

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA

CASE NO.:

WILLIAM RUSSELL, on his own behalf and
others similarly situated,

Plaintiff,

v.

NARCONON INTERNATIONAL, a/k/a
NARCONON SOUTHERN CALIFORNIA,
NARCONON GULF COAST INC., and
XYZ ENTITIES 1-10 (fictitious names of unknown liable entities),

Defendants.

COMPLAINT

1. Plaintiff, WILLIAM RUSSELL (hereinafter referred to as "Plaintiff"), an employee of Defendants, NARCONON INTERNATIONAL, a/k/a NARCONON SOUTHERN CALIFORNIA, NARCONON GULF COAST INC., and XYZ ENTITIES 1-10, all doing business as d/b/a NARCONON (collectively as "Defendants"), including in Okaloosa County and throughout the State of Florida, within the jurisdiction of this Court, and across the United States and brings this action on behalf of himself and other current and former employees of Defendants similarly situated to him for overtime compensation and other relief under the Fair Labor Standards Act ("FLSA"), as amended, 29 U.S.C. §216(b).

2. In one or more work weeks during the three (3) year statute of limitations period between approximately November 2009 and June 2012, Plaintiff performed work as a Counselor at NARCONON rehabilitation centers in Colorado and Florida that involved primary job duties

that were non-exempt in nature. More specifically, Plaintiff's primary job duties as a Counselor for Defendants included: intake of rehabilitation patients; talking with patients about Defendants' publications and program; taking patients on activities; observing patients and doing room, drug, and alcohol checks; attending morning meetings; and communicating with patients' family members.

3. Defendants, NARCONON INTERNATIONAL, a/k/a NARCONON SOUTHERN CALIFORNIA, NARCONON GULF COAST INC., and XYZ ENTITIES 1-10, have at all times material hereto provided drug rehabilitation, education, and related services with locations and operations across the United States, all doing business as NARCONON, including in Okaloosa County, Florida, within the jurisdiction of this Court. It is the intent of this collective action to apply to all similarly situated employees of Defendants regardless of location, such that the scope of this collective action is nationwide and includes each and every State in the United States at which Defendants have been doing business within the three (3) year statute of limitations period between November 2009 and the present.

4. This action is brought to recover from Defendants unpaid overtime compensation, liquidated damages, and the costs and reasonable attorneys' fees of this action under the provisions of the FLSA, 29 U.S.C. §216(b).

5. Jurisdiction is conferred on this Court by 28 U.S.C. §1337 and by 29 U.S.C. §216(b).

6. Venue is proper in this Court pursuant to 28 U.S.C. §1391. A substantial part of the events or omissions giving rise to claims in this Complaint have occurred within the jurisdiction of the Court and State within which this Court sits so as to give rise to venue and

personal jurisdiction.

7. At all times material to this Complaint, NARCONON INTERNATIONAL, a/k/a NARCONON SOUTHERN CALIFORNIA, NARCONON GULF COAST INC., and XYZ ENTITIES 1-10, individually and/or collectively, have had two (2) or more employees who have regularly sold, handled, or otherwise worked on goods and/or materials that had been moved in or produced for commerce.

8. Based upon information and belief, the annual gross sales volume of NARCONON INTERNATIONAL, a/k/a NARCONON SOUTHERN CALIFORNIA, NARCONON GULF COAST INC., and XYZ ENTITIES 1-10, individually and/or collectively, has been in excess of \$500,000.00 per annum at all times material to this Complaint.

9. At all times material to this Complaint, NARCONON INTERNATIONAL, a/k/a NARCONON SOUTHERN CALIFORNIA, NARCONON GULF COAST INC., and XYZ ENTITIES 1-10, individually and/or collectively, have constituted an enterprise engaged in interstate commerce or in the production of goods for commerce as defined by the FLSA, 29 U.S.C. §203(s).

10. Defendants, NARCONON INTERNATIONAL, a/k/a NARCONON SOUTHERN CALIFORNIA, NARCONON GULF COAST INC., and XYZ ENTITIES 1-10, comprise or operate one or more divisions, subsidiaries, or affiliated companies doing business as NARCONON, and include/are fictitious names for companies, partnerships, joint ventures, corporations, or other entities responsible for the wrongful conduct and labor practices causing harm to the Plaintiff and those similarly situated, as further alleged herein. The true names and capacities of these XYZ ENTITIES 1-10 are unknown to Plaintiff at this time, but Plaintiff will

further amend the Complaint when and if the true names of said defendants become known such that they can be correctly named.

11. Defendants directly or indirectly acted in the interest of an employer toward Plaintiff and other similarly situated employees at all material times, including without limitation directly or indirectly controlling the terms of employment and compensation of Plaintiff and the other employees similarly situated. Alternately, Defendants, and each of their respective divisions, subsidiaries or affiliates, however constituted, were joint employers of Plaintiff and the other similarly situated employees because each respective division, subsidiary or affiliate acts directly or indirectly in the interest of the other in relation to such Plaintiff and such similarly situated persons. As a further alternative, Defendants and each of their divisions, subsidiaries or affiliates, however constituted for the location(s) at issue, including, were joint employers of the Plaintiff and the similarly situated employees because they commonly controlled the terms of compensation and employment of Plaintiff and others similarly situated, and are not completely disassociated with respect to the terms of compensation and employment of Plaintiff and others similarly situated. As a final alternative, Defendants and each of their divisions, subsidiaries or affiliates, however constituted for the location(s) at issue, directly or indirectly acted in the interest of an employer toward Plaintiff and other similarly situated employees at all of Defendants' locations at all material times, including without limitation directly or indirectly controlling the terms of employment and compensation of Plaintiff and others similarly situated.

