by and through their counsel, Gordon Rees Scully Mansukhani, LLP, and pursuant to 28 U.S.C. §§ 1441 and 1446, respectfully file this Notice of Removal of the above-captioned action from the District Court for the County of Denver, Colorado to the United States District Court for the District of Colorado. In support of this Notice of Removal, Defendants state as follows:

I. INTRODUCTION

1. On March 20, 2018, Plaintiff Nicholas Randall filed the present lawsuit, on behalf on himself and all similarly situated persons, against Defendants in the District Court for Denver County, Colorado, captioned *Nicholas Randall, on behalf on himself and all similarly situated persons, v. Camron Lente, Frank Clark, Luke Wooten, and Next Generation Construction & Environmental, LLC*, Case Number 2018CV30986 (the “**State Court Case**”).

2. In the Complaint, Plaintiff asserts three claims against the Defendants: (1) violation of the Fair Labor Standards Act, 29 U.S.C. § 201 et seq. (“FLSA”); (2) violation of the Colorado Wage Claim Act, C.R.S. § 8-4-101, et seq. (“CWCA”); and (3) violation of the Colorado Minimum Wage Act § 8-6-101, et seq. as implemented by the Colorado Minimum Wage Order (“Minimum Wage Act”). **Exhibit B**, ¶¶ 1, 15 – 35.

3. In the Complaint, Plaintiff “preliminarily defines the class as follows: All current or former non-exempt Colorado Next Generation field employees who were not compensated properly for all of their straight time and overtime hours worked. Excluded from this class action are the claims asserted against Defendant Next Generation Construction & Environmental, LLC in the certified class action **pending** in **Lopez v. Next Generation Construction & Environmental, LLC, Case No. 1:16-cv-00076-CMA-KLM (D. Colo. 2016)**.” **Exhibit B**, ¶ 12 (emphasis added).

4. Defendants Camron Lente, Luke Wooten, and Next Generation Construction & Environmental, LLC were served on June 18, 2019, *see Exhibits H and J*, and consent to the removal of this action pursuant to 28 U.S.C. § 1446(b)(2)(A).

5. Defendant Frank Clark has not been served in this action. *See Exhibits H and J*.

II. GROUNDS FOR REMOVAL

6. The present action is removable to this Court pursuant to 28 U.S.C. §§ 1441 and 1446 in that it is an action over which the district courts of the United States have original federal question jurisdiction under 28 U.S.C. § 1331. Specifically, Plaintiff has alleged a claim under the FLSA, which is a law of the United States over which the United States district courts have original jurisdiction. *See* 28 U.S.C. § 1331.

7. This Court has supplemental jurisdiction over Plaintiff’s state law claims for violation of CWCA and the Minimum Wage Act in that Plaintiff’s CWCA and Minimum Wage

Act claims are so related to the FLSA claim over which this Court has original jurisdiction that it forms part of the same case or controversy. *See* 28 U.S.C. § 1367.

III. COMPLIANCE WITH REMOVAL STATUTE AND RULES

8. This Notice is properly filed in the United States District Court for the District of Colorado, pursuant to 28 U.S.C. § 1446(a), because the District Court for the City and County of Denver, Colorado is located in this federal judicial district and division. This Notice is signed pursuant to Rule 11 of the Federal Rules of Civil Procedure and otherwise complies with 28 U.S.C. § 1446.

9. This Notice is being filed within thirty (30) days of service on Defendants Camron Lente, Luke Wooten, and Next Generation Construction & Environmental, LLC on June 18, 2018. *See Exhibits H and J*. Accordingly, this Notice, which is the initial pleading the Defendants served in this action, is timely pursuant to 28 U.S.C. § 1446(b).

10. Promptly upon filing this Notice, Defendants will give written notice of the filing to Plaintiff, and a copy of this Notice will be filed in the appropriate state court, as required by 28 U.S.C. § 1446(d). Defendant's filing of this Notice with the District Court for the City and County of Denver, Colorado will effect the removal of the civil action pursuant to 28 U.S.C. § 1446(d).

11. Pursuant to 28 U.S.C. § 1446(a), attached hereto are an index and copies of all process, pleadings, and orders served in this case, including:

- a. A copy of the District Court Civil Case Cover Sheet in the State Court Case attached and incorporated as **Exhibit A**.
- b. A copy of the Class and Collective Action Complaint is attached and incorporated as **Exhibit B**.

- c. A copy of the Delay Reduction Order issued in the State Court Case is attached and incorporated as **Exhibit C**.
- d. A copy of the First Notice of Filing of Additional Notice of Consent filed by Plaintiff on April 10, 2018 is attached and incorporated as **Exhibit D**.
- e. A copy of the Second Notice of Filing of Additional Notices of Consent filed by Plaintiff on April 12, 2018 is attached and incorporated as **Exhibit E**.
- f. Plaintiff filed a Motion for Extension of Time to Complete Service on May 21, 2018. *See* **Exhibit F**.
- g. Plaintiff's Motion for Extension of Time to Complete Service was granted on May 22, 2018. *See* **Exhibit G**.
- h. Plaintiff filed Notice of Filing of Returns of Service for Defendants Camron Lente, Luke Wooten, and Next Generation Construction & Environmental, LLC on June 19, 2018. Plaintiff stated he had not been able to locate Frank Clark, and, thus, had not effectuated service on Mr. Clark. *See* **Exhibit H**.
- i. The State Court ordered Plaintiff to file returns of service within fourteen (14) days for Defendants Camron Lente, Luke Wooten, and Next Generation Construction & Environmental, LLC, as the returns were not attached to the June 19, 2018 notice. *See* **Exhibit I**.
- j. Plaintiff filed Affidavits of Service for Camron Lente, Luke Wooten and Next Generation Construction & Environmental, LLC on July 3, 2018 attesting service was effectuated on June 18, 2018. *See* **Exhibit J**.

The District Court Civil Case Cover Sheet, Class and Collective Action Complaint, Delay Reduction Order, the First Notice of Filing of Additional Notice of Consent, Second Notice of Filing of Additional Notices of Consent, Motion for Extension of Time to Complete Service,

Order Granting Motion for Extension of Time to Complete Service, Notice of Filing of Returns of Service, the State Court's Order: Notice of Filing of Returns of Service, and the Affidavits of Service together constitute the initial pleadings filed in the State Court Case. 28 U.S.C. § 1446(a). A copy of the docket in the State Court Case is attached hereto as **Exhibit K** as required by 28 U.S.C. § 1446(a).

12. The Defendant served in this action, Camron Lente, Luke Wooten, and Next Generation Construction & Environmental, LLC, consent to this removal. *See* 28 U.S.C. § 1446(b). By filing this Notice, Defendants do not waive any objections they may have to service, jurisdiction, or venue, or any other defenses or objections they may have to this action. Defendants intend no admission of fact, law, or liability by this Notice of Removal, and they expressly reserve all defenses, motions, and or pleas available to them.

13. A separately signed Corporate Disclosure Statement is also being filed, as required by Rule 7.1 of the Federal Rules of Civil Procedure.

14. Undersigned counsel hereby certifies that Defendants have complied with all requirements of D.C.COLO.LCivR 81.1. No hearings have been set in this matter in the District Court for the City and County of Denver, Colorado, and this Notice of Removal contains copies of all state court papers filed in the District Court for the City and County of Denver, Colorado, Case No. 2018CV30986.

V. CONCLUSION

WHEREFORE, Defendants Camron Lente, Luke Wooten, and Next Generation Construction & Environmental, LLC respectfully request that the Court accept this Notice of Removal, assume jurisdiction over this matter, and issue such further orders and process as may be necessary to bring before it all parties for trial.

Respectfully submitted this 9th day of July, 2018.

