

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

MEAGHAN WILLIAMS, individually and on
behalf of all others similarly situated,

v.

ADVANCED RETAIL MERCHANDISING,
INC.,

Case No.: _____
FLSA Collective Action

PLAINTIFF'S ORIGINAL COMPLAINT

SUMMARY

1. Defendant Advanced Retail Merchandising, Inc. ("ARM") failed to pay overtime to their merchandisers, including Plaintiff Meaghan Williams, as required by the Fair Labor Standards Act ("FLSA"). ARM employed merchandisers like Williams to install shelves in stores and stock them with merchandise. Although merchandisers regularly worked many hours in excess of forty per week, ARM paid them a fixed weekly amount without any overtime pay in violation of the FLSA. Accordingly, Williams brings this action on behalf of herself and other similarly situated workers to recover unpaid overtime pay and other damages.

JURISDICTION AND VENUE

2. This Court has jurisdiction because Williams' claims arise under federal law.
3. Venue is proper because ARM resides in this District and a substantial part of the acts and omissions giving rise to Williams' claims occurred in this District.

THE PARTIES

4. Williams was employed by ARM within the meaning of the FLSA as a merchandiser. Williams regularly worked over forty hours per week, but ARM did not pay her overtime pay. Williams's consent to this action is attached as Exhibit A.

5. The putative class members are other merchandisers employed by ARM who were also paid a fixed weekly amount with no overtime pay. The putative class members performed job duties similar to Williams, like installing and loading shelves.

6. ARM employed Williams and the putative class members within the meaning of the FLSA.

FACTUAL ALLEGATIONS

7. ARM is in the retail merchandising business. It employs merchandisers like Williams to set up shelves and stock them in stores that are ARM's clients.

8. ARM merchandises for retail stores throughout the Southeastern United States, including Florida, South Carolina, North Carolina, Virginia, Georgia, and Tennessee.

9. ARM employed Williams as a merchandiser from June 1, 2014 to October 1, 2017.

10. ARM paid Williams \$500 per week from the start of the statutory period until the last year of her employment, during which ARM paid her \$525 per week.

11. Williams' and the putative class members' main job duty was to install shelves and load them with merchandise in stores.

12. ARM knew that Williams' and the putative class members' main job duty was to install shelves and load them with merchandise.

13. ARM's gross annual revenue for at least the last three years was in excess of \$500,000 during at least the last three years.

14. ARM had two or more employees who handled, sold, or worked on goods or materials that traveled in or were produced for interstate commerce, including tools, hardware, shelves, gloves, office equipment, computers, store merchandise, and phones during at least the last three years.

15. ARM is an enterprise engaged in interstate commerce under the FLSA and is subject to its overtime provisions.

16. Williams and the putative class members regularly worked in excess of 40 hours in a workweek during their employment with ARM.
17. Williams and the putative class members typically worked 6 to 7 days per week.
18. ARM recorded the hours Williams and the putative class members worked.
19. ARM recorded Williams and the putative class members regularly working more than 40 hours in a workweek.
20. For example, ARM's time records show Williams worked 58 hours in the week ending August 26, 2016.
21. ARM knows William and the putative class members worked more than 40 hours per week.
22. ARM did not pay hours Williams and the potential class members worked over forty in any workweek at 1.5 times their regular rates of pay.
23. ARM knew Williams and the potential class members were not paid overtime at 1.5 times their regular rates of pay.
24. ARM knows the FLSA requires overtime pay to workers who primarily perform manual labor when they work in excess of forty hours in a workweek, even if those workers are paid a flat amount per week.
25. ARM knew or showed reckless disregard for whether its payroll practices violated the overtime provisions of the FLSA. Accordingly, ARM willfully violated the FLSA's overtime provisions.

COLLECTIVE ACTION ALLEGATIONS

26. ARM also employed other merchandisers similarly situated to Williams. These potential class members are similarly situated to Williams because they also primarily performed manual labor related to installing shelves and stocking them with merchandise. They were also denied overtime pay under the same weekly flat-rate payroll policy that applied to Williams as described above.

27. The putative class members, like Williams, generally worked 6 to 7 days per week and recorded the hours they worked. They also regularly worked in excess of 40 hours per week without receiving overtime pay.

28. Notice of this collective action is, therefore, properly sent to:

All merchandisers employed by ARM who were paid a flat amount per week and who worked over 40 hours in any workweek during the last three years.

CAUSES OF ACTION

29. Williams and the putative class members incorporate the allegations in the preceding paragraphs.

30. As set forth above, ARM violated the FLSA by failing to pay Williams and the putative class members overtime compensation. Accordingly, Williams and the putative class members are entitled to recover their unpaid overtime.

31. Under the FLSA, Williams and the putative class members are entitled to an amount equal to their unpaid overtime wages as liquidated damages, as well as reasonable attorney's fees and costs.

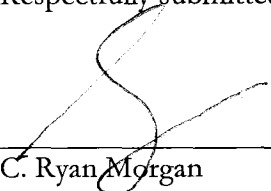
PRAYER

32. Wherefore, Williams and the putative class members request that this Court award them judgment against ARM for:

- (a) their unpaid overtime pay;
- (b) an equal amount as liquidated damages;
- (c) reasonable attorneys' fees, costs, and expenses of this action;
- (d) post-judgment interest at the highest rate allowed by law; and
- (e) such other and further relief as may be allowed by law.

Dated: August 20, 2018

Respectfully submitted,



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Attorneys for Plaintiff

JS 44 (Rev. 08/18)

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</p> <p>Meaghan Williams</p> <p>(b) County of Residence of First Listed Plaintiff <u>Oconee</u> <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i></p> <p>(c) Attorneys (Firm Name, Address, and Telephone Number)</p> <p>Ryan Morgan, Morgan & Morgan, P.A., 20 N. Orange Ave., 16th Floor, P.O. Box 4979, Orlando, Florida 32802-4979</p>	<p>DEFENDANTS</p> <p>Advanced Retail Merchandising, Inc.,</p> <p>County of Residence of First Listed Defendant _____ <i>(IN U.S. PLAINTIFF CASES ONLY)</i></p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>Attorneys (If Known)</p>
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<p>II. BASIS OF JURISDICTION <i>(Place an "X" in One Box Only)</i></p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input checked="" type="checkbox"/> 3 Federal Question <i>(U.S. Government Not a Party)</i></p> <p><input type="checkbox"/> 4 Diversity <i>(Indicate Citizenship of Parties in Item III)</i></p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES <i>(Place an "X" in One Box for Plaintiff and One Box for Defendant)</i></p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%;"></td> <td style="width: 10%; text-align: center;">PTF</td> <td style="width: 10%; text-align: center;">DEF</td> <td style="width: 50%;"></td> <td style="width: 10%; text-align: center;">PTF</td> <td style="width: 10%; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </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
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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	<p>PERSONAL INJURY</p> <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 <p>PERSONAL PROPERTY</p> <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	<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"/> 485 Telephone Consumer Protection Act <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	CIVIL RIGHTS	PRISONER PETITIONS	LABOR	SOCIAL SECURITY	
<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	<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>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	<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	<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				

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):*
29 U.S.C. Sec. 201, et seq (Fair Labor Standards Act)

Brief description of cause:
Denial of overtime compensation

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: 08/21/2018
SIGNATURE OF ATTORNEY OF RECORD:

FOR OFFICE USE ONLY

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

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Lawsuit Filed Against Advanced Retail Merchandising by Ex-Employee Seeking Allegedly Unpaid OT](#)