12. The additional persons who may become Plaintiffs in this action are Defendants' current and former employees who have performed primary duties that involved non-exempt inventory and inspection related duties at any location in the United States and who have worked

in excess of Forty (40) hours during one or more work weeks between November 2009 and the present without receiving time and one-half of their regular rate of pay for all of the hours they've worked over Forty (40) in one or more work weeks.

13. Plaintiff regularly worked in excess of Forty (40) hours per week in one or more weeks during his employment with Defendants within the three (3) year statute of limitations period between approximately November 2009 and June 2012.

14. Likewise, the other employees similarly situated to Plaintiff have regularly worked in excess of Forty (40) hours in one or more work weeks during their employment with Defendants between approximately November 2009 and the present.

15. However, Defendants have failed to pay time and one-half wages for all of the overtime hours worked by Plaintiff and the other employees similarly situated to him for all of their overtime hours worked during the three (3) year statute of limitations period.

16. Instead, in one or more work weeks between approximately November 2009 and the present, Defendants have misclassified Plaintiff and the other similarly situated employees across the United States as being "exempt" from the protections of the Fair Labor Standards Act, paying Plaintiff and the other similarly situated employees on a salaried basis without compensating them at time and one-half of their applicable regular rate of pay for their overtime hours worked.

17. Based upon information and belief, Defendants have failed to maintain records of the actual start times, stop times, hours worked each day, and total hours worked each week by Plaintiff and the other similarly situated employees for each work week between approximately November 2009 and the present.

18. The complete records relating to compensation paid to Plaintiff and the other similarly situated employees to Plaintiff are in the possession and custody of Defendants.

COUNT I
RECOVERY OF OVERTIME COMPENSATION

19. Plaintiff readopts and realleges the allegations contained in Paragraphs 1 through 18 above.

20. Plaintiff is entitled to be paid time and one-half of his regular rate of pay for each hour he worked in excess of Forty (40) hours per work week during his employment with Defendants within the three (3) year statute of limitations period between approximately November 2009 and June 2012.

21. All similarly situated employees of Defendants are also owed their overtime rate for each overtime hour they've worked but were not properly paid in one or more weeks between approximately November 2009 and the present.

22. Defendants have knowingly and willfully failed to pay Plaintiff and the other similarly situated employees at time and one-half of their regular rate of pay for all hours worked in excess of Forty (40) per week between approximately November 2009 and the present.

23. By reason of the said intentional, willful and unlawful acts of Defendants, all Plaintiffs (the named Plaintiff and the employees similarly situated to him) have suffered damages plus incurring costs and reasonable attorneys' fees.

24. As a result of Defendants' willful violations of the Act, all Plaintiffs (the named Plaintiff and the employees similarly situated to him) are entitled to liquidated damages.

25. Plaintiff has retained the undersigned counsel to represent him in this action, and pursuant to 29 U.S.C. §216(b), Plaintiff is entitled to recover all reasonable attorneys' fees and

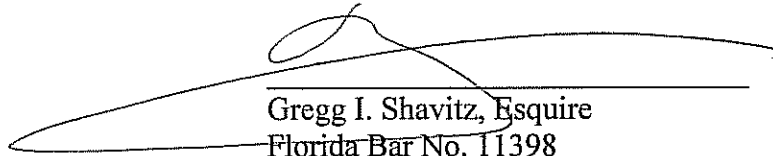
costs incurred in this action from Defendants.

26. Plaintiff demands a jury trial.

WHEREFORE, Plaintiff, WILLIAM RUSSELL, and those similarly situated to him who have or will opt into this action, demand judgment against Defendants, jointly and severally, NARCONON INTERNATIONAL, a/k/a NARCONON SOUTHERN CALIFORNIA, NARCONON GULF COAST INC., and XYZ ENTITIES 1-10, for the payment of all overtime hours at one and one-half their regular rate of pay due them for the hours worked by them for which they have not been properly compensated, liquidated damages, reasonable attorneys' fees and costs of suit, and for all proper relief including prejudgment interest.

Dated: November 16, 2012
Boca Raton, Florida

Respectfully submitted,



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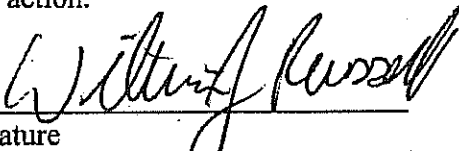
Attorneys for Plaintiff

CONSENT TO JOIN FORM

1. I consent to be a plaintiff in a lawsuit against Defendant(s), Narconon Gulf Coast, Inc., and/or related entities and individuals in order to seek redress for violations of the Fair Labor Standards Act, pursuant to 29 U.S.C. § 216(b).

2. I hereby designate the Shavitz Law Group, P.A. to represent me in bringing such claim, and to make decisions on my behalf concerning the litigation and settlement. I agree to be bound by any adjudication of this action by the Court, whether it is favorable or unfavorable.

3. I also consent to join any other related action against Defendant(s) or other potentially responsible parties to assert my claim and for this Consent Form to be filed in any such action.


Signature

William J Russell
Print Name