

County, Ohio, within the jurisdiction of this Court, and is and, at all times hereinafter mentioned, was engaged in the business of glass installation and related types of activities.

(B) Defendant Gail A. Cooper, is and, at all times hereinafter mentioned, was an individual who resides in Greenville, Ohio, who was the 100% shareholder of Defendant Greenville Architectural Glass, LLC, and who acted directly or indirectly in the interest of the corporate defendants in relation to their employees, and is an employer within the meaning of section 3(d) of the Act.

III

The defendants are and, at all times hereinafter mentioned, were engaged in related activities performed through unified operation or common control for a common business purpose, and, at all times hereinafter mentioned, were an enterprise within the meaning of section 3(r) of the Act.

IV

The defendants are and, at all times hereinafter mentioned, were an enterprise engaged in commerce or in the production of goods for commerce within the meaning of section 3(s)(1)(A) of the Act, in that said enterprise at all times hereinafter mentioned had employees engaged in commerce or in the production of goods for commerce, or employees handling, selling, or otherwise working on goods or materials that have been moved in or produced for commerce by any person and in that enterprise had an annual gross volume of sales made or business done of not less than \$500,000.

V

Defendants have repeatedly and willfully violated the provisions of sections 7 and 15(a)(2) of the Act, by employing their employees, who in workweeks were engaged in

commerce or in the production of goods for commerce, or who were employed in an enterprise engaged in commerce or in the production of goods for commerce, within the meaning of the Act, as aforesaid, for workweeks longer than forty (40) hours without compensating said employees for their employment in excess of forty (40) hours per week during such workweeks at rates not less than one and one-half times the regular rate at which they were employed. These violations resulted from the following practices: failing to pay any overtime premium for hours worked over 40 in a workweek and/or failing to pay the correct overtime premium for hours worked over 40 in a workweek.

VI

Defendants, employers subject to the provisions of the Act, repeatedly and willfully violated the provisions of sections 11(c) and 15(a)(5) of the Act by failing to make, keep, and preserve adequate and accurate records of employees and the wages, hours, and other conditions and practices of employment maintained by them as prescribed by regulations duly issued pursuant to authority granted in the Act and found in 29 C.F.R. § 516, in that records fail to show adequately and accurately, among other things, the hours worked each workday with respect to employees and the regular rates at which they were employed.

VII

During the period since February 15, 2013, Defendants have repeatedly and willfully violated the provisions of the Act as set forth above. A judgment which enjoins and restrains such violations and includes the restraint of any withholding of payment of overtime compensation found by the Court to be due to present and former employees under the Act is expressly authorized by section 17 of the Act.

WHEREFORE, cause having been shown, Plaintiff prays for judgment against Defendants as follows:

A. For an Order pursuant to section 17 of the Act, permanently enjoining and restraining Defendants, their officers, agents servants, employees, and those persons in active concert or participation with them from prospectively violating the Act; and

B. For an Order:

1. pursuant to section 16(c) of the Act, finding Defendants liable for unpaid overtime compensation due Defendants' employees and for liquidated damages equal in amount to the unpaid compensation found due their employees listed in the attached Exhibit A (additional back wages and liquidated damages may be owed to certain employees presently unknown to Plaintiff for the period covered by this Complaint); or, in the event liquidated damages are not awarded,

2. pursuant to section 17, enjoining and restraining Defendants, their officers, agents, servants, employees, and those persons in active concert or participation with Defendants, from withholding payment of unpaid overtime compensation found due their employees listed in the attached Exhibit A (additional back wages may be owed to certain employees presently unknown to plaintiff for the period covered by this Complaint) and pre-judgment interest computed at the underpayment rate established by the Secretary of the Treasury, pursuant to 26 U.S.C. § 6621;

C. For an Order awarding Plaintiff the costs of this action; and

D. For an Order granting such other and further relief as may be necessary and appropriate.

Dated: October 2, 2015

/s/ Matthew M. Scheff
MATTHEW M. SCHEFF (0082229)
Trial Attorney

United States Department of Labor,
Office of Solicitor
1240 East Ninth St., Room 881
Cleveland, OH 44199
(216) 522-3878
(216) 522-7172 (Fax)
scheff.matthew@dol.gov

OF COUNSEL:

M. PATRICIA SMITH
Solicitor of Labor

CHRISTINE Z. HERI
Regional Solicitor

BENJAMIN T. CHINNI
Associate Regional Solicitor

SANDRA B. KRAMER
Counsel for Wage Hour

EXHIBIT A

1. Jeffrey Bolton (June 21, 2013 to June 28, 2013)
2. Justin Burns (October 25, 2013 to December 13, 2014)
3. Jayson Clevenger (July 26, 2013 to August 30, 2013)
4. Dave Edwards (October 25, 2013 to August 22, 2013)
5. Rick Ellis (March 7, 2013 to June 13, 2014)
6. Nicholas Hawkins (February 15, 2013 to March 28, 2014)
7. David Hunt (January 24, 2014 to May 2, 2014)
8. Joshua Johnson (June 28, 2013 to August 9, 2013)
9. Kent Klosterman (July 26, 2013 to February 28, 2013)
10. Tim Klosterman (June 14, 2013 to April 18, 2014)
11. Jeffrey Mills (August 16, 2013 to August 16, 2013)
12. Jason Monhollen (July 19, 2013 to July 19, 2013)
13. Ken Rose (September 27, 2013 to May 9, 2014)
14. Reuben Smith (July 5, 2013 to November 1, 2013)
15. Kevin Vititoe (May 31, 2013 to March 28, 2014)
16. Scott Wilt (February 21, 2013 to April 18, 2013)