

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

BOBBI SATTERLEY, individually and
on behalf of all those similarly situated,

Plaintiff,

v.

LIEBROCK & LIEBROCK LOGISTICS
LLC,

Defendant.

Civil Action No.

JURY TRIAL DEMANDED

**COLLECTIVE ACTION COMPLAINT FOR
VIOLATIONS OF THE FAIR LABOR STANDARDS ACT**

Plaintiff Bobbi Satterley, individually and on behalf of all others similarly situated, brings this collective action for violations of the Fair Labor Standards Act (“FLSA”) against Defendant Liebrock & Liebrock Logistics LLC (“Defendant”) and states as follows:

JURISDICTION AND VENUE

1.

This Court has original jurisdiction to hear this Complaint and to adjudicate the claims stated herein pursuant to 28 U.S.C. Section 1331 because this action asserts claims arising under federal law, the FLSA, 29 U.S.C. Section 201, *et seq.*

2.

Venue is proper in this District, pursuant to 28 U.S.C. Section 1391, because the Defendant resides in this District with principal offices located in this district, and because a substantial part of the events or omissions giving rise to the claims occurred in this District.

PARTIES

3.

Plaintiff Bobbi Satterley is a resident of the State of Georgia and over the age of 18.

4.

Plaintiff Bobbi Satterley began her employment with Defendant on or about June 25, 2020, and worked until July 18, 2020 (“relevant time period”).

5.

Defendant is a domestic limited liability company with its principal place of business in Sugar Hill, GA.

6.

Defendant is subject to the jurisdiction of the FLSA, as it is engaged in interstate commerce and had earnings exceeding \$500,000 in the prior three (3) years.

7.

Defendant may be served with with legal process through its corporate registered agent, Legalinc Corporate Services Inc., located at 1870 The Exchange, Suite 200 #44, Atlanta, GA 30339.

8.

Plaintiff and those similarly situated are current and former employees of Defendant within the meaning of the FLSA, and Defendant employed them within three (3) years of the date this Complaint was filed.

FACTUAL ALLEGATIONS

9.

Defendant employs drivers to provide delivery services to its third-party clients, such as Amazon.

10.

Defendant employs between 50-100 drivers in this capacity.

11.

At all times relevant to this Complaint, Plaintiff and those similarly situated, worked for Defendant as drivers from within Defendant's office in Sugar Hill, Georgia.

12.

Plaintiff and those similarly situated worked on an hourly basis.

13.

Plaintiff and those similarly situated worked over forty (40) hours routinely and with Defendant's knowledge and behest throughout their employment with Defendant.

14.

Plaintiff and those similarly situated were not paid for all hours worked over forty (40) in a given work-week.

15.

Plaintiff and those similarly situated were paid their hourly rate for forty (40) hours works, regardless of how many more hours they had actually worked.

16.

Plaintiff was told that drivers did not take breaks.

17.

Plaintiff was asked to initial documents indicating that she had taken a break, despite not having taken a break.

18.

When Plaintiff asked why she had to do so when she was not allowed to take a break, she was told that if she wanted to get paid, she would just do it.

19.

Plaintiff was instructed to use a bottle in the truck if she needed to use the restroom.

20.

On or about July 16, 2020, Plaintiff was approached by Manager Kareem Goines while out on her route.

21.

Mr. Goines asked her what she was doing, and Plaintiff stated that she was going to take break. Mr. Goines told her no, she had packages to deliver, and to keep it moving.

22.

On or about July 17, 2020, Plaintiff called Eli Tate, who was a manager and the owner's nephew, about not being able to take a break.

23.

The phones that the drivers were provided had a preset reminder that comes on to remind them when it was time to take their breaks.

24.

Mr. Tate's response was that Plaintiff did not "have the luxury" of taking breaks, and to just keep it moving and hit the dismiss button on the reminder.

25.

During the entire time Plaintiff and those similarly situated worked for Defendant, Defendant knew that the drivers were working overtime without being compensated and/or that their time was being shaved by the company.

26.

Defendant's managers readily observed Plaintiff and those similarly situated working overtime.

27.

Furthermore, Defendant falsified Plaintiff's time records to indicate she was on break during times she was working.

COLLECTIVE ACTION ALLEGATIONS

28.

Plaintiff submits that there are others, similarly situated to herself, who were denied overtime wages.

29.

Upon information and belief, the class size during the relevant class period is upwards of 50-100 employees.

30.

Plaintiff, and all other similarly situated drivers provide delivery services to Defendant's clients, such as Amazon, but do not routinely cross state lines.

31.

The drivers do not meet or satisfy any exemption under the FLSA and are entitled to overtime wages or a premium for all hours worked.

32.

