

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

Edward Monroe, Fabian Moore,
and Timothy Williams, on behalf of themselves
and all other similarly situated employees,

Plaintiffs,

v.

FTS USA, LLC and
Unitek USA, LLC,

Defendants.

Court File No. _____

**COLLECTIVE ACTION
COMPLAINT**

(JURY TRIAL DEMANDED)

Plaintiffs Edward Monroe, Fabian Moore, and Timothy Williams, through their attorneys make the allegations contained herein on behalf of themselves and all others similarly situated.

JURISDICTION

1. This Court has original jurisdiction to hear this Complaint and to adjudicate the claims stated herein under 28 U.S.C. § 1331, this action being brought under the Federal Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.* (“FLSA”).

2. Venue is proper in the United States District Court, Western District of Tennessee pursuant to 28 U.S.C. § 1391 because Defendants operate an office in Memphis, Tennessee and because a substantial part of the events giving rise to the claims occurred in this district.

PARTIES

3. Defendant FTS USA, LLC (“FTS”) is a foreign corporation with its principal place of business in Blue Bell, Pennsylvania and doing business in numerous locations across the country including Memphis, Tennessee with an office located at 4259 Pidgeon Roost Rd.,

Memphis, TN 38118. FTS provides installation and service to the cable television industry. FTS is an “employer” within the meaning of the FLSA, 29 U.S.C. § 203(d).

4. Defendant Unitek USA, LLC (“Unitek”) is a foreign corporation with its principal place of business located at 1777 Sentry Pkwy W, Blue Bell, Pennsylvania and offices located across the country. Unitek is an “employer” within the meaning of the FLSA, 29 U.S.C. § 203(d).

5. Plaintiffs Edward Monroe and Fabian Moore reside in Memphis, Tennessee. Plaintiffs are currently employed by Defendants as a technician.

6. Plaintiff Timothy Williams is a resident of the State of Mississippi. Plaintiff Williams is currently employed by Defendant as a technician.

7. Plaintiffs Monroe, Moore, and Williams bring this action on behalf of themselves and other similarly situated employees pursuant to 29 U.S.C. § 216(b). Plaintiffs and the similarly situated employees are individuals who were, or are, employed by Defendants as “technicians” at Defendants’ numerous locations across the country during the last three years.

COLLECTIVE ACTION ALLEGATIONS

8. Plaintiffs bring this action on behalf of themselves and other similarly situated employees as authorized under FLSA § 16(b), 29 U.S.C. § 216(b). Plaintiffs’ written consent forms are attached hereto as Exhibit A.

9. The FLSA requires covered employers, such as Defendants, to compensate all non-exempt employees at a rate of not less than one and one-half times the regular rate of pay for work performed in excess of forty (40) hours per work week.

10. Defendants suffered and permitted Plaintiffs and the similarly situated employees to routinely work more than forty (40) hours per week without overtime compensation.

11. Defendants knew that Plaintiffs and the similarly situated employees performed work that required overtime pay at one and one-half times their regular rate of pay.

12. These practices violate the provisions of the FLSA, 29 U.S.C. § 201 et seq., specifically § 207(a)(1). As a result, Plaintiffs and the similarly situated employees suffered a loss of wages.

13. By failing to accurately record, report, and/or preserve records of hours worked by Plaintiffs and the similarly situated employees, Defendants have failed to make, keep, and preserve records with respect to each of its employees sufficient to determine their wages, hours, and other conditions and practice of employment, in violation of the FLSA, 29 U.S.C. § 201, et seq.

14. The foregoing conduct, as alleged, constitutes a willful violation of the FLSA within the meaning of 29 U.S.C. § 255(a) as Defendants knew, or showed reckless disregard for the fact that their compensation practices were in violation of these laws.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs and all employees similarly situated who join in this action demand:

1. Issuance of notice as soon as possible to all installers and technicians who were employed by Defendants during any portion of the three years immediately preceding the filing of this action. Generally, this notice should inform them that this action has been filed, describe the nature of the action, and explain their right to opt into this lawsuit if they were not paid the proper overtime compensation for their hours worked in any week during the statutory period;
2. Designation of this action as a collective action on behalf of the nationwide FLSA collective class pursuant to 29 U.S.C. § 216(b);
3. Judgment against Defendants for an amount equal to Plaintiffs' unpaid back wages at the applicable overtime rates;
4. Judgment against Defendants that their violations of the FLSA were willful;

5. An equal amount to the overtime damages as liquidated damages;
6. All costs and attorney's fees incurred in prosecuting these claims;
7. Leave to add additional plaintiffs by motion, the filing of written consent forms, or any other method approved by the Court;
8. Leave to amend to add claims under applicable state and federal laws, including claims for minimum wages pursuant to 29 U.S.C. § 206;
9. Leave to amend to add other defendants who meet the definition of Plaintiffs' "employer," 29 U.S.C. § 203(d);
10. An order requiring Defendants to preserve all electronically stored information relevant to this lawsuit; and
11. For all such further relief as the Court deems just and equitable.

Dated: 2.14.08

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