

1 **Katelyn S. Oldham, WSB No. 35266**
2 TEDESCO LAW GROUP
3 12780 SE Stark Street
4 Portland, OR 97233
5 Tel: (866) 697-6015 x 704
6 Fax: (503) 210-9847
7 Email: katelyn@miketlaw.com

8 Attorney for Plaintiffs

9 UNITED STATES DISTRICT COURT
10 WESTERN DISTRICT OF WASHINGTON
11 AT TACOMA

12 DREW TRACY, DUANE SCHUMAN,
13 RICK STEELE, CHRIS LINES, DANIEL
14 KEVIN GRIFFEE, RICHARD HUFFMAN,
15 LEE HAZELTON and SCOTT WILLIS,
16 individually,

17 Plaintiffs,

18 v.

19 THE CITY OF VANCOUVER, a
20 municipality

21 Defendant.

Case No. 17-5414

COMPLAINT

(Fair Labor Standards Act violations)

DEMAND FOR JURY TRIAL (FRCP 38)

22 **NATURE OF THE ACTION**

23 1. Plaintiffs bring this for overtime compensation and other relief under the Fair Labor
24 Standards Act, as amended, 29 U.S.C. § 201-219 (“FLSA”).

25 **JURISDICTION AND VENUE**

26 2. This court has jurisdiction over Plaintiffs’ claims pursuant to 28 U.S.C. § 1331 and 29
U.S.C. § 216(b) for violations of the FLSA.

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1 3. Venue is proper under 28 U.S.C. § 1391 because the claims arose in the Western District
2 of Washington and defendant City of Vancouver is located within the Western District of
3 Washington.

4 **PARTIES**

5 4. Plaintiffs Drew Tracy, Duane Schuman, Rick Steele, Chris Lines, Daniel Kevin Griffee,
6 Richard Huffman, Lee Hazelton and Scott Willis are employees and/or former employees of the
7 City of Vancouver (the “City”) and work or have worked as battalion chiefs in the City’s Fire
8 Department. Plaintiffs bring this action for overtime compensation and other relief under the
9 FLSA, 29 U.S.C. § 216(b).

10 5. Defendant City of Vancouver is a municipality located in the Western District of
11 Washington and is an employer subject to FLSA requirements.

12 **GENERAL ALLEGATIONS**

13 6. Plaintiffs have been employed as battalion chiefs in the City’s Fire Department during
14 some or all of the three years preceding the date of this complaint.

15 7. Plaintiffs routinely worked more than forty (40) hours per week during the three years
16 prior to the filing of this complaint.

17 8. At all times during the three years preceding the date of this complaint, Plaintiffs were
18 paid for shift overtime at the rate of time-and-one-quarter (1.25).

19 9. At all times during the three years preceding the date of this complaint, Plaintiffs
20 received compensatory time for shift overtime at the rate of time-and-one-quarter (1.25).

21 10. For at least the preceding three years, Plaintiffs do not and have not had the authority to
22 hire or fire employees for the City. Plaintiffs also cannot promote employees, or discipline them.

23 11. For at least the preceding three years, Plaintiffs’ suggestions and recommendations as to
24 the hiring, firing, discipline, promotion, or any other material change of status of other
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1 employees has not been given particular weight by the Fire Chief or any other decision-maker.
2 Instead, Plaintiffs' suggestions and recommendations are routinely ignored.

3 12. For at least the preceding three years, the Fire Chief and Deputy Fire Chief have made
4 and continue to make all decisions regarding hiring, firing, advancement, promotion or any other
5 change of status of employees without giving particular weight to the suggestions or
6 recommendations of the Plaintiffs.

7 13. For at least the preceding three years, Plaintiffs have been engaged in fire suppression
8 activities as their primary job duty or function.

9 14. The above-described Plaintiffs routinely performed shift work in excess of forty (40)
10 hours per week for which they were not paid time-and-one-half (1.5) overtime pay, or did not
11 receive compensatory time at the rate of time-and-one-half (1.5).

12 **FIRST CLAIM FOR RELIEF**

13 **(Unpaid overtime wages – 29 U.S.C. §§ 207 *et seq.*)**

14 15. Plaintiffs incorporate by reference the allegations of paragraphs 1 through 14.

15 16. Defendant violated the overtime provisions of the FLSA, 29 U.S.C. §§ 207 *et seq.*, by
16 permitting work in excess of forty (40) hours per week for which Plaintiffs were not
17 compensated at the overtime rate of time-and-one-half (1.5) or with compensatory time at the
18 overtime rate of time-and-one-half (1.5).

19 17. Plaintiffs have repeatedly raised this issue of inadequate and unlawful compensation to
20 Defendant.

21 18. Defendant has persisted in compensating Plaintiffs at a rate of time-and-one-quarter
22 (1.25), instead of at the overtime rate of time-and-one-half (1.5).

23 19. Defendant's violations are willful, thereby entitling Plaintiffs to the three-year FLSA
24 statute of limitations.

1 20. As a direct result of Defendant's willful failure to pay all overtime wages due them,
2 Plaintiffs are collectively owed at least \$200,000 in unpaid wages, plus prejudgment interest,
3 with the exact amount owed to each to be proven at trial.

4 21. As a direct result of Defendant's willful failure to issue all compensatory time due to
5 them, Plaintiffs are owed approximately forty (40) hours of compensatory time each, with the
6 exact number of compensatory hours owed to each to be proven at trial.

7 22. Plaintiffs are entitled under 29 U.S.C. § 216(b) to recover an amount equal to the amount
8 of proven unpaid overtime wages as liquidated damages.

9 23. Plaintiffs are entitled to recover attorney's fees, expenses and litigation costs pursuant to
10 29 U.S.C. § 216(b).

11 WHEREFORE, Plaintiffs pray for relief as follows:

- 12 1. An order requiring Defendant to pay Plaintiffs at a rate of time and one-half (1.5) for all
13 overtime hours worked and to provide compensatory time at a rate of time and one-half
14 (1.5);
- 15 2. Economic damages for Plaintiffs' unpaid overtime wages, including prejudgment
16 interest;
- 17 3. Liquidated damages for Defendant's willful violation of the FLSA;
- 18 4. Compensatory time awarded to each Plaintiff at a rate of time and one half (1.5);
- 19 5. Attorney's fees, costs, and expenditures; and
- 20 6. Such other and further relief as the Court deems just and equitable to Plaintiffs.
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DATED this 31st day of May, 2017.

TEDESCO LAW GROUP
s/Katelyn S. Oldham

Katelyn S. Oldham, WSB No. 35266
Phone: (866) 697-6015 ext. 704
Fax: (503) 210-9847

Attorney for Plaintiffs