GORDON REES
SCULLY MANSUKHANI, LLP

/s/ Anna M. Reinert _____

John D. Keen

Anna M. Reinert

555 Seventeenth Street, Suite 3400

Denver, CO 80202

Telephone: 303.534.5160

Email: jkeen@grsm.com

areinert@grsm.com

Attorneys for Defendants

<p>DISTRICT COURT, DENVER COUNTY, COLORADO 1427 Bannock Street Denver, Colorado 80202</p> <p>PLAINTIFF: NICHOLAS RANDALL, on behalf of himself and all similarly situated persons,</p> <p>v.</p> <p>DEFENDANTS: CAMRON LENTE, FRANK CLARK, LUKE WOOTEN and NEXT GENERATION CONSTRUCTION & ENVIRONMENTAL, LLC</p>	<p>DATE FILED: March 20, 2018 2:29 PM FILING ID: 9455E244E3707 CASE NUMBER: 2018CV30986</p> <p>Δ COURT USE ONLY Δ</p>
<p>Attorneys for Plaintiff: Brian D. Gonzales, Atty. Reg. # 29775 THE LAW OFFICES OF BRIAN D. GONZALES, PLLC 2580 East Harmony Road, Suite 201 Fort Collins, Colorado 80528 Phone Number: (970) 214-0562 BGonzales@ColoradoWageLaw.com</p> <p>J. Forester FORESTER HAYNIE PLLC 1701 N. Market Street, Suite 210 Dallas, Texas 75202 Telephone: (214) 288-8519 Facsimile: (214) 346-5909 jay@foresterhaynie.com</p>	<p>Case Number:</p> <p>Ctrm/Div:</p>
<p align="center">DISTRICT COURT CIVIL (CV) CASE COVER SHEET FOR INITIAL PLEADING OF COMPLAINT, COUNTERCLAIM, CROSS-CLAIM OR THIRD-PARTY COMPLAINT</p>	

1. This cover sheet shall be filed with each pleading containing an initial claim for relief in every district court civil (CV) case, and shall be served on all parties along with the pleading. It shall not be filed in Domestic Relations (DR), Probate (PR), Water (CW), Juvenile (JA, JR, JD, JV), or Mental Health (MH) cases. Failure to file this cover sheet is not a jurisdictional defect in the pleading but may result in a clerk's show cause order requiring its filing.

2. Check one of the following:

This case is governed by Chief Justice Directive (“CJD”) 11-02 and the “Colorado Civil Access Pilot Project Rules Applicable to Business Actions in District Court” because:

- The case is filed within the period of January 1, 2012 through June 30, 2015; AND
- The case is filed in a Pilot Project participating jurisdiction (Adams County, Arapahoe County, Denver County, Gilpin County, or Jefferson County); AND
- The case is a “Business Action” as defined in CJD 11-02, Amended Appendix A for inclusion in the Pilot Project.

This case is not governed by the Colorado Civil Access Pilot Project Rules.

NOTE: Cases subject to the Pilot Project must be governed by the Rules in CJD 11-02 (available at http://www.courts.state.co.us/Courts/Supreme_Court/Directives/Index.cfm). The presiding judge will review Item 2 for accuracy. The designation on this initial Cover Sheet will control unless the Court orders otherwise.

3. If this case is not governed by the Colorado Civil Access Pilot Project Rules as indicated in Item 2, check the following:

This case is governed by C.R.C.P. 16.1 because:

- The case is not a class action, forcible entry and detainer, C.R.C.P. 106, C.R.C.P. 120, or other similar expedited proceeding; AND
- A monetary judgment over \$100,000 is not sought by any party against any other single party. This amount includes attorney fees, penalties, and punitive damages; it excludes interest and costs, as well as the value of any equitable relief sought.

This case is not governed by C.R.C.P. 16.1 because (check ALL boxes that apply):

The case is a class action, forcible entry and detainer, C.R.C.P. 106, C.R.C.P. 120, or other similar expedited proceeding.

A monetary judgment over \$100,000 is sought by any party against any other single party. This amount includes attorney fees, penalties, and

punitive damages; it excludes interest and costs, as well as the value of any equitable relief sought.

NOTE: In any case to which C.R.C.P. 16.1 does not apply, the parties may elect to use the simplified procedure by separately filing a Stipulation to be governed by the rule within 35 days of the at-issue date. See C.R.C.P. 16.1(b)(1) (re: case type) and C.R.C.P. 16.1(e) (re: amount in controversy). In any case to which C.R.C.P. 16.1 applies, the parties may opt out of the rule by separately filing a Notice to Elect Exclusion (JDF 602) within 45 days of the at-issue date. See C.R.C.P. 16.1(d).

____ A Stipulation or Notice with respect to C.R.C.P. 16.1 has been separately filed with the Court, indicating:

- C.R.C.P. 16.1 applies to this case.
- C.R.C.P. 16.1 does not apply to this case.

4. ____ This party makes a Jury Demand at this time and pays the requisite fee. See C.R.C.P. 38. (Checking this box is optional.)

Respectfully submitted this 20th day of March, 2018.

s/Brian D. Gonzales

Brian D. Gonzales
THE LAW OFFICES OF BRIAN D. GONZALES, PLLC
2580 East Harmony Road, Suite 201
Fort Collins, Colorado 80528
Telephone: (970) 214-0562
BGonzales@ColoradoWageLaw.com

J. Forester
FORESTER HAYNIE PLLC
1701 N. Market Street, Suite 210
Dallas, Texas 75202
Telephone: (214) 288-8519
Facsimile: (214) 346-5909
jay@foresterhaynie.com

Counsel for Plaintiff

<p>DISTRICT COURT, DENVER COUNTY, COLORADO 1427 Bannock Street Denver, Colorado 80202</p> <p>PLAINTIFF: NICHOLAS RANDALL, on behalf of himself and all similarly situated persons,</p> <p>v.</p> <p>DEFENDANTS: CAMRON LENTE, FRANK CLARK, LUKE WOOTEN and NEXT GENERATION CONSTRUCTION & ENVIRONMENTAL, LLC</p>	<p>DATE FILED: March 20, 2018 2:29 PM FILING ID: 9455E244E3707 CASE NUMBER: 2018CV30986</p> <p>Δ COURT USE ONLY Δ</p>
<p>Attorneys for Plaintiff: Brian D. Gonzales, Atty. Reg. # 29775 THE LAW OFFICES OF BRIAN D. GONZALES, PLLC 2580 East Harmony Road, Suite 201 Fort Collins, Colorado 80528 Telephone: (970) 214-0562 BGonzales@ColoradoWageLaw.com</p> <p>J. Forester FORESTER HAYNIE PLLC 1701 N. Market Street, Suite 210 Dallas, Texas 75202 Telephone: (214) 288-8519 Facsimile: (214) 346-5909 jay@foresterhaynie.com</p>	<p>Case Number:</p> <p>Ctrm/Div:</p>
<p align="center">CLASS AND COLLECTIVE ACTION COMPLAINT</p>	

Plaintiff Nicholas Randall, by and through undersigned counsel, individually and on behalf of all others similarly situated, files this Class and Collective Action Complaint against Defendants Camron Lente, Frank Clark, Luke Wooten and Next Generation Construction & Environmental, LLC (collectively, “Next Generation”).

STATEMENT OF THE CASE

1. The federal Fair Labor Standards Act, 29 U.S.C. §201, *et seq.*, (the “FLSA”), the

Colorado Wage Claim Act, §8-4-101, *et seq.* (the “Wage Claim Act”), and the Colorado Minimum Wage Act, C.R.S. §8-6-101, *et seq.*, as implemented by the Colorado Minimum Wage Order (the “Minimum Wage Act”) contain various rules regarding employee wages and working hours. Next Generation violated these laws by failing to compensate employees for all of their time worked. This class and collective action seeks to recover damages and backpay to compensate all current and former employees of Next Generation for these wage violations.

PARTIES, JURISDICTION, AND VENUE

2. Plaintiff, a former employee of Next Generation, is an individual and resident of the State of Colorado. His consent to proceed as a plaintiff in this matter is attached as an exhibit.

