

7. Paragraph 7 of Plaintiff's Complaint states a conclusion of law to which no response is required.

8. Admitted.

9. GPT admits that, during the three-year period prior to Plaintiff's filing of this lawsuit, GPT employed employees within this judicial district, and that those individuals hold various job titles. GPT denies the remaining averments of Paragraph 9 of Plaintiff's Complaint.

10. GPT admits that Plaintiff was employed by GPT beginning in January 2014. GPT denies the remaining averments of Paragraph 10 of Plaintiff's Complaint.

11. Admitted. By way of further answer, GPT states that the day rates that GPT has paid to its non-exempt employees are calculated to include pay of time-and-one-half the employees' regular hourly rates for all hours that the employees work in excess of 40 hours per workweek.

12. Admitted.

13. Admitted.

14. Denied.

15. GPT denies that, during the 16-day period ending on January 31, 2014, GPT credited Plaintiff with working 14 Field Days and two Shop Days, which represents approximately 184 hours. GPT admits that it pays its employees on a semi-monthly basis.

16. GPT denies the averment that it did not pay Plaintiff and other employees any extra overtime premium compensation for their overtime hours. The remaining averments of Paragraph 16 of Plaintiff's Complaint state a conclusion of law to which no response is required.

17. Denied.

18. Admitted. By way of further answer, GPT denies that Plaintiff is entitled to pursue his FLSA claim as a collective action, or that Plaintiff or other putative collective action members are entitled to relief on Plaintiff's FLSA claim.

19. Denied.

20. Admitted. By way of further answer, GPT denies that Plaintiff is entitled to pursue his PMWA claim as a class action, or that Plaintiff or other putative class members are entitled to relief on Plaintiff's PMWA claim.

21. Denied.

22. GPT admits that the names of GPT's current and former employees are ascertainable from GPT's payroll records. GPT denies the remaining averments of Paragraph 22 of Plaintiff's Complaint.

23. Denied.

24. GPT is without knowledge or information sufficient to form a belief as to the truth of the averments of Paragraph 24 of Plaintiff's Complaint.

25. Paragraph 25 of Plaintiff's Complaint states a conclusion of law to which no response is required.

26. Paragraph 26 of Plaintiff's Complaint states a conclusion of law to which no response is required.

27. GPT incorporates herein by reference its response to Paragraphs 1 through 26 of Plaintiff's Complaint.

28. Paragraph 28 of Plaintiff's Complaint states a conclusion of law to which no response is required.

29. Denied.

30. GPT incorporates herein by reference its response to Paragraphs 1 through 29 of Plaintiff's Complaint.

31. Paragraph 31 of Plaintiff's Complaint states a conclusion of law to which no response is required.

32. Denied.

Affirmative Defenses

33. The Complaint fails to state a claim upon which relief can be granted.

34. The claims asserted in the Complaint are barred, in whole or in part, by applicable statutes of limitations.

35. The claims asserted in the Complaint are barred, in part, by the doctrine of accord and satisfaction.

36. The claims asserted in the Complaint are barred, in whole or in part, by the doctrines of waiver and estoppel.

37. GPT has paid Plaintiff and all putative class members all overtime pay to which those individuals were legally entitled.

38. At all times relevant to the claims in this case, GPT acted in good faith and with reasonable grounds to believe that GPT was not in violation of the Fair Labor Standards Act ("FLSA"), the Pennsylvania Minimum Wage Act ("PMWA"), or any other applicable law.

39. The claims asserted in the Complaint are barred to the extent that Plaintiff seeks to include, in the putative class, employees who fall within an exemption to the overtime-pay requirements of the FLSA or PMWA.

40. Plaintiff cannot establish one or more of the prerequisites necessary in order to pursue his FLSA claim as a collective action, pursuant to 29 U.S.C. §216(b).

41. Plaintiff cannot establish one or more of the prerequisites necessary in order to pursue his state law claim as a class action, pursuant to Rule 23 of the Federal Rules of Civil Procedure.

42. The Court should decline to exercise supplemental jurisdiction over Plaintiff's state law claim.

WHEREFORE, Defendant, Grant Production Testing Services, Inc., respectfully requests that Plaintiff's Complaint be dismissed, with prejudice.

Dated: July 6, 2015

Respectfully submitted,

/s/ Kurt A. Miller

Kurt A. Miller

Pa I.D. No. 37850

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing **ANSWER** has been served, via the Court's electronic filing system, this 6th day of July 2015, as follows:

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/s/ Kurt A. Miller
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