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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

_____	:	CIVIL ACTION
MICHAEL KOBREN, on behalf of himself	:	
and all others similarly situated,	:	No. _____
Plaintiff,	:	
v.	:	NON-JURY TRIAL
	:	
A-1 LIMOUSINE INC., MICHAEL STARR,	:	(Document Filed Electronically)
and JEFFREY STARR,	:	
Defendants.	:	
_____	:	

COMPLAINT – CLASS/COLLECTIVE ACTION

Plaintiff Michael Kobren (“Plaintiff”) brings this class/collective action lawsuit against Defendants A-1 Limousine Inc., Michael Starr, and Jeffrey Star, seeking all available relief under the Fair Labor Standards Act (“FLSA”), 29 U.S.C. §§ 201, *et seq.* and the New Jersey Wage and Hour Law (“NJWHL”), N.J.S.A. §§ 34:11-56a, *et seq.* Plaintiff’s FLSA claim is asserted as a collective action under 29 U.S.C. § 216(b), while his NJWHL claim is asserted as a class action under Federal Rule of Civil Procedure 23. *See Knepper v. Rite Aid Corp.*, 675 F.3d 249 (3d Cir. 2012) (FLSA collective action claims and Rule 23 class action claims may proceed together).

JURISDICTION AND VENUE

1. Jurisdiction over the FLSA claim is proper under 29 U.S.C. § 216(b) and 28 U.S.C. § 1331.

2. Jurisdiction over the NJWHL claim is proper under 28 U.S.C. § 1367.
3. Venue in this Court is proper under 28 U.S.C. § 1391.

PARTIES

4. Plaintiff is an individual residing in New Egypt, NJ (Ocean County).
5. Plaintiff is an employee covered by the FLSA and the NJWHL.
6. Defendant A-1 Limousine Inc. (“A-1”) is a corporate entity headquartered in Princeton, NJ (Mercer County).
7. Defendant Michael Starr is a principal owner and “Chief Executive Officer” of A-1 and resides in Princeton Junction, NJ (Mercer County). During all times relevant to this lawsuit, Michael Starr acted directly or indirectly in the interest of A-1 in relation to Plaintiff and was personally involved in and responsible for the compensation policies and practices challenged in this lawsuit.
8. Defendant Jeffrey Starr is a principal owner and “President” of A-1 and resides in Princeton Junction, NJ (Mercer County). During all times relevant to this lawsuit, Jeffrey Starr acted directly or indirectly in the interest of A-1 in relation to Plaintiff and was personally involved in and responsible for the compensation policies and practices challenged in this lawsuit.
9. Defendants A-1, Michael Starr, and Jeffrey Starr (collectively “Defendants”) are employers covered by the FLSA and the NJWHL.

FACTS

10. Defendants, according to A-1’s website, operate “the largest independently owned limousine company in New Jersey . . . with offices strategically located to effectively serve New Jersey, the metropolitan New York City area, Eastern Pennsylvania and Delaware.”

11. Defendants' business includes a fleet of over 200 vehicles.

12. The vehicles in Defendants' fleet are used to transport passengers.

13. Defendants' fleet includes vehicles that have a gross vehicle weight of under 10,000 pounds and are designed or used to transport eight (8) or fewer passengers (including the driver) for compensation. Such vehicles, which include sedans and SUVs, are referred to herein as "Small Vehicles."

14. Defendants employ drivers, whose primary duties include transporting Defendants' customers. These individuals are referred to as "Drivers."

15. During the three-year time period relevant to this lawsuit, Defendants employed at least 300 Drivers.

16. Plaintiff was employed by Defendants as a Driver from approximately July 2008 until approximately October 2015.

17. The duties of Plaintiff and other Drivers include operating Small Vehicles.

18. Plaintiff and other Drivers spend many of their actual working hours operating Small Vehicles.

19. Plaintiff and other Drivers are paid an hourly wage plus gratuities. Plaintiff, for example, was paid \$8.38/hour plus gratuities.