3. Defendant Next Generation Construction & Environmental, LLC is a limited liability company organized under the laws of the State of Colorado with its corporate office located at 14313 Mead Street, Longmont, Colorado 80504. At all times relevant to this action, Defendant has been located in and has conducted business in the State of Colorado.

4. Defendant Camron Lente (“Lente”) is Next Generation’s founder and has served as its “President” during the period covered by this lawsuit. See generally, <http://ng-construction.com/Leadership>. In this capacity, Lente has controlled the day-to-day operations of Next Generation. Specifically, during this time period, Lente (1) had the power to hire and fire Plaintiff and the Class Members; (2) controlled the amount Plaintiff and the Class Members were to be paid for each hour of work; and (3) regularly controlled and established company rules for Plaintiff and the Class Members.

5. Defendant Frank Clark (“Clark”) has been Next Generation’s “CFO” during the period covered by this lawsuit. In this capacity and like Lente, Clark has controlled the day-to-day operations of Next Generation. Specifically, during this time period, Clark has also (1) had the power to hire and fire Plaintiff and the Class Members; (2) controlled the amount Plaintiff and the Class Members were to be paid for each hour of work; and (3) regularly controlled and established company rules for Plaintiff and the Class Members.

6. Defendant Luke Wooten (“Wooten”) has been Next Generation’s “COO” during the period covered by this lawsuit. In this capacity and like Lente and Clark, during the time period covered by this lawsuit, Wooten has (1) had the power to discipline, hire and fire Plaintiff and/or the Class Members; (2) controlled the method and rate of pay that Plaintiff and/or the Class Members received; and (3) regularly oversaw and enforced company rules for Plaintiff and/or the Class Members.

7. Venue in this Court is proper pursuant to C.R.C.P. 98 because, on information and belief, Next Generation may be found in this County.

8. This Court has jurisdiction over the parties and subject matter of this action pursuant to C.R.S. §13-1-124.

FACTUAL BACKGROUND

9. Next Generation is an oilfield service company providing various services in Colorado. Plaintiff worked for Next Generation at locations primarily in Weld County, Colorado.

10. Although Plaintiff was required to work more than twelve (12) hours per day and/or forty (40) hours per workweek, and did so frequently, Plaintiff was not compensated at the mandated time and one-half rate for all of his overtime hours. Moreover, Plaintiff was not paid “straight time” for all of his hours worked. Plaintiff’s “off the clock” work resulted from Next Generation’s failure to properly track and administer all time worked, including meal and rest breaks and time in preparation and traveling before and after arriving at and leaving worksites.

11. On information and belief, none of Next Generation’s non-exempt employees were paid properly for their time worked.

CLASS ACTION ALLEGATIONS

12. Plaintiff brings this action as a C.R.C.P. 23 class action, on behalf of himself and on behalf of a Class for which Plaintiff seeks certification. Pending any modifications necessitated by discovery, Plaintiff preliminarily defines the class as follows:

All current or former non-exempt Colorado Next Generation field employees who were not compensated properly for all of their straight time and overtime hours worked. Excluded from this class action are the claims asserted against Defendant Next Generation Construction & Environmental, LLC in the certified class action pending in *Lopez v. Next Generation Construction & Environmental, LLC*, Case No. 1:16-cv-00076-CMA-KLM (D.Colo. 2016).

13. This action is properly brought as a class action for the following reasons:
- a. The Class is so numerous that joinder of all Class Members is impracticable. On information and belief, there are more than 200 members in the proposed class.
 - b. Numerous questions of law and fact regarding the liability of Next Generation are common to the Class and predominate over any individual issues which may exist.
 - c. Although the exact amount of damages may vary among Class

Members, the damages for the Class Members can be easily calculated by a simple formula. The claims of all Class Members arise from a common nucleus of facts. Liability is based on a systematic course of wrongful conduct by Next Generation that caused harm to all Class Members.

- d. The claims asserted by Plaintiff are typical of the claims of Class Members and the Class is readily ascertainable from Next Generation's records. Plaintiff was subjected to the same rules and policies as all other Colorado oil field workers that form the basis of the alleged violation. Next Generation applied its policy to him just as it did with all Class Members.
- e. Plaintiff will fairly and adequately protect the interests of Class Members. The interests of Class Members are coincident with, and not antagonistic to, those of Plaintiff. Plaintiff is committed to this action and has no conflict with the class members. Furthermore, Plaintiff is represented by experienced class action counsel.
- f. Questions of fact common to the members of the class predominate over any questions affecting only individual members, and a class action is superior to other available methods for the fair and efficient adjudication of the controversy.

14. For the foregoing reasons, Plaintiff also seeks certification of an FLSA "opt-in" collective action pursuant to 29 U.S.C. §216(b) for all claims asserted by Plaintiff because his claims are similar to those of other Class Members. Plaintiff and Class Members are similarly situated, have substantially similar pay provisions in that they were all classified by Next Generation as "non-exempt" and overtime eligible, and were subjected to Next Generation's common practice, policy or plan regarding employee wages and hours.

FIRST CLAIM FOR RELIEF

(Violation of the Colorado Wage Claim Act, §8-4-101, *et seq.*)

15. Plaintiff incorporates by reference all of the above paragraphs.

16. At all material times, each Defendant has been an "employer" or "joint employer" within the meaning of the Colorado Wage Claim Act, §8-4-101, *et seq.*

17. At all material times, each Defendant has employed "employees," including Plaintiff and Class Members, within the meaning of the Colorado Wage Claim Act, §8-4-101, *et*

seq.

18. Next Generation was Plaintiff's "employer" within the meaning of the Colorado Wage Claim Act, §8-4-101, *et seq.*

19. As a result of the foregoing conduct, as alleged, Next Generation has failed to pay wages due under the FLSA and Colorado state law thereby violating, and continuing to violate, the Wage Claim Act. These violations were committed knowingly, willfully and with reckless disregard of applicable law.

20. As a result, Plaintiff has been damaged in an amount to be determined at trial. Plaintiff hereby demands payment on behalf of himself and all Class Members in an amount equal to all unpaid compensation owed. This demand for payment is continuing and is made on behalf of any current Next Generation employees whose employment terminates at any time in the future. Such payment should be made in care of undersigned counsel at the listed address.

SECOND CLAIM FOR RELIEF

(Violation of the Colorado Minimum Wage Act, §8-6-101, *et seq.*)

21. Plaintiff incorporates by reference all of the above paragraphs.

22. At all relevant times, each Defendant has been, and continues to be, an "employer" or "joint employer" within the meaning of the Colorado Minimum Wage Act.

23. At all relevant times, each Defendant has employed, and continues to employ, "employees", including Plaintiff, within the meaning of the Minimum Wage Act.

24. Plaintiff was an employee of Next Generation within the meaning of the Minimum Wage Act.

25. As a result of the foregoing conduct, as alleged, Next Generation has violated, and continues to violate, the Minimum Wage Act. These violations were committed knowingly, willfully and with reckless disregard of applicable law.

26. As a result, Plaintiff and Class Members have been damaged in an amount to be determined at trial.

THIRD CLAIM FOR RELIEF

(Violation of the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.*)

27. Plaintiff incorporates by reference all of the above paragraphs.

28. At all relevant times, each Defendant has been, and continues to be, an “employer” or “joint employer” within the meaning of the FLSA.

29. Next Generation is an enterprise engaged in interstate “commerce” and/or in the production of “goods” for “commerce” within the meaning of the FLSA.

30. At all relevant times, Next Generation has had gross annual volume of sales in excess of \$500,000.

31. At all relevant times, each Defendant has employed, and continues to employ, non-exempt “field employees,” including Plaintiff. Plaintiff consents to sue in this action pursuant to 29 U.S.C. §216(b).

32. Plaintiff was an employee of each Defendant within the meaning of the FLSA.

33. While employed by Next Generation, Plaintiff was engaged in commerce or in the production of goods for commerce within the meaning of the FLSA.

