

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

FILED

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U.S. DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO, FLORIDA

GREGORY BOLDEN,  
and others similarly situated,

Case No.: 6:09-cv-574-ORL-18DAB

Plaintiff,

vs.

UNITED FORMING, INC.,  
a Georgia corporation.

Defendant.

\_\_\_\_\_ /

**COMPLAINT AND DEMAND FOR JURY TRIAL**

Plaintiff, GREGORY BOLDEN, and others similarly situated (hereinafter referred to as "Plaintiff" of "Plaintiffs"), by and through their undersigned counsel sues the Defendant, UNITED FORMING, INC., (hereinafter referred to as the "Defendant"), and states as follows:

**INTRODUCTION**

1. This is a collective action by Plaintiff, GREGORY BOLDEN, and others similarly situated, against their former employer for unpaid wages, pursuant to the Fair Labor Standards Act ("FLSA") 29 U.S.C. § 201, *et seq.* Plaintiffs seek damages for unpaid overtime, liquidated damages, a reasonable attorney's fee and costs.

**JURISDICTION**

2. This action arises under the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 201, *et. seq.* The Court has jurisdiction over the FLSA claims pursuant to 29 U.S.C. § 216(b).

## VENUE

3. The venue of this Court over this controversy is proper based upon the claim arising within this District.

## THE PARTIES

4. Plaintiffs were at all times material, employed by Defendant, UNITED FORMING, INC, a corporation authorized to conduct business in the state of Florida.

5. Defendant UNITED FORMING, INC., is in the business of trade contractor business consulting services in the State of Florida. Defendant, UNITED FORMING, INC., is an employer as defined by 29 U.S.C. § 203(d). Defendant, UNITED FORMING, INC., has employees subject to the provisions of the FLSA, 29 U.S.C. § 206, in the facility where Plaintiffs are employed.

6. Plaintiffs were employed by Defendant, UNITED FORMING, INC, and at all times relevant to violations of the Fair Labor Standards Act were engaged in commerce as defined by 29 U.S.C. §§ 206(a) and 207(a)(1).

7. Alternatively, Defendant, UNITED FORMING, INC, is an enterprise engaged in commerce or in the production of goods for commerce as defined by 29 U.S.C. § 203(s)(1).

8. Plaintiffs have retained the PANTAS LAW FIRM, P.A. to represent them in this matter and has agreed to pay said firm a reasonable attorney's fee for its services.

## VIOLATION OF THE OVERTIME PROVISIONS OF THE FAIR LABOR STANDARDS ACT UNDER FEDERAL LAW

9. Plaintiff re-alleges and incorporates herein the allegations contained in paragraphs 1 through 7, above.

10. Throughout Plaintiff's employment, the Defendant, UNITED FORMING, INC, repeatedly and willfully violated Section 7 and Section 15 of the Fair Labor Standards Act by failing to compensate Plaintiff at a rate not less than one and one-half times the regular rate at

which he was employed for workweeks longer than forty (40) hours. Specifically, Plaintiff worked numerous weeks in excess of forty (40) hours a week, yet was not compensated for all work in excess of forty (40) hours at a rate not less than one and one-half times the regular rate at which he was employed.

11. Plaintiffs are not exempt from the overtime provisions of the FLSA.

12. In addition to the named Plaintiff, numerous employees and former employees of Defendant, UNITED FORMING, INC., is similarly situated to the Plaintiff in that they have held the same or similar position and have been denied overtime compensation while employed by Defendants.

13. Defendant, UNITED FORMING, INC.'s policy of not paying its employees overtime in violation of the FLSA is both unlawful and company-wide and each non-exempt employee employed by Defendant during the three years prior to the filing of this action have been deprived of overtime, similarly to the Plaintiffs.

14. Plaintiff, GREGORY BOLDEN, is a representative of these other employees and is acting on behalf of their interests as well as Plaintiff's own interests in bringing this action.

15. Those similarly situated employees are known to Defendant, UNITED FORMING, INC., and are readily identifiable and locatable through Defendant, UNITED FORMING, INC.'S records.

16. Those similarly situated employees should be notified of this action and allowed to opt into this action pursuant to 29 U.S.C. §216(b).

17. Unless notice is issued, persons similarly situated to Plaintiff, who have unlawfully deprived of overtime compensation in violation of FLSA, will be unable to secure compensation to which they are entitled, and which has been unlawfully withheld from them by Defendant, UNITED FORMING, INC.

WHEREFORE, Plaintiff, and all others similarly situated who join in this action pray for this Court:

- (a) To authorize the issuance of a notice at the earliest possible time to all UNITED FORMING, INC., employees who currently hold or who held positions as a “Field Engineers” to Defendant’s customers during the three (3) year period of time preceding the filing of this action, informing them that this action has been filed and the nature of the action, and of their right to opt-into this lawsuit if they worked for Defendant, UNITED FORMING, INC, during the liability period, but were not paid overtime wages as required by the FLSA;
- (b) To declare that Defendant, UNITED FORMING, INC, has violated the overtime wages provisions of the FLSA, 29 U.S.C. § 206, as to plaintiffs and persons similarly situated;
- (c) To declare that Defendant, UNITED FORMING, INC., violations of the FLSA were willful;
- (d) To award Plaintiffs, and other similarly situated employees and former employees of Defendant, UNITED FORMING, INC, damages for the amount of unpaid overtime wages due to them, subject to proof at trial;
- (e) To award Plaintiffs, and other similarly situated employees and former employees of Defendant, UNITED FORMING, INC, an additional equal amount equal to the unpaid overtime wages found to be due and owing as liquidated damages; if liquidated damages are not awarded, then in the alternative, prejudgment interest;
- (f) To make the same declarations and awards as prayed for in ¶¶ (a)-(f)

above as to all persons who opt into this action pursuant to 29 U.S.C. § 216(b);

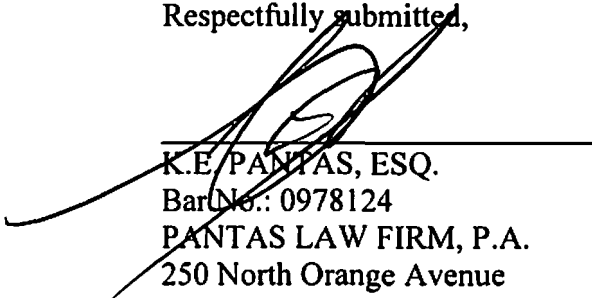
- (g) To award Plaintiffs, and other similarly situated employees and former employees of Defendant , UNITED FORMING, INC, a reasonable attorneys' fee and costs pursuant to 29 U.S.C. § 216(b); and,
- (h) Such other relief as the Court deems just and equitable.

**JURY TRIAL DEMAND**

Plaintiff demands a jury trial on all issues so triable.

Respectfully submitted,

Dated: 3/30/09

  
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