Upon information and belief, Defendant has engaged in time-shaving practices for all of its employees, and does not pay its drivers for all hours worked.

33.

Drivers do not have decision making authority.

34.

Plaintiff brings this suit on behalf of herself and all others similarly situated and propose the following collective description:

All persons who perform(ed) work for Defendant as drivers at any of its offices in Georgia at any time within three (3) years of the filing of

this Complaint or who are currently employed by Defendant.

COUNT I
VIOLATION OF THE FAIR LABOR STANDARDS ACT

35.

Plaintiff re-alleges and incorporates by reference paragraphs 9-34 as if fully set forth herein.

36.

The FLSA requires employers to pay employees wages at a rate no less than one-and-a-half times their regular hourly rate of pay for all hours worked in excess of forty (40) hours in individual work weeks. 19 U.S.C. § 207.

37.

Defendant is an “employer” of Plaintiff and those similarly situated within the meaning of the FLSA.

38.

Defendant is an “enterprise” as defined by the FLSA and engaged in interstate commerce.

39.

Plaintiff and those similarly situated worked more than forty (40) hours in the workweeks going back three (3) years from the filing of this Complaint and did

not receive compensation for all hours worked and/or did not receive overtime compensation for all of the overtime hours worked.

40.

Plaintiff and those similarly situated are not exempt employees under the FLSA or other Federal rules and regulations.

41.

Defendant has willfully violated the FLSA and is liable for wages for a three (3) year period of time preceding the filing of this complaint. Defendant has known for the past three years that the drivers were non-exempt employees, and continued refuse to compensate Plaintiff and the class of similarly situated for overtime hours worked.

42.

Defendant did not make a good faith effort to comply with the FLSA and owes Plaintiff and those similarly situated liquidated damages and an equal sum of all wages owed.

43.

Defendant knew that the Plaintiff and those similarly situated were working through breaks and overtime, and willfully refused to pay Plaintiff and all similarly situated drivers compensations for all hours worked.

44.

Defendant also has failed to pay overtime at the proper rate of one and one half time the employees' regular rate of pay for every hour over forty (40) worked in a week.

45.

Defendant has also violated the record keeping provision of the FLSA, 29 CFR 516.2, which mandates that an Employer accurately record and track the hours of non-exempt employees.

46.

Because of these unlawful pay practices, which have continued in the past three years up through the present, Plaintiff and those similarly situated have suffered lost wages and damages.

WHEREFORE, Plaintiff and those similarly situated request from this Court:

- a. An order certifying this as a collective action;
- b. Appointment of the Plaintiff as class representative;
- c. Appointment of the undersigned as attorney of record for the collective class;

- d. Authorization for the issuance of a notice to all similarly situated former and current drivers of Defendant that apprise the putative class and notify them of the pendency of this action and provides them with the opportunity to assert timely FLSA claims by the filing of individual consent to join forms;
- e. Judgement finding Plaintiff and those similarly situated are entitled to overtime pay at one and a half times their regular rate;
- f. Judgement against the Defendant finding they violated the FLSA;
- g. Judgement against the Defendant finding they acted willfully and in bad faith;
- h. Award of monetary damages for unpaid wages;
- i. Award of monetary damages for liquidated damages under the FLSA;
- j. Special award to Plaintiff for service as the class representative;
- k. Award of reasonable attorneys' fees, costs, and expenses; and
- l. Such other equitable or legal relief the Court should deem necessary and just including the entry of an Injunction barring the Defendant from continuing to violate the FLSA by failing to pay overtime wages to its drivers.

Respectfully submitted this 2nd day of March, 2021.

BARRETT & FARAHAANY

/s/ Adian R. Miller _____

Adian R. Miller

Georgia Bar No. 794647

Attorneys for Plaintiff Bobbi Satterley

1100 Peachtree Street, Suite 500

Atlanta, Georgia 30309

Telephone: (404) 214-0120

Facsimile: (404) 214-0125

adian@justiceatwork.com

CIVIL COVER SHEET

The JS44 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 is required for the use of the Clerk of Court for the purpose of initiating the civil docket record. (SEE INSTRUCTIONS ATTACHED)

I. (a) PLAINTIFF(S)

BOBBI SATTERLEY, individually and on behalf of all those similarly situated

DEFENDANT(S)

LIEBROCK & LIEBROCK LOGISTICS LLC

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF _____
(EXCEPT IN U.S. PLAINTIFF CASES)

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

(c) ATTORNEYS (FIRM NAME, ADDRESS, TELEPHONE NUMBER, AND E-MAIL ADDRESS)

Adian R. Miller
Barrett & Farahany
1100 Peachtree Street, Suite 500
Atlanta, Georgia 30309
adian@justiceatwork.com

ATTORNEYS (IF KNOWN)