34. As a result of the foregoing conduct, as alleged, Next Generation has violated, and continues to violate, the FLSA, 29 U.S.C. §201, *et seq.* These violations were committed knowingly, willfully and with reckless disregard of applicable law.

35. As a result, Plaintiff and Class Members has been damaged in an amount to be determined at trial.

REQUEST FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that the Court enter judgment in favor of himself and Class Members and against Next Generation as follows:

1. Determining that the action is properly maintained as a class action, certifying Plaintiff as the class representative, and appointing Plaintiff’s counsel as counsel for Class Members;

2. Ordering prompt notice of this litigation to all potential Class Members;

3. Awarding Plaintiff and Class Members declaratory and/or injunctive relief as permitted by law or equity;

4. Awarding Plaintiff and Class Members their compensatory damages, attorneys’ fees and litigation expenses as provided by law;

5. Awarding Plaintiff and Class Members their pre-judgment, post-judgment and moratory interest as provided by law;

6. Awarding Plaintiff and Class Members liquidated damages and/or statutory penalties as provided by law; and

7. Awarding Plaintiff and Class Members such other and further relief as the Court deems just and proper.

Respectfully submitted this 20th day of March, 2018.

s/Brian D. Gonzales

Brian D. Gonzales
THE LAW OFFICES OF
BRIAN D. GONZALES, PLLC
2580 East Harmony Road, Suite 201
Fort Collins, Colorado 80528
Telephone: (970) 214-0562
BGonzales@ColoradoWageLaw.com

J. Forester
FORESTER HAYNIE PLLC
1701 N. Market Street, Suite 210
Dallas, Texas 75202
Telephone: (214) 288-8519
Facsimile: (214) 346-5909
jay@foresterhaynie.com

Counsel for Plaintiff

Plaintiff's Address
516 East 28th Street Drive
Greeley, Colorado 80631

DISTRICT COURT CITY & COUNTY OF DENVER, COLORADO 1437 Bannock Street Denver, Colorado 80202	DATE FILED: March 28, 2018 CASE NUMBER: 2018CV30986
Plaintiff: NICHOLAS RANDALL v. Defendant: CAMRON LENTE ET AL	
<u>DELAY REDUCTION ORDER</u>	

All civil courtrooms are on a delay reduction docket.

IF AN ATTORNEY OR PRO SE PARTY FAILS TO COMPLY WITH THIS ORDER, THE COURT MAY DISMISS THE CASE WITHOUT PREJUDICE. THIS ORDER IS THE INITIAL NOTICE REQUIRED BY C.R.C.P 121 § 1-10, AND C.R.C.P. 41(B)(2).

A. In all civil actions, the following deadlines must be met:

1. **Service of Process:** Proof of service of process under C.R.C.P. 4 for all defendants must be filed within **63 days** after the date of filing of the complaint. After **63 days**, the action may be dismissed by the Court against any defendant for whom proof of service has not been filed.
2. **Default:** Application for entry of default under C.R.C.P. 55(a) must be filed within **14 days** after default has occurred.

If all defendants are in default, a motion for entry of default judgment under C.R.C.P. 55(b) must be filed with the application for entry of default. Motions for entry of default judgment must comply with C.R.C.P. 121 § 1-14. Reasonable inquiry regarding a person's military status requires confirmation through the Department of Defense's Service members Civil Relief Act website (<https://scra.dmdc.osd.mil>) or equivalent confirmation.

3. **Trial Setting:** The Responsible Attorney as defined in C.R.C.P. 16(b)(2) must file and serve a Notice to Set the case for trial and must complete the setting of the trial no later than **14 days** from the date the case is at issue. (Note: this is a shorter timeframe than would otherwise be required by C.R.C.P. 16.1(g).) A case is "at issue" when: (a) all parties have been served and have filed all pleadings permitted by C.R.C.P. 7; or (b)

defaults or dismissal have been entered against all non-appearing parties; or (c) at such other time as the Court directs.

4. **Cases filed under C.R.C.P. 16:**

- a) **Case Management Conference:** The notice to set trial must also include a notice to set a Case Management Conference as required by C.R.C.P. 16(d)(1), to be held no later than **49 days** after the case is at issue.
- b) **Proposed Case Management Order:** At least **7 days** before the Case Management Conference, the parties must file, in editable format, a proposed Case Management Order consisting of the matters set forth in C.R.C.P. 16(b)(1)-(17) and take all necessary actions to comply with those subsections.
- c) **Waiver of Case Management Conference:** If all parties are represented by counsel, a joint request to waive the case management conference may be included in the proposed Case Management Order, but unless such a request has been granted, counsel and any unrepresented parties should plan on appearing for the case management conference.

5. **Cases filed under C.R.C.P. 16.1:**

- a) **Certificate of Compliance:** Not later than **49 days** after the case is at issue, the Plaintiff (or the Responsible Attorney) must file a Certificate of Compliance as required under C.R.C.P. 16.1(h). No Case Management Order or Case Management Conference is required.

B: Additionally, in all civil actions, the following provisions apply:

Service of this Order: The Plaintiff or Responsible Attorney must send a copy of this order to all other parties who enter an appearance.

Related Cases: An attorney entering an appearance in this case who is aware of a related case is ordered to complete and file in this case an Information Regarding Related Case(s) form available in Room 256 of the City and County Building or at:
[https://www.courts.state.co.us/userfiles/file/Information_Regarding_Related_Cases_Form\(1\).doc](https://www.courts.state.co.us/userfiles/file/Information_Regarding_Related_Cases_Form(1).doc)

Date: **MARCH 28, 2018**

BY THE COURT:



District Court Judge
Denver District Court

<p>DISTRICT COURT, DENVER COUNTY, COLORADO 1427 Bannock Street Denver, Colorado 80202</p> <p>PLAINTIFF: NICHOLAS RANDALL, on behalf of himself and all similarly situated persons,</p> <p>v.</p> <p>DEFENDANTS: CAMRON LENTE, FRANK CLARK, LUKE WOOTEN and NEXT GENERATION CONSTRUCTION & ENVIRONMENTAL, LLC</p>	<p>DATE FILED: April 10, 2018 12:30 PM FILING ID: A9A29A39A492A CASE NUMBER: 2018CV30986</p> <p style="text-align: center;">Δ COURT USE ONLY Δ</p>
<p>Attorneys for Plaintiff: Brian D. Gonzales, Atty. Reg. # 29775 THE LAW OFFICES OF BRIAN D. GONZALES, PLLC 2580 East Harmony Road, Suite 201 Fort Collins, Colorado 80528 Telephone: (970) 214-0562 BGonzales@ColoradoWageLaw.com</p> <p>J. Forester FORESTER HAYNIE PLLC 1701 N. Market Street, Suite 210 Dallas, Texas 75202 Telephone: (214) 288-8519 Facsimile: (214) 346-5909 jay@foresterhaynie.com</p>	<p>Case Number: 2018cv30986</p> <p>Ctrm/Div: 209</p>
<p>FIRST NOTICE OF FILING OF ADDITIONAL NOTICES OF CONSENT</p>	

Plaintiff, by and through undersigned counsel, individually and on behalf of all others similarly situated, respectfully submits this *First Notice of Filing of Additional Notices of Consent*:

Under §216(b) of the federal Fair Labor Standards Act (“FLSA”), those aggrieved by violations of the FLSA may “opt in” to an ongoing action by giving consent in writing to become

a party and filing that consent with the court. Attached hereto is an Opt-In Consent Form for:

Jesus Quinones

Respectfully submitted this 10th day of April, 2018.

s/Brian D. Gonzales

Brian D. Gonzales
THE LAW OFFICES OF
BRIAN D. GONZALES, PLLC
2580 East Harmony Road, Suite 201
Fort Collins, Colorado 80528
Telephone: (970) 214-0562
BGonzales@ColoradoWageLaw.com

