

written consent to this action is attached as Exhibit A.

5. Plaintiff Maria Espinosa is an individual who resides within this District. Her written consent to this action is attached as Exhibit B.

6. The “Class Members” are all current and former employees of Defendants who, at any time three years before the filing of this lawsuit or later, were paid at an hourly rate, but were not compensated at one-and-one-half times their regular rate for all hours worked over forty in a workweek.

7. Defendant Blazing Needles, L.P., is a Texas limited partnership. Defendant Blazing Needles, L.P. may be served with process through its registered agent, H. A. Shaban, at 401 N. Beach St., Fort Worth, Texas 76111, or wherever he may be found.

8. Defendant H. A. Shaban is an individual who resides in the Northern District of Texas and may be served at 401 N. Beach St., Fort Worth, Texas 76111, or wherever he may be found.

9. Defendant David Shaban is an individual who resides in the Northern District of Texas and may be served at 401 N. Beach St., Fort Worth, Texas 76111, or wherever he may be found.

III. FACTUAL ALLEGATIONS

10. Defendant Blazing Needles, L.P. (“Blazing Needles”) is an importer, manufacturer, and seller of soft home furnishings specializing in traditional wholesale and e-commerce drop-shipping. Blazing Needles purveys its wares through large internet retailers including Amazon, Overstock, Walmart, Lowe’s, Hayneedle, and Wayfair.

11. During all of the relevant time period, Defendants have constituted an enterprise within the meaning of Section 3(r) of the FLSA, 29 U.S.C. § 203(r).

12. Throughout the relevant time period, Defendants have been an enterprise engaged in commerce or in the production of goods for commerce within the meaning of Section 3(s)(1) of the FLSA because Defendants have had employees engaged in commerce or in the production of goods for commerce, as well as employees handling, selling, or otherwise working on goods or materials that have been moved in or produced for commerce. 29 U.S.C. § 203(s)(1). Further, during each year within the relevant time period, Defendants have had an annual gross volume of sales made or business done greatly in excess of \$500,000 (exclusive of excise taxes at the retail level which are separately stated).

13. During the relevant time period, Plaintiffs and Class Members have been individual employees engaged in commerce or in the production of goods for commerce. Plaintiffs and Class Members labored in Blazing Needles' factory cutting fabrics, sewing, and otherwise manufacturing the soft home furnishings Blazing Needles sells in interstate commerce, and/or preparing such merchandise for shipping in interstate commerce.

14. During the entire relevant time period, all of the Defendants have been joint employers of each of the Plaintiffs and Class Members within the meaning of Section 3(d) of the FLSA, 29 U.S.C. § 203(d).

15. H.A. Shaban and David Shaban ("the Shabans") are the owners and sole corporate officers of Golden Designs, Inc., which is the General Partner of Defendant Blazing Needles, L.P.

16. The Shabans have controlled the operations of Blazing Needles during the entire relevant period of this action. During the relevant time period, the Shabans have been regularly present at the Plaintiffs' and Class Members' jobsite. While on the premises, the Shabans

directly and indirectly supervised and managed the terms and conditions of the Plaintiffs' and Class Members' work.

17. Throughout the relevant period, the Shabans have had and have exercised the authority to act on behalf of Blazing Needles vis-à-vis its employees, including the power to directly and indirectly establish company pay practices and pay rates, modify employment conditions, control employee schedules, maintain employment records, and to hire and fire employees.

18. The Plaintiffs and Class Members were all compensated on an hourly basis for their work for Defendants.

19. Throughout the relevant period, the Plaintiffs and Class Members frequently worked more than 40 hours per week for Defendants— often working between 45-50 hours or more— but Defendants paid them only their regular straight-time rates for their overtime hours instead of one-and-one-half times their regular rates of pay.

IV. COLLECTIVE ACTION ALLEGATIONS

20. The Class Members are similarly situated to the named Plaintiffs in that their relevant job duties were comparable to the Plaintiffs', and they were subject to the same illegal pay policies or practices that are the basis for this action.

21. The Defendants' failure to pay overtime compensation at the rates required by the FLSA results from generally applicable policies or practices and do not depend on the personal circumstances of the Class Members. Thus, the Plaintiffs' experience is typical of the experience of the Class Members.

22. The specific job titles or precise job requirements of the various Class Members do not prevent collective treatment. All Class Members, regardless of their exact job

requirements or rates of pay, are entitled overtime compensation for hours worked in excess of 40 hours per week. Although the issue of damages may be individual in character, there is no detraction from the common nucleus of facts relating to liability. The essential questions of law and fact are common to the Plaintiffs and the Class Members.

23. As a collective action, Plaintiffs seek this Court's appointment and/or designation as representatives of a group of similarly situated individuals.

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

24. During the relevant period, Defendants have violated Section 7 of the FLSA, 29 U.S.C. §§ 207, and 215(a)(2), by employing Plaintiffs and Class Members for workweeks longer than 40 hours without compensating such employees at rates of one-and-one-half times their regular rates for all hours worked over 40 in a workweek. Defendants have acted willfully in failing to pay Plaintiffs and Class Members in accordance with applicable law. Defendants are liable to Plaintiffs under 29 U.S.C. § 216(b).