20. Plaintiff and other Drivers frequently work over 40 hours per week. For example, Plaintiff worked at least 61 hours during the week ending August 1, 2015, at least 49 hours during the week ending September 5, 2015, and at least 73.75 hours during the week ending September 26, 2015. Such weeks were typical during Plaintiff's employment with Defendants.

21. Defendants failed to pay Plaintiff and other Drivers any overtime premium compensation for hours worked over 40 per week. Instead, even during weeks involving over 40

work hours, Plaintiff and other Drivers are merely paid the total hours worked multiplied by the straight-time hourly wage *plus* gratuities.

22. Defendants' failure to pay overtime premium compensation for hours worked over 40 has been undertaken willfully and with reckless disregard of clearly applicable FLSA and provisions.

CLASS/COLLECTIVE ACTION ALLEGATIONS

23. Plaintiff brings his FLSA claim as a collective action pursuant to 29 U.S.C. § 216(b) and brings his NJWHL claim as a class action on behalf of: all Drivers employed by Defendants within the past three years.

24. Plaintiff's FLSA claim should proceed as a collective action because Plaintiff and other putative collective members, having worked pursuant to the common compensation policies described herein, are "similarly situated" as that term is defined in 29 U.S.C. § 216(b) and the associated decisional law.

25. Class action treatment of Plaintiff's NJWHL claim is appropriate because, as alleged below, all of Federal Rule of Civil Procedure 23's class action requisites are satisfied.

26. The class includes hundreds of individuals, all of whom are readily ascertainable based on Defendants' payroll records and are so numerous that joinder of all class members is impracticable.

27. Plaintiff is a class member, his claims are typical of the claims of other class members, and he has no interests that are antagonistic to or in conflict with the interests of other class members.

28. Plaintiff and his lawyers will fairly and adequately represent the class members and their interests.

29. Questions of law and fact are common to all class members, because, *inter alia*, this action concerns Defendants' common compensation policies, as described herein. The legality of these policies will be determined through the application of generally applicable legal principles to common facts.

30. Class certification is appropriate under Federal Rule of Civil Procedure 23(b)(3) because common questions of law and fact predominate over questions affecting only individual class members and because a class action is superior to other available methods for the fair and efficient adjudication of this litigation.

COUNT I
(Alleging FLSA Violations)

31. All previous paragraphs are incorporated as though fully set forth herein.

32. The FLSA requires that employees receive overtime premium compensation calculated at 150% of their regular pay rate for all hours worked over 40 per week. *See* 29 U.S.C. § 207(a)(1).

33. Defendants violated the FLSA by failing to pay Plaintiff and the collective overtime premium compensation for hours worked over 40 per week.

34. In violating the FLSA, Defendants acted willfully and with reckless disregard of clearly applicable FLSA provisions and, as such, willfully violated the FLSA.

COUNT II
(Alleging NJWHL Violations)

35. All previous paragraphs are incorporated as though fully set forth herein.

36. The NJWHL requires that employees receive overtime premium compensation calculated at 150% of their regular pay rate for all hours worked over 40 per week. *See* N.J.S.A. § 34:11-56a4.

37. Defendants violated the NJWHL by failing to pay Plaintiff and the class overtime premium compensation for hours worked over 40 per week.

38. In violating the NJWHL, Defendants acted willfully and with reckless disregard of clearly applicable NJWHL provisions and, as such, willfully violated the NJWHL.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, on behalf of himself and other members of the class/collective, seeks the following relief:

- A. An order permitting this action to proceed as a collective and class action;
- B. Prompt notice, pursuant to 29 U.S.C. § 216(b), of this litigation to all members of the FLSA collective informing them of this action and permitting them to join (or “opt-in” to) this action;
- C. Unpaid overtime wages and prejudgment interest;
- D. Liquidated damages;
- E. Litigation costs, expenses, and attorneys’ fees; and
- F. Such other and further relief as the Court deems just and proper.

Date: January 29, 2016

Respectfully,

s/ Mark J. Gottesfeld
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