J. Forester
FORESTER HAYNIE PLLC
1701 N. Market Street, Suite 210
Dallas, Texas 75202
Telephone: (214) 288-8519
Facsimile: (214) 346-5909
jay@foresterhaynie.com

Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **FIRST NOTICE OF FILING OF ADDITIONAL NOTICES OF CONSENT** will be served with process.

s/Brian D. Gonzales

<p>DISTRICT COURT, DENVER COUNTY, COLORADO 1427 Bannock Street Denver, Colorado 80202</p> <p>PLAINTIFF: NICHOLAS RANDALL, on behalf of himself and all similarly situated persons,</p> <p>v.</p> <p>DEFENDANTS: CAMRON LENTE, FRANK CLARK, LUKE WOOTEN and NEXT GENERATION CONSTRUCTION & ENVIRONMENTAL, LLC</p>	<p>DATE FILED: April 12, 2018 5:17 PM FILING ID: 967F94CBBAE4B CASE NUMBER: 2018CV30986</p> <p>Δ COURT USE ONLY Δ</p>
<p>Attorneys for Plaintiff: Brian D. Gonzales, Atty. Reg. # 29775 THE LAW OFFICES OF BRIAN D. GONZALES, PLLC 2580 East Harmony Road, Suite 201 Fort Collins, Colorado 80528 Telephone: (970) 214-0562 BGonzales@ColoradoWageLaw.com</p> <p>J. Forester FORESTER HAYNIE PLLC 1701 N. Market Street, Suite 210 Dallas, Texas 75202 Telephone: (214) 288-8519 Facsimile: (214) 346-5909 jay@foresterhaynie.com</p>	<p>Case Number: 2018cv30986</p> <p>Ctrm/Div: 209</p>
<p align="center">SECOND NOTICE OF FILING OF ADDITIONAL NOTICES OF CONSENT</p>	

Plaintiff, by and through undersigned counsel, individually and on behalf of all others similarly situated, respectfully submits this *Second Notice of Filing of Additional Notices of Consent*:

Under §216(b) of the federal Fair Labor Standards Act (“FLSA”), those aggrieved by

violations of the FLSA may “opt in” to an ongoing action by giving consent in writing to become a party and filing that consent with the court. Attached hereto is an Opt-In Consent Form for:

Clyde Routh

Respectfully submitted this 12th day of April, 2018.

s/Brian D. Gonzales

Brian D. Gonzales
THE LAW OFFICES OF
BRIAN D. GONZALES, PLLC
2580 East Harmony Road, Suite 201
Fort Collins, Colorado 80528
Telephone: (970) 214-0562
BGonzales@ColoradoWageLaw.com

J. Forester
FORESTER HAYNIE PLLC
1701 N. Market Street, Suite 210
Dallas, Texas 75202
Telephone: (214) 288-8519
Facsimile: (214) 346-5909
jay@foresterhaynie.com

Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **SECOND NOTICE OF FILING OF ADDITIONAL NOTICES OF CONSENT** will be served with process.

s/Brian D. Gonzales

<p>DISTRICT COURT, DENVER COUNTY, COLORADO 1437 Bannock Street, Room 256 Denver, Colorado 80202</p> <p>PLAINTIFF: NICHOLAS RANDALL, on behalf of himself and all similarly situated persons,</p> <p>v.</p> <p>DEFENDANTS: CAMRON LENTE, FRANK CLARK, LUKE WOOTEN and NEXT GENERATION CONSTRUCTION & ENVIRONMENTAL, LLC</p>	<p>DATE FILED: May 21, 2018 1:46 PM FILING ID: 7364AAD98D8A6 CASE NUMBER: 2018CV30986</p> <p>Δ COURT USE ONLY Δ</p>
<p>Attorneys for Plaintiff:</p> <p>Brian D. Gonzales, Atty. Reg. # 29775 THE LAW OFFICES OF BRIAN D. GONZALES, PLLC 2580 East Harmony Road, Suite 201 Fort Collins, Colorado 80528 Telephone: (970) 214-0562 BGonzales@ColoradoWageLaw.com</p> <p>J. Forester FORESTER HAYNIE PLLC 1701 N. Market Street, Suite 210 Dallas, Texas 75202 Telephone: (214) 288-8519 Facsimile: (214) 346-5909 jay@foresterhaynie.com</p>	<p>Case Number: 2018cv30986</p> <p>Ctrm/Div: 209</p>
<p>MOTION FOR EXTENSION OF TIME TO COMPLETE SERVICE</p>	

In its March 28, 2018 Delay Reduction Order, the Court directed Plaintiff to file a return of service on Defendant by May 22, 2018. Undersigned counsel has been in contact with counsel for Defendants about accepting service on behalf of his clients. Therefore, Plaintiff respectfully requests an extension of thirty (30) days to complete service of process on Defendants. With the extension, the service deadline will be June 21, 2018.

Respectfully submitted this 21st day of May, 2018.

s/Brian D. Gonzales

Brian D. Gonzales

THE LAW OFFICES OF
BRIAN D. GONZALES, PLLC
242 Linden Street
Fort Collins, Colorado 80528

J. Forester
FORESTER HAYNIE PLLC
1701 N. Market Street, Suite 210
Dallas, Texas 75202

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **Motion for Extension of Time to Complete Service** will be served on Defendants with process.

s/Brian D. Gonzales

DISTRICT COURT, DENVER COUNTY, COLORADO	
Court Address: 1437 Bannock Street, Rm 256, Denver, CO, 80202	
Plaintiff(s) NICHOLAS RANDALL v. Defendant(s) CAMRON LENTE et al.	DATE FILED: May 22, 2018 11:44 AM CASE NUMBER: 2018CV30986
	△ COURT USE ONLY △
	Case Number: 2018CV30986 Division: 209 Courtroom:
Order: Motion for Extension of Time to Complete Service	

The motion/proposed order attached hereto: SO ORDERED.

Issue Date: 5/22/2018



JAY SUTHERLAND GRANT
District Court Judge

<p>DISTRICT COURT, DENVER COUNTY, COLORADO 1437 Bannock Street, Room 256 Denver, Colorado 80202</p> <p>PLAINTIFF: NICHOLAS RANDALL, on behalf of himself and all similarly situated persons,</p> <p>v.</p> <p>DEFENDANTS: CAMRON LENTE, FRANK CLARK, LUKE WOOTEN and NEXT GENERATION CONSTRUCTION & ENVIRONMENTAL, LLC</p>	<p style="text-align: center;">Δ COURT USE ONLY Δ</p>
<p>Attorneys for Plaintiff:</p> <p>Brian D. Gonzales, Atty. Reg. # 29775 THE LAW OFFICES OF BRIAN D. GONZALES, PLLC 2580 East Harmony Road, Suite 201 Fort Collins, Colorado 80528 Telephone: (970) 214-0562 BGonzales@ColoradoWageLaw.com</p> <p>J. Forester FORESTER HAYNIE PLLC 1701 N. Market Street, Suite 210 Dallas, Texas 75202 Telephone: (214) 288-8519 Facsimile: (214) 346-5909 jay@foresterhaynie.com</p>	<p>Case Number: 2018cv30986</p> <p>Ctrm/Div: 209</p>
<p>MOTION FOR EXTENSION OF TIME TO COMPLETE SERVICE</p>	

In its March 28, 2018 Delay Reduction Order, the Court directed Plaintiff to file a return of service on Defendant by May 22, 2018. Undersigned counsel has been in contact with counsel for Defendants about accepting service on behalf of his clients. Therefore, Plaintiff respectfully requests an extension of thirty (30) days to complete service of process on Defendants. With the extension, the service deadline will be June 21, 2018.