II. BASIS OF JURISDICTION
(PLACE AN "X" IN ONE BOX ONLY)

- 1 U.S. GOVERNMENT PLAINTIFF
- 2 U.S. GOVERNMENT DEFENDANT
- 3 FEDERAL QUESTION (U.S. GOVERNMENT NOT A PARTY)
- 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)

- | | | | | | |
|----------------------------|----------------------------|---|----------------------------|----------------------------|---|
| PLF | DEF | | PLF | DEF | |
| <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | CITIZEN OF THIS STATE | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 | INCORPORATED OR PRINCIPAL PLACE OF BUSINESS IN THIS STATE |
| <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | CITIZEN OF ANOTHER STATE | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 | INCORPORATED AND PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE |
| <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | CITIZEN OR SUBJECT OF A FOREIGN COUNTRY | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 | FOREIGN NATION |

IV. 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 District)
- 6 MULTIDISTRICT LITIGATION - TRANSFER
- 7 APPEAL TO DISTRICT JUDGE FROM MAGISTRATE JUDGE JUDGMENT
- 8 MULTIDISTRICT LITIGATION - DIRECT FILE

V. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE - DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

FLSA, 29 U.S.C. Section 201, et seq.

(IF COMPLEX, CHECK REASON BELOW)

- 1. Unusually large number of parties.
- 2. Unusually large number of claims or defenses.
- 3. Factual issues are exceptionally complex
- 4. Greater than normal volume of evidence.
- 5. Extended discovery period is needed.
- 6. Problems locating or preserving evidence
- 7. Pending parallel investigations or actions by government.
- 8. Multiple use of experts.
- 9. Need for discovery outside United States boundaries.
- 10. Existence of highly technical issues and proof.

CONTINUED ON REVERSE

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT \$ _____ APPLYING IFP _____ MAG. JUDGE (IFP) _____
 JUDGE _____ MAG. JUDGE _____ (Referral) NATURE OF SUIT _____ CAUSE OF ACTION _____

VI. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT - "0" MONTHS DISCOVERY TRACK

- 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT
- 152 RECOVERY OF DEFAULTED STUDENT LOANS (Excl. Veterans)
- 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS

CONTRACT - "4" MONTHS DISCOVERY TRACK

- 110 INSURANCE
- 120 MARINE
- 130 MILLER ACT
- 140 NEGOTIABLE INSTRUMENT
- 151 MEDICARE ACT
- 160 STOCKHOLDERS' SUITS
- 190 OTHER CONTRACT
- 195 CONTRACT PRODUCT LIABILITY
- 196 FRANCHISE

REAL PROPERTY - "4" MONTHS DISCOVERY TRACK

- 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 - "4" MONTHS DISCOVERY TRACK

- 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
- 365 PERSONAL INJURY - PRODUCT LIABILITY
- 367 PERSONAL INJURY - HEALTH CARE/ PHARMACEUTICAL PRODUCT LIABILITY
- 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY

TORTS - PERSONAL PROPERTY - "4" MONTHS DISCOVERY TRACK

- 370 OTHER FRAUD
- 371 TRUTH IN LENDING
- 380 OTHER PERSONAL PROPERTY DAMAGE
- 385 PROPERTY DAMAGE PRODUCT LIABILITY

BANKRUPTCY - "0" MONTHS DISCOVERY TRACK

- 422 APPEAL 28 USC 158
- 423 WITHDRAWAL 28 USC 157

CIVIL RIGHTS - "4" MONTHS DISCOVERY TRACK

- 440 OTHER CIVIL RIGHTS
- 441 VOTING
- 442 EMPLOYMENT
- 443 HOUSING/ ACCOMMODATIONS
- 445 AMERICANS with DISABILITIES - Employment
- 446 AMERICANS with DISABILITIES - Other
- 448 EDUCATION

IMMIGRATION - "0" MONTHS DISCOVERY TRACK

- 462 NATURALIZATION APPLICATION
- 465 OTHER IMMIGRATION ACTIONS

PRISONER PETITIONS - "0" MONTHS DISCOVERY TRACK

- 463 HABEAS CORPUS- Alien Detainee
- 510 MOTIONS TO VACATE SENTENCE
- 530 HABEAS CORPUS
- 535 HABEAS CORPUS DEATH PENALTY
- 540 MANDAMUS & OTHER
- 550 CIVIL RIGHTS - Filed Pro se
- 555 PRISON CONDITION(S) - Filed Pro se
- 560 CIVIL DETAINEE: CONDITIONS OF CONFINEMENT

PRISONER PETITIONS - "4" MONTHS DISCOVERY TRACK

- 550 CIVIL RIGHTS - Filed by Counsel
- 555 PRISON CONDITION(S) - Filed by Counsel