VI. PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray that they and all those who consent to be opt-in plaintiffs in this collective action recover from Defendants, jointly and severally, the following:

- A. An award of all unpaid overtime compensation;
- B. An equal amount as liquidated damages under the FLSA;
- C. Reasonable attorney's fees, costs, and expenses of this action;
- D. Post-judgment interest; and
- E. Such other relief to which they may be entitled.

Respectfully submitted,

/s/ Hannah Alexander

HANNAH ALEXANDER

Texas Bar No. 24099310

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ATTORNEYS FOR PLAINTIFFS

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

Feliciano Rojas and Maria Espinosa

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

(c) Attorneys (Firm Name, Address, and Telephone Number)
Anna Bocchini and Hannah Alexander, Equal Justice Center
1250 W Mockingbird Ln, Ste 455, Dallas, TX 75247
469-228-4226

DEFENDANTS'

Blazing Needles, L.P.; H.A. Shaban, and David Shaban

County of Residence of First Listed Defendant" Dallas
(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)

- | | 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" |

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	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 - Medical 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"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <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 IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions"	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 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)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act" <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))" <input type="checkbox"/> 400 State Reapportionment" <input type="checkbox"/> 410 Antitrust" <input type="checkbox"/> 430 Banks and Banking" <input type="checkbox"/> 450 Commerce" <input type="checkbox"/> 460 Deportation" <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations" <input type="checkbox"/> 480 Consumer Credit" <input type="checkbox"/> 490 Cable/Sat TV" <input type="checkbox"/> 850 Securities/Commodities/" Exchange" <input type="checkbox"/> 890 Other Statutory Actions" <input type="checkbox"/> 891 Agricultural Acts" <input type="checkbox"/> 893 Environmental Matters" <input type="checkbox"/> 895 Freedom of Information Act" <input type="checkbox"/> 896 Arbitration" <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision" <input type="checkbox"/> 950 Constitutionality of State Statutes"
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 <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition" <input type="checkbox"/> 560 Civil Detainee - "Conditions of Confinement"			

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

- ☒ 1 Original" Proceeding" ☐ 2 Removed from" State Court" ☐ 3 Remanded from" Appellate Court" ☐ 4 Reinstated or" Reopened" ☐ 5 Transferred from" Another District" (specify)" ☐ 6 Multidistrict" Litigation -" Transfer" ☐ 8 Multidistrict" Litigation - Direct File"

VI. CAUSE OF ACTIONCite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
29 USC 216(b)Brief description of cause:
Fair Labor Standards Act collective action for unpaid overtime**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

05/26/2017

SIGNATURE OF ATTORNEY OF RECORD

s/ Anna Bocchini

FOR OFFICE USE ONLY

RECEIPT # _____

AMOUNT _____

APPLYING IFP _____

JUDGE _____

MAG. JUDGE _____

Case 3:17-cv-01408-G Document 1-1 Filed 05/26/17 Page 2 of 2 PageID 8
INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading 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. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If a related case exists, whether pending or closed, insert the docket numbers and the corresponding judge names for such cases. A case is related to this filing if the case: 1) involves some or all of the same parties and is based on the same or similar claim; 2) involves the same property, transaction, or event; 3) involves substantially similar issues of law and fact; and/or 4) involves the same estate in a bankruptcy appeal.

Date and Attorney Signature. Date and sign the civil cover sheet.

CONSENT TO FILE SUIT UNDER THE FAIR LABOR STANDARDS ACT

I hereby give my consent to make a claim under the Fair Labor Standards Act for work I performed for Blazing Needles, L.P.; H.A. Shaban; David Shaban; and related entities. I authorize my attorneys to represent me before any court or agency to make these claims, including filing a lawsuit in which I am a party plaintiff in a collective action pursuant to 29 U.S.C. § 216.

CONSENTIMIENTO PARA PONER UNA DEMANDA BAJO LA LEY DE NORMAS JUSTAS DE TRABAJO

Por este medio doy mi consentimiento para interponer la demanda bajo La Ley de Normas Justas de Trabajo (FLSA-siglas en inglés) por mi trabajo con Blazing Needles, L.P.; H.A. Shaban; David Shaban; y entidades relacionadas. Yo les autoriza a mis abogados a que me representen ante cualquier tribunal o agencia sobre estas reclamaciones, incluyendo la presentación de un caso el cual yo soy la parte Demandante en una acción colectiva de conformidad con 29 U.S.C. § 216.

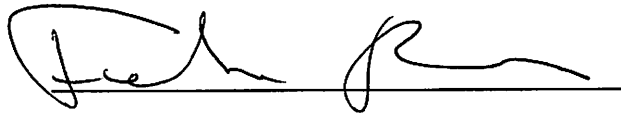
NAME/

NOMBRE:

FELICIANO ROJAS

SIGNATURE/

FIRMA:



DATE/

FECHA:

5-25-17

Attorney/Abogada:

Hannah Alexander

Equal Justice Center

1250 W. Mockingbird Ln., Ste. 455

Dallas, TX 75247

469-228-4226

469-941-0861 fax

Email: halexander@equaljusticecenter.org

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JUSTAS DE TRABAJO

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NAME/
NOMBRE: Maria Espinosa

SIGNATURE/
FIRMA: Mary Egnun

DATE/
FECHA: 5-22-17

Attorney/Abogada:
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Dallas, TX 75247
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469-941-0861 fax
Email: halexander@equaljusticecenter.org

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Blazing Needles Hit with Unpaid Wage Lawsuit](#)