Respectfully submitted this 21st day of May, 2018.

s/Brian D. Gonzales

Brian D. Gonzales

THE LAW OFFICES OF
BRIAN D. GONZALES, PLLC
242 Linden Street
Fort Collins, Colorado 80528

J. Forester
FORESTER HAYNIE PLLC
1701 N. Market Street, Suite 210
Dallas, Texas 75202

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **Motion for Extension of Time to Complete Service** will be served on Defendants with process.

s/Brian D. Gonzales

Attachment to Order - 2018CV30986

<p>DISTRICT COURT, DENVER COUNTY, COLORADO 1437 Bannock Street, Room 256 Denver, Colorado 80202</p> <p>PLAINTIFF: NICHOLAS RANDALL, on behalf of himself and all similarly situated persons,</p> <p>v.</p> <p>DEFENDANTS: CAMRON LENTE, FRANK CLARK, LUKE WOOTEN and NEXT GENERATION CONSTRUCTION & ENVIRONMENTAL, LLC</p>	<p>DATE FILED: June 19, 2018 1:08 PM FILING ID: 8558CAECEAF9C CASE NUMBER: 2018CV30986</p> <p>Δ COURT USE ONLY Δ</p>
<p>Attorneys for Plaintiff:</p> <p>Brian D. Gonzales, Atty. Reg. # 29775 THE LAW OFFICES OF BRIAN D. GONZALES, PLLC 2580 East Harmony Road, Suite 201 Fort Collins, Colorado 80528 Telephone: (970) 214-0562 BGonzales@ColoradoWageLaw.com</p> <p>J. Forester FORESTER HAYNIE PLLC 1701 N. Market Street, Suite 210 Dallas, Texas 75202 Telephone: (214) 288-8519 Facsimile: (214) 346-5909 jay@foresterhaynie.com</p>	<p>Case Number: 2018cv30986</p> <p>Ctrm/Div: 209</p>
<p>NOTICE OF FILING OF RETURNS OF SERVICE</p>	

Attached hereto are Returns of Service for Defendants Next Generation Construction & Environmental, LLC, Camron Lente and Luke Wooten. Undersigned counsel has been unable to locate Defendant Frank Clark and is informed that he has moved out of the country. Counsel will continue efforts to locate Mr. Clark.

Respectfully submitted this 19th day of June, 2018.

s/Brian D. Gonzales

Brian D. Gonzales
THE LAW OFFICES OF

BRIAN D. GONZALES, PLLC
242 Linden Street
Fort Collins, Colorado 80528

J. Forester
FORESTER HAYNIE PLLC
1701 N. Market Street, Suite 210
Dallas, Texas 75202

DISTRICT COURT, DENVER COUNTY, COLORADO	
Court Address: 1437 Bannock Street, Rm 256, Denver, CO, 80202	
Plaintiff(s) NICHOLAS RANDALL v. Defendant(s) CAMRON LENTE et al.	DATE FILED: June 26, 2018 10:57 AM CASE NUMBER: 2018CV30986
△ COURT USE ONLY △	
Case Number: 2018CV30986 Division: 209 Courtroom:	
Order: Notice of Filing of Returns of Service	

The motion/proposed order attached hereto: NO ACTION TAKEN.

The returns of service were not attached to this order. Plaintiff to file the returns of service with the Court within fourteen (14) days.

So Ordered.

Issue Date: 6/26/2018



JAY SUTHERLAND GRANT
District Court Judge

<p>DISTRICT COURT, DENVER COUNTY, COLORADO 1437 Bannock Street, Room 256 Denver, Colorado 80202</p> <p>PLAINTIFF: NICHOLAS RANDALL, on behalf of himself and all similarly situated persons,</p> <p>v.</p> <p>DEFENDANTS: CAMRON LENTE, FRANK CLARK, LUKE WOOTEN and NEXT GENERATION CONSTRUCTION & ENVIRONMENTAL, LLC</p>	<p style="text-align: center;">Δ COURT USE ONLY Δ</p>
<p>Attorneys for Plaintiff:</p> <p>Brian D. Gonzales, Atty. Reg. # 29775 THE LAW OFFICES OF BRIAN D. GONZALES, PLLC 2580 East Harmony Road, Suite 201 Fort Collins, Colorado 80528 Telephone: (970) 214-0562 BGonzales@ColoradoWageLaw.com</p> <p>J. Forester FORESTER HAYNIE PLLC 1701 N. Market Street, Suite 210 Dallas, Texas 75202 Telephone: (214) 288-8519 Facsimile: (214) 346-5909 jay@foresterhaynie.com</p>	<p>Case Number: 2018cv30986</p> <p>Ctrm/Div: 209</p>
<p>NOTICE OF FILING OF RETURNS OF SERVICE</p>	

Attached hereto are Returns of Service for Defendants Next Generation Construction & Environmental, LLC, Camron Lente and Luke Wooten. Undersigned counsel has been unable to locate Defendant Frank Clark and is informed that he has moved out of the country. Counsel will continue efforts to locate Mr. Clark.

Respectfully submitted this 19th day of June, 2018.

s/Brian D. Gonzales

Brian D. Gonzales
THE LAW OFFICES OF

BRIAN D. GONZALES, PLLC
242 Linden Street
Fort Collins, Colorado 80528

J. Forester
FORESTER HAYNIE PLLC
1701 N. Market Street, Suite 210
Dallas, Texas 75202

Attachment to Order - 2018CV30986

<input type="checkbox"/> County Court <input checked="" type="checkbox"/> District Court <u>DENVER</u> County, Colorado Court Address:		DATE FILED: July 3, 2018 3:30 PM FILING ID: 9F87D5745B7D8 CASE NUMBER: 2018CV30986
Plaintiff/Petitioner(s): <u>NICHOLAS RANDAK</u> v. Defendant/Respondent(s): <u>CAMRON LOWTS, ET AL.</u>		COURT USE ONLY
Attorney or Party Without Attorney (Name and Address): <u>BRIAN CONZALEC</u> <u>2580 E. WALMLEY RD, FT. COLLINS 80528</u> Phone Number: <u>970-211-0822</u> E-mail: FAX Number: <u> </u> Atty. Reg. #: <u>029775</u>		Case Number: <u>2018 CV 30986</u> Division <u> </u> Courtroom <u>201</u>
AFFIDAVIT OF SERVICE		

I declare under oath that I am 18 years or older and not a party to the action and that I served Summons, Civil Case Cover Sheet, Complaint, Delay Reduction Order, First Notice of Opt-Ins, Second Notice of Opt-Ins, Motion for Extension, Opt-In Forms (Rincon, Randall, Quinones, Routh) on Next Generation Construction & Environmental, LLC in Boulder County/Colorado on 06/18/2018 at 3:55pm at the following location: 14313 Mead St, Longmont, CO 80504.

- By handing the documents to a person identified to me as the Defendant/Respondent: .
- By identifying the documents, offering to deliver them to a person identified to me as the Defendant/Respondent who refused service, and then leaving the documents in a conspicuous place.
- By leaving the documents at the Defendant/Respondent's usual place of abode with _____ (Name of Person) who is a member of the Defendant/Respondent's family and whose age is 18 years or older. (Identify family relationship) _____.)
- By leaving the documents at the Defendant/Respondent's usual workplace with _____ (Name of Person) who is the Defendant/Respondent's secretary, administrative assistant, bookkeeper, or managing agent. (Circle title of person served.)
- By leaving the documents with Luke Wooten, who as Chief Operating Officer is authorized by appointment or by law to receive service of process for the Defendant/Respondent.
- By serving the documents as follows (other service permitted by C.R.C.P 4(g) or C.R.C.P. 304(c)(d) and (e): _____

For Eviction Cases Only.
 I have made diligent efforts such as _____ (list personal service attempts) but have been unable to make personal service on the Defendant/Respondent(s) and I have made service of the within summons and complaint by posting a copy of them in a conspicuous place upon the premises described therein.

I have charged the following fees for my services in this matter:

- Private process server
- Sheriff, _____ County
 Fee \$ _____ Mileage \$ _____

VERIFICATION AND ACKNOWLEDGMENT

I, KARSTEN T. KASZUBA (name) swear/affirm under oath, that I have read the foregoing *AFFIDAVIT OF SERVICE* and that the statements set forth therein are true and correct to the best of my knowledge.