FORFEITURE/PENALTY - "4" MONTHS DISCOVERY TRACK

- 625 DRUG RELATED SEIZURE OF PROPERTY 21 USC 881
- 690 OTHER

LABOR - "4" MONTHS DISCOVERY TRACK

- 710 FAIR LABOR STANDARDS ACT
- 720 LABOR/MGMT. RELATIONS
- 740 RAILWAY LABOR ACT
- 751 FAMILY and MEDICAL LEAVE ACT
- 790 OTHER LABOR LITIGATION
- 791 EMPL. RET. INC. SECURITY ACT

PROPERTY RIGHTS - "4" MONTHS DISCOVERY TRACK

- 820 COPYRIGHTS
- 840 TRADEMARK

PROPERTY RIGHTS - "8" MONTHS DISCOVERY TRACK

- 830 PATENT
- 835 PATENT-ABBREVIATED NEW DRUG APPLICATIONS (ANDA) - a/k/a Hatch-Waxman cases

SOCIAL SECURITY - "0" MONTHS DISCOVERY TRACK

- 861 HIA (1395f)
- 862 BLACK LUNG (923)
- 863 DIWC (405(g))
- 863 DIWW (405(g))
- 864 SSID TITLE XVI
- 865 RSI (405(g))

FEDERAL TAX SUITS - "4" MONTHS DISCOVERY TRACK

- 870 TAXES (U.S. Plaintiff or Defendant)
- 871 IRS - THIRD PARTY 26 USC 7609

OTHER STATUTES - "4" MONTHS DISCOVERY TRACK

- 375 FALSE CLAIMS ACT
- 376 Qui Tam 31 USC 3729(a)
- 400 STATE REAPPORTIONMENT
- 430 BANKS AND BANKING
- 450 COMMERCE/ICC RATES/ETC.
- 460 DEPORTATION
- 470 RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS
- 480 CONSUMER CREDIT
- 490 CABLE/SATELLITE TV
- 890 OTHER STATUTORY ACTIONS
- 891 AGRICULTURAL ACTS
- 893 ENVIRONMENTAL MATTERS
- 895 FREEDOM OF INFORMATION ACT
- 899 ADMINISTRATIVE PROCEDURES ACT / REVIEW OR APPEAL OF AGENCY DECISION
- 950 CONSTITUTIONALITY OF STATE STATUTES

OTHER STATUTES - "8" MONTHS DISCOVERY TRACK

- 410 ANTI-TRUST
- 850 SECURITIES / COMMODITIES / EXCHANGE

OTHER STATUTES - "0" MONTHS DISCOVERY TRACK

- 896 ARBITRATION (Confirm / Vacate / Order / Modify)

*** PLEASE NOTE DISCOVERY TRACK FOR EACH CASE TYPE. SEE LOCAL RULE 26.3**

VII. REQUESTED IN COMPLAINT:

- CHECK IF CLASS ACTION UNDER F.R.Civ.P. 23 DEMAND \$ _____
- JURY DEMAND YES NO (CHECK YES ONLY IF DEMANDED IN COMPLAINT)

VIII. RELATED/REFILED CASE(S) IF ANY

JUDGE _____ DOCKET NO. _____

CIVIL CASES ARE DEEMED RELATED IF THE PENDING CASE INVOLVES: (CHECK APPROPRIATE BOX)

- 1. PROPERTY INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.
- 2. SAME ISSUE OF FACT OR ARISES OUT OF THE SAME EVENT OR TRANSACTION INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.
- 3. VALIDITY OR INFRINGEMENT OF THE SAME PATENT, COPYRIGHT OR TRADEMARK INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.
- 4. APPEALS ARISING OUT OF THE SAME BANKRUPTCY CASE AND ANY CASE RELATED THERETO WHICH HAVE BEEN DECIDED BY THE SAME BANKRUPTCY JUDGE.
- 5. REPETITIVE CASES FILED BY PRO SE LITIGANTS.
- 6. COMPANION OR RELATED CASE TO CASE(S) BEING SIMULTANEOUSLY FILED (INCLUDE ABBREVIATED STYLE OF OTHER CASE(S)):

- 7. EITHER SAME OR ALL OF THE PARTIES AND ISSUES IN THIS CASE WERE PREVIOUSLY INVOLVED IN CASE NO. _____, WHICH WAS DISMISSED. This case IS IS NOT (check one box) SUBSTANTIALLY THE SAME CASE.

s/ Adian R. Miller

March 2, 2021

SIGNATURE OF ATTORNEY OF RECORD

DATE

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Amazon Contractor Liebrock & Liebrock Failed to Pay Drivers for Working Through Breaks, Lawsuit Alleges](#)
