

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
ANDREW YOUNG, individually and on  
behalf of others similarly situated,

Plaintiffs,

v.

COOPER CAMERON CORPORATION,

Defendants.

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## COMPLAINT

### INTRODUCTION

1. Plaintiff brings this action for unpaid overtime.

### JURISDICTION

2. Jurisdiction is conferred upon this Court by 29 U.S.C. §216(b) of the Fair Labor Standards Act, by 28 U.S.C. §1331, this action arising under laws of the United States, and by 28 U.S.C. §1337, this action arising under Acts of Congress regulating commerce. Jurisdiction over plaintiffs' claims for declaratory relief is conferred by 28 U.S.C. §§2201 and 2202.
3. This Court has supplemental jurisdiction over the state claim raised by virtue of 28 U.S.C. §1367(a).

### VENUE

4. Venue is proper in this district pursuant to 28 U.S.C. §1391(b)(1). Upon information and belief, the defendant Corporation resides within this District.

## **PARTIES**

### **A. Plaintiffs**

5. The named plaintiff was an employee of defendants. A Consent to Sue is attached at the back of this complaint.
6. Plaintiff was engaged in commerce while working for defendants.
7. The term "plaintiff" as used in this complaint refers to the named plaintiff and all Product Design Specialists who are not paid time and one half overtime pay for hours over 40, pursuant to the collective action provision of 29 U.S.C. §216(b).
8. Upon information and belief, defendants regularly engage product design specialists without payment of time and one half overtime premium pay.

### **B. Defendant**

9. COOPER CAMERON CORPORATION is a corporation which includes the operation of inspection services throughout the United States and the world. Upon information and belief the defendant corporation has had gross revenues in excess of \$500,000 for all relevant periods herein.
10. The defendant's offices are located at 515 Post Oak Blvd., Suite 1200, Houston, TX 77027.
11. Upon information and belief, defendants operate an enterprise engaged in commerce within the meaning of the FLSA.
12. For each of the 3 years preceding the filing of the initial complaint herein, defendants have employed 2 or more individuals "handling, selling, or otherwise working on goods or materials that have been moved in or produced for commerce."

## **FACTS**

13. Plaintiff was employed by defendant in or about July 23, 2001 to March 30, 2004.
14. Plaintiff's job was to generate designs, details, parts lists and assembly drawings for skids and packaging of equipment on skids.
15. Plaintiff regularly worked more than 40 hours per week for defendant.
16. Defendant failed to pay plaintiff overtime compensation at the rate of time and one-half the regular rate for all hours worked over 40.
17. Defendant failed to pay overtime compensation to plaintiffs with the plaintiffs' regular wages. Defendants' failure to pay plaintiff the proper wages required by law was willful.
18. All actions and omissions described in this complaint were made by defendants directly or through their supervisory employees and agents.

### **CAUSE OF ACTION (OVERTIME)**

19. Defendant failed to pay premium overtime wages to the plaintiffs on a timely basis and in an amount required by law, in violation of the Fair Labor Standards Act, 29 U.S.C. §203, 207 et seq. and its implementing regulations.
20. Defendant's failure to comply with the FLSA caused plaintiffs to suffer loss of wages and interest thereon.

WHEREFORE, plaintiffs request that this Court enter judgment or an order to plaintiffs:

- A. Declaring that the defendant violated the Fair Labor Standards Act;
- B. Declaring that the defendant's violations of the FLSA were willful;
- C. Awarding damages for their claims of unpaid wages as secured by the Fair

Labor Standards Act as well as an equal amount in liquidated damages;

- D. Awarding the plaintiffs' costs, including expert witness expenses, and reasonable attorneys' fees; and
- E. Granting such further relief as the Court finds just.

Dated: July 26, 2004

Respectfully Submitted,



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Dan Getman, Esq.  
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ATTORNEY FOR PLAINTIFF

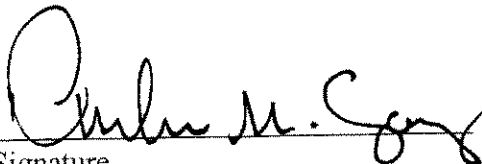
complaint

## CONSENT TO SUE UNDER THE F.L.S.A.

I hereby consent to be a plaintiff in an action under the Fair Labor Standards Act, 29 U.S.C. §201 *et seq.*, to secure any unpaid minimum wages, overtime, liquidated damages, attorneys' fees, costs and other relief arising out of my employment with Cooper Cameron Corporation and any other associated parties.

I authorize Dan Getman Esq., any associated attorneys as well as any successors or assigns, to represent me in such action.

Dated: 7-28-04

  
Signature

ANDREW M. YOUNG  
Name (Printed)