KARSTEN T. KASZUBA
Printed name

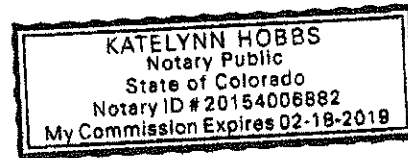
[Signature]
Signature

01/19/18
Date

Subscribed and affirmed, or sworn to before me in the County of Boulder, State of Colorado, this 19th day of June, 2019. My Commission Expires:

2/18/2019

[Signature]
Notary Public



<input type="checkbox"/> County Court <input checked="" type="checkbox"/> District Court <u>DENVER</u> County, Colorado Court Address:		DATE FILED: July 3, 2018 3:30 PM FILING ID: 9F87D5745B7D8 CASE NUMBER: 2018CV30986
Plaintiff/Petitioner(s): <u>MICHAEL MANANA</u> v. Defendant/Respondent(s): <u>CAMRON LENTE, ET AL.</u>		
Attorney or Party Without Attorney (Name and Address): <u>BRUCE BONZALUS 2580 E. HARMONY RD,</u> <u>570 201 FT. COLLINS CO 80528</u> Phone Number: <u>970-211-0562</u> E-mail: _____ FAX Number: _____ Atty. Reg. #: <u>029975</u>		Case Number: Division Courtroom
AFFIDAVIT OF SERVICE		

I declare under oath that I am 18 years or older and not a party to the action and that I served Summons, Civil Case Cover Sheet, Complaint, Delay Reduction Order, First Notice of Opt-Ins, Second Notice of Opt-Ins, Motion for Extension, Opt-In Forms (Rincon, Randall, Quinones, Routh) on Camron Lente in Boulder County/Colorado on 06/18/2018 at 3:55pm at the following location: 14313 Mead St, Longmont, CO 80504.

- By handing the documents to a person identified to me as the Defendant/Respondent: .
- By identifying the documents, offering to deliver them to a person identified to me as the Defendant/Respondent who refused service, and then leaving the documents in a conspicuous place.
- By leaving the documents at the Defendant/Respondent's usual place of abode with _____ (Name of Person) who is a member of the Defendant/Respondent's family and whose age is 18 years or older. (Identify family relationship) _____.)
- By leaving the documents at the Defendant/Respondent's usual workplace with Luke Wooten who is the Defendant/Respondent's secretary, administrative assistant, bookkeeper, or managing agent. (Circle title of person served.)
- By leaving the documents with _____, who as _____ is authorized by appointment or by law to receive service of process for the Defendant/Respondent.
- By serving the documents as follows (other service permitted by C.R.C.P 4(g) or C.R.C.P. 304(c)(d) and (e): _____

For Eviction Cases Only.
 I have made diligent efforts such as _____ (list personal service attempts) but have been unable to make personal service on the Defendant/Respondent(s) and I have made service of the within summons and complaint by posting a copy of them in a conspicuous place upon the premises described therein.

I have charged the following fees for my services in this matter:

- Private process server
- Sheriff, _____ County
 Fee \$ _____ Mileage \$ _____

VERIFICATION AND ACKNOWLEDGMENT

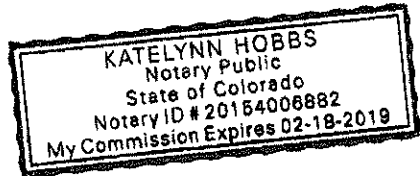
I, KARSTEN T. KASZYBA (name) swear/affirm under oath, that I have read the foregoing AFFIDAVIT OF SERVICE and that the statements set forth therein are true and correct to the best of my knowledge.

KARSTEN T. KASZYBA
Printed name

[Signature]
Signature 6/19/18
Date

Subscribed and affirmed, or sworn to before me in the County of Boulder, State of Colorado, this 19th day of June, 20 19. My Commission Expires: 2/18/2019

[Signature]
Notary Public



<input type="checkbox"/> County Court <input checked="" type="checkbox"/> District Court DENVER County, Colorado Court Address: NICHOLAS RANDALL		DATE FILED: July 3, 2018 3:30 PM FILING ID: 9F87D5745B7D8 CASE NUMBER: 2018CV30986
Plaintiff/Petitioner(s): v. Defendant/Respondent(s): CAMERON LONTE ET AL.		COURT USE ONLY Case Number: 2018 CV 30986 Division Courtroom 209
Attorney or Party Without Attorney (Name and Address): BRIAN GONZALEZ 2580 E. WALKWAY RD STE 201, FORT COLLINS, CO 80528 Phone Number: 970 214 E-mail: FAX Number: 970 214 Atty. Reg. #: 029775		
AFFIDAVIT OF SERVICE		

I declare under oath that I am 18 years or older and not a party to the action and that I served Summons, Civil Case Cover Sheet, Complaint, Delay Reduction Order, First Notice of Opt-Ins, Second Notice of Opt-Ins, Motion for Extension, Opt-In Forms (Rincon, Randall, Quinones, Routh) on Luke Wooten in Boulder County/Colorado on 06/18/2018 at 3:55pm at the following location: 14313 Mead St, Longmont, CO 80504.

- By handing the documents to a person identified to me as the Defendant/Respondent: Luke Wooten.
- By identifying the documents, offering to deliver them to a person identified to me as the Defendant/Respondent who refused service, and then leaving the documents in a conspicuous place.
- By leaving the documents at the Defendant/Respondent's usual place of abode with _____ (Name of Person) who is a member of the Defendant/Respondent's family and whose age is 18 years or older. (Identify family relationship) _____.)
- By leaving the documents at the Defendant/Respondent's usual workplace with _____ (Name of Person) who is the Defendant/Respondent's secretary, administrative assistant, bookkeeper, or managing agent. (Circle title of person served.)
- By leaving the documents with _____ (Name of Person), who as _____ (title) is authorized by appointment or by law to receive service of process for the Defendant/Respondent.
- By serving the documents as follows (other service permitted by C.R.C.P 4(g) or C.R.C.P. 304(c)(d) and (e): _____)

For Eviction Cases Only.
 I have made diligent efforts such as _____ (list personal service attempts) but have been unable to make personal service on the Defendant/Respondent(s) and I have made service of the within summons and complaint by posting a copy of them in a conspicuous place upon the premises described therein.

I have charged the following fees for my services in this matter:

- Private process server
- Sheriff, _____ County
 Fee \$ _____ Mileage \$ _____

VERIFICATION AND ACKNOWLEDGMENT

I KARSTEN T. KASZUBA (name) swear/affirm under oath, that I have read the foregoing *AFFIDAVIT OF SERVICE* and that the statements set forth therein are true and correct to the best of my knowledge.

KARSTEN T. KASZUBA
Printed name

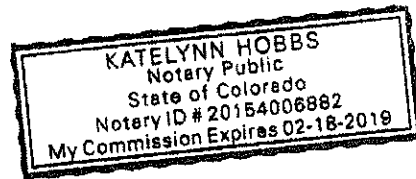
[Signature]
Signature

07/19/18
Date

Subscribed and affirmed, or sworn to before me in the County of Boulder, State of Colorado, this 19th day of JUNE, 20 19. My Commission Expires:

2/18/2019

[Signature]
Notary Public



Register of Actions

Filed by Plaintiff/Petitioner
 Filed by Defendant/Respondent
 Filed by Court

Case Number: 2018CV030986

Division: 209

Case Type: Wages

Judicial Officer: Kandace Cecilia Gerdes

Case Caption: [Randall, Nicholas v. Lente, Camron et al](#)

