

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**ANATOLIY MIKITYUK, MITCH
TALLUNGAN, and MICHAEL ESQUIBEL,
individually and on behalf of all others similarly
situated,**

Plaintiffs,

v.

CISION US INC. and CISION LTD.,

Defendants.

Case No.:

**CLASS AND COLLECTIVE
ACTION COMPLAINT**

JURY TRIAL DEMANDED

Plaintiffs Anatoliy Mikityuk (“Plaintiff Mikityuk” or “New York Plaintiff”), Mitch Tallungan (“Plaintiff Tallungan” or “Illinois Plaintiff”), and Michael Esquibel (“Plaintiff Esquibel” or “Maryland Plaintiff”) (collectively, “Plaintiffs”), on behalf of themselves and all others similarly situated, by and through their attorneys Outten & Golden LLP, allege, upon personal knowledge as to themselves and upon information and belief as to all other matters, as follows:

NATURE OF THE ACTION

1. This lawsuit seeks to recover unpaid overtime compensation and other damages for Plaintiffs and similarly situated individuals who have worked for Defendants Cision US Inc. and Cision Ltd. (collectively, “Defendants” or “Cision”), in the job titles of Business Development Specialist, Business Development Associate, Business Development Representative, Business Development Manager, Business Development Executive, Sales Development Representative, New Sales Development Representative, Inside Sales Representative, Sales Representative, Sales Development Representative, Senior Sales

Representative, Senior Sales Development Representative, Sales Associate, Account Executive, Senior Account Executive, Enterprise Account Executive, Associate Account Executive, Sales Executive, and Midmarket Sales Executive, and other similar roles, however variously titled (together, “Sales Representatives”).

2. Cision is a public relations software and services provider with approximately 13 offices in the United States, including in New York.¹

3. Cision sells software products that identify influencers, create and distribute content, and measure the impact of communications.

4. Cision sells several software products and/or services, including Bulletin Intelligence, PR Newswire, and Falcon.io, among others.

5. Cision employs Sales Representatives to sell its products and services.

6. Sales Representatives perform non-exempt sales-related tasks, including communicating with clients and potential clients via phone and email, researching sales leads, booking sales meetings with prospective clients, and/or makings sales of Cision’s products to current and/or prospective clients.

7. Sales Representatives primarily perform these tasks from Cision’s office or another fixed location, such as from their homes.

8. Cision requires Sales Representatives to work long hours, often in excess of 40 hours per workweek, in order to complete required tasks.

9. While employed by Cision, Plaintiffs consistently worked more than 40 hours per workweek without receiving overtime compensation for all the hours they worked.

¹ See Worldwide Offices, *Cision: PR Newswire*, <https://prnewswire.mediaroom.com/worldwide-offices> (last visited Dec. 28, 2020); Cision, *Craft*, <https://craft.co/cision> (last visited December 28, 2020).

10. During the relevant period, it was Cision's policy to deprive Sales Representatives of their lawfully earned overtime wages.

11. Upon information and belief, Cision uniformly failed to record all of Sales Representatives' overtime hours or compensate them for all overtime hours worked.

12. The primary duties of Sales Representatives are non-exempt. These primary inside sales duties do not vary significantly from one Sales Representative to another.

13. The primary duties of Sales Representatives do not fall under any federal or state law overtime exemption.

14. Sales Representatives have worked overtime hours and are entitled to overtime premium compensation for all overtime hours worked.

15. Plaintiffs bring this action on behalf of themselves and similarly situated employees as a collective action under the Fair Labor Standards Act, 29 U.S.C. §§ 201 *et seq.* ("FLSA").

16. Plaintiff Mikityuk also brings this action on behalf of himself and similarly situated New York employees as a Fed. R. Civ. P. 23 class action under the New York Labor Law, Article 6, §§ 190 *et seq.* and Article 19, §§ 650 *et seq.* ("NYLL") and supporting New York State Department of Labor regulations (collectively, the "New York Wage Laws").

17. Plaintiff Tallungan also brings this action on behalf of himself and similarly situated Illinois employees as a Fed. R. Civ. P. 23 class action under the Illinois Minimum Wage Law, 820 ILCS 105/1 *et seq.*, and the Illinois Wage Payment and Collection Act, 820 ILCS 115/1 *et seq.*, and supporting regulations (collectively, the "Illinois Wage Laws").

18. Plaintiff Esquibel also brings this action on behalf of himself and similarly situated Maryland employees as a Fed. R. Civ. P. 23 class action under the Maryland Wage and

Hour Law (“MWHL”), Md. Code Ann., Lab. & Empl. §§ 3-401 *et seq.*, and the Maryland Wage Payment and Collection Law (“MWPCL”), Md. Code Ann., Lab. & Empl. §§ 3-501 *et seq.*, and supporting regulations (collectively, the “Maryland Wage Laws”).

19. By agreement of the parties, the statute of limitations for FLSA and state wage and hour claims on behalf of Plaintiff and similarly situated Sales Representatives nationwide was tolled from September 21, 2020 to the present.

JURISDICTION & VENUE

20. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1337 and jurisdiction over Plaintiffs’ state law claims pursuant to 28 U.S.C. § 1367.

21. This Court is empowered to issue a declaratory judgment pursuant to 28 U.S.C. §§ 2201 and 2202.

22. This Court also has jurisdiction over Plaintiffs’ claims under the FLSA pursuant to 29 U.S.C. § 216(b).

23. Venue is proper in this District because Cision Ltd. and Cision US Inc. transact a substantial amount of business in this District and own and/or operate offices in this District, and a substantial part of the events or omissions giving rise to the claims occurred in this District.

THE PARTIES

Plaintiff Anatoliy Mikityuk

24. Plaintiff Mikityuk is an adult individual who is a resident of Jersey City, New Jersey.

25. Plaintiff Mikityuk was employed by Cision in its New York, New York office from March 2019 to November 2019 as a Sales Development Representative.

26. Plaintiff Mikityuk was an “employee” within the meaning of all applicable

statutes.

27. Plaintiff Mikityuk regularly worked more than 40 hours in a workweek but was not paid for all hours worked over 40. For example, to the best of his knowledge, in or around the week of April 8, 2019, Plaintiff Mikityuk worked approximately 10 to 15 overtime hours without receiving proper overtime compensation for all hours over 40.

28. Plaintiff Mikityuk's written consent to join this action is attached as **Exhibit A**.

Plaintiff Mitch Tallungan

29. Plaintiff Tallungan is an adult individual who is a resident of Crystal Lake, Illinois.

30. Plaintiff Tallungan was employed by Cision in its Chicago, Illinois office from January 2016 to March 2018 as a Business Development Manager and a Business Development Executive.

31. Plaintiff Tallungan was an "employee" within the meaning of all applicable statutes.

32. Plaintiff Tallungan regularly worked more than 40 hours in a workweek but was not paid for all hours worked over 40. For example, to the best of his knowledge, in or around October 2017, Plaintiff Tallungan worked approximately 4.5 to 7 overtime hours each week without receiving proper overtime compensation for all hours over 40.

33. Plaintiff Tallungan's written consent to join this action is attached as **Exhibit B**.

Plaintiff Michael Esquibel

34. Plaintiff Esquibel is an adult individual who is a resident of Baltimore, Maryland.

35. Plaintiff Esquibel was employed by Cision in its Beltsville, Maryland office from August 2018 to June 2019 as a Business Development Specialist.

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