Court Location: Denver County - District

Filing ID	Date Filed	Authorizer	Organization	Filing Party	Document	Document Title	Document Security
9F87D5745B7D8	07/03/2018 3:30 PM	Brian Gonzales	Law Offices of Brian D Gonzales PLLC	Nicholas Randall	Return of Service	AFFIDAVIT OF SERVICE - SUMMONS, COVER SHEET, COMPLAINT, DRO, FIRST NOTICE, SECOND NOTICE, MOTION AND OPT-IN FORMS SERVED ON LUKE WOOTEN FOR NEXT GENERATION CONSTRUCTION AND ENVIRONMENTAL LLC ON 6/18/18	Public
					Return of Service	AFFIDAVIT OF SERVICE - SUMMONS, COVER SHEET, COMPLAINT, DRO, FRIST NOTICE, SECOND NOTICE, MOTION AND OPT-IN FORMS SERVED TO LUKE WOOTEN ON 6/18/18	Public
					Return of Service	AFFIDAVIT OF SERVICE - SUMMONS, COVER SHEET, COMPLAINT, DRO, FIRST NOTICE, SECOND NOTICE, MOTION AND OPT-IN FORMS SERVED ON LUKE WOOTEN FOR CAMRON LENTE ON 6/18/18	Public
N/A (Details)	06/26/2018 10:57 AM	Jay Sutherland Grant	Denver District Court	N/A	Order (Related Document)	Order: Notice of Filing of Returns of Service	Public
8558CAECEAF9C	06/19/2018 1:08 PM	Brian Gonzales	Law Offices of Brian D Gonzales PLLC	Nicholas Randall	Notice (Related Document)	Notice of Filing of Returns of Service	Public
N/A (Details)	05/22/2018 11:44 AM	Jay Sutherland Grant	Denver District Court	N/A	Order (Related Document)	Order: Motion for Extension of Time to Complete Service	Public
7364AAD98D8A6	05/21/2018 1:46 PM	Brian Gonzales	Law Offices of Brian D Gonzales PLLC	Nicholas Randall	Motion (Related Document)	Motion for Extension of Time to Complete Service	Public
967F94CBBAE4B	04/12/2018 5:17 PM	Brian Gonzales	Law Offices of Brian D Gonzales PLLC	Nicholas Randall	Notice	Second Notice of Filing of Additional Notices of Consent w/attach	Public
					Exhibit - Attach to Pleading/Doc	Exhibit A to Second Notice of Filing of Additional Notices of Consent: Clyde Routh Opt-In Consent Form	Protected
A9A29A39A492A	04/10/2018 12:30 PM	Brian Gonzales	Law Offices of Brian D Gonzales PLLC	Nicholas Randall	Notice	First Notice of Filing of Additional Notices of Consent w/attach	Public
					Exhibit - Attach to Pleading/Doc	Exhibit A to First Notice of Filing of Additional Notices of Consent: Jesus Quinones Opt-In Consent Form	Protected
N/A (Details)	03/28/2018 12:00 AM	Jay Sutherland Grant	Denver District Court	N/A	Order	DELAY REDUCTION ORDER	Public
9455E244E3707	03/20/2018 2:29 PM	Brian Gonzales	Law Offices of Brian D Gonzales PLLC	Nicholas Randall	Complaint	Class and Collective Action Complaint (w/attach)	Public
					Exhibit - Attach to Pleading/Doc		Protected

Filing ID	Date Filed	Authorizer	Organization	Filing Party	Document	Document Title	Document Security
						Exhibit A to Class and Collective Action Complaint- Nicholas Randall Opt-In Consent Form	
					Exhibit - Attach to Pleading/Doc	Exhibit B to Class and Collective Action Complaint- Adan Rincon Opt-In Consent Form	Protected
					Civil Case Cover Sheet	District Court Civil Case Cover Sheet	Public

Party Information

Party Name	Party Type	Party Status	Attorney Name
Camron Lente	Defendant	Active	N/A
Frank Clark	Defendant	Active	N/A
Luke Wooten	Defendant	Active	N/A
Next Generation Constr And Environmenta	Defendant	Active	N/A
Nicholas Randall	Plaintiff	Active	Brian David Gonzales (Law Offices of Brian D Gonzales PLLC)

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.)

<p>I. (a) PLAINTIFFS NICHOLAS RANDALL, on behalf of himself and all similarly situated persons</p> <p>(b) County of Residence of First Listed Plaintiff <u>DENVER</u> (EXCEPT IN U.S. PLAINTIFF CASES)</p> <p>(c) Attorneys (Firm Name, Address, and Telephone Number) Brian D. Gonzales, the Law Offices of Brian D. Gonzales, PLLC, 2580 East Harmony Road, Suite 201, Fort Collins, CO 80528, (970) 214-0562 J. Forester, Forester Haynie PLLC, 1701 N. Market Street, Suite 210, Dallas, TX 75202, (214) 288-8519</p>	<p>DEFENDANTS CAMRON LENTE, FRANK CLARK, LUKE WOOTEN, and NEXT GENERATION CONSTRUCTION & ENVIRONMENTAL, LLC</p> <p>County of Residence of First Listed Defendant <u>BOULDER</u> (IN U.S. PLAINTIFF CASES ONLY)</p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>Attorneys (If Known) Anna M. Reinert, John D. Keen, Gordon Rees Scully Mansukhani, LLP, 555 17th Street, Suite 3400, Denver, CO 80202, (303) 200-6867</p>
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<p>II. BASIS OF JURISDICTION (Place an "X" in One Box Only)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th>PTF</th> <th>DEF</th> <th></th> <th>PTF</th> <th>DEF</th> </tr> </thead> <tbody> <tr> <td>Citizen of This State</td> <td><input type="checkbox"/> 1</td> <td><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td><input type="checkbox"/> 4</td> <td><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </tbody> </table>		PTF	DEF		PTF	DEF	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
	PTF	DEF		PTF	DEF																				
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																				
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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	<p>PERSONAL INJURY</p> <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"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157	<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
<p>REAL PROPERTY</p> <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	<p>CIVIL RIGHTS</p> <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	<p>LABOR</p> <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	<p>PROPERTY RIGHTS</p> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark	<p>LABOR</p> <input 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
	<p>PRISONER PETITIONS</p> <p>Habeas Corpus:</p> <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 <p>Other:</p> <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	<p>LABOR</p> <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	<p>SOCIAL SECURITY</p> <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))	<p>FEDERAL TAX SUITS</p> <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 - 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):
28 U.S.C. §§ 1441 and 1446

Brief description of cause:
Alleged failure to properly compensate field employees for straight time + overtime hours worked in FLSA violation

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 KANDACE CECILIA GERDES DOCKET NUMBER 2018CV30986

DATE 07/09/2018 SIGNATURE OF ATTORNEY OF RECORD ANNA M. REINERT

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

**SUPPLEMENTAL CIVIL COVER SHEET FOR
NOTICES OF REMOVAL**

The removing party shall complete the SUPPLEMENTAL CIVIL COVER SHEET FOR NOTICES OF REMOVAL and follow D.C.COLO.LCivR 81.1. and 28 U.S.C. § 1446(a).

Section A - Plaintiffs

Plaintiffs remaining in action at the time of filing the notice of removal.

Section B - Defendants

Defendants remaining in action at the time of filing the notice of removal.

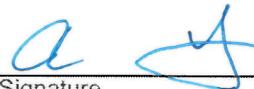
1. NICHOLAS RANDALL	1. CAMRON LENTE
2.	2. FRANK CLARK
3.	3. LUKE WOOTEN
4.	4. NEXT GENERATION CONSTRUCTION & ENVIRONMENTAL, LLC
5.	5.
6.	6.

Section C - Pending State Court Motions As of Date of Removal

Title of State Court Motion	Date Motion Filed
1.	
2.	
3.	
4.	
5.	
6.	
7.	

Section D - Scheduled State Court Hearings As of Date of Removal

Title of State Court Scheduled Hearing	Date of Hearing	Time of Hearing	Assigned State Judge
1.			
2.			
3.			
4.			
5.			



Signature

Anna M. Reinert

Printed Name

Telephone Number (303) 200-6867

Date July 9, 2018

State Court Case Number 2018CV030986

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Next Generation Construction & Environmental Sued Over Alleged Pay Practices](#)
