UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

JOSEPH ADAMS on Behalf of Himself and on Behalf of All Others Similarly Situated,	§ § § §	
Plaintiff,	§ §	
V.	§ § §	CIVIL ACTION NO. : 2:20-cv-219 JURY TRIAL DEMANDED
GYRO TECHNOLOGIES, INC.,	§ § §	
Defendant.	§ § § § §	

PLAINTIFF'S ORIGINAL COMPLAINT
CLASS AND COLLECTIVE ACTION & JURY DEMAND

1.   Defendant Gyro Technologies, Inc. ("Defendant") required Plaintiff Joseph Adams ("Plaintiff") to work more than forty hours in a workweek as a wireline operator. Defendant misclassified Plaintiff and other wireline operators throughout the United States as exempt from overtime under the Fair Labor Standards Act (FLSA), 29 U.S.C. § 201, *et seq*, and the corresponding laws of the other states where Defendant operates. Defendant has misclassified dozens of other wireline operators as exempt from overtime.

2.   Defendant's conduct violates the FLSA, which requires non-exempt employees to be compensated for all hours in excess of forty in a workweek at one and one-half times their regular rates of pay. *See* 29 U.S.C. § 207(a). On behalf of himself and all other similarly situated employees, Plaintiff brings this action as a collective action under the FLSA, 29 U.S.C. § 216(b). Members of the collective action are referred to as the "FLSA Class Members."

SUBJECT MATTER JURISDICTION AND VENUE

3.   This Court has jurisdiction over the subject matter of this action under 29 U.S.C. § 216(b) and 28 U.S.C. § 1331.

4.   Venue is proper in this District because Defendant's United States headquarters is in this District.

PARTIES AND PERSONAL JURISDICTION

5.   Plaintiff Joseph Adams is an individual residing in Midland County, Texas. Plaintiff's written consent to this action is attached hereto as Exhibit "A."

6.   The FLSA Class Members are all current and former wireline operators, and all employees in substantially similar positions, work worked at any time during the three-year period before the filing of this Complaint.

7.   Defendant Gyro Technologies, Inc. is a domestic corporation organized under the laws of Texas and headquartered in Corpus Christi, Texas. Defendant may be served process through its registered agent Gary J. Vaughn, 3400 Country Rd 48, Robstown, Texas 78389

8.   Defendant Gyro Technologies, Inc. does business under the tradename Vaughn Energy Services.

COVERAGE

9.   At all material times, Defendant has been an employer within the meaning of 3(d) of the FLSA. 29 U.S.C. § 203(d).

10.   At all material times, Defendant has been an enterprise within the meaning of 3(r) of the FLSA. 29 U.S.C. § 203(r).

11.   At all material times, Defendant has been an enterprise or enterprise in commerce or in the production of goods for commerce within the meaning of 3(s)(1) of the FLSA because Defendant has had and continues to have employees engaged in commerce. 29 U.S.C. § 203(s)(1).

12.   Furthermore, Defendant has an annual gross business volume of not less than $500,000.

13.   At all material times, Plaintiff and Class Members were employees who engaged in commerce or in the production of goods for commerce as required by 29 USC §§ 206-207.

FACTS

14.   Defendant Gyro Technologies, Inc. is an oilfield services company that focuses on the provision of wireline services.

15.   Plaintiff worked for Defendant as a wireline operator from approximately May of 2013 to August of 2019. He worked for Defendant across the United States including in Texas, North Dakota, and Oklahoma.

16.   Plaintiff's job title while employed with Defendant was wireline operator.

17.   A wireline operator is responsible for inserting tools and cable down a well, typically in the fracturing process.

18.   Defendant requires its wireline operators to work lengthy workweeks. Seven-day work weeks are common as are work weeks in excess of 80 hours.

19.   For compensation, wireline operators are paid a salary and a day rate for each day spent in the field. The day rate is not overtime pay, but rather a lump sum payment that must be included in the regular rates of pay.

20.   Plaintiff was paid a salary and an additional amount per day for working in the oil field.

21.   Plaintiff was subject to deductions from pay for sick leave.

22.   Plaintiff's hourly regular rate of pay was never calculated for purposes of paying overtime.

23.   Defendant does not pay overtime to its wireline operators. Instead, they are only paid a flat monthly salary plus a day rate for each day spent in the field.

24.   No exemption in the FLSA shelters Defendant from paying overtime to its wireline operators.

25.   Wireline operators do not supervise other employees or manage a customarily recognized department of Defendant's company.

26.   Wireline operators have no authority to hire or fire other employees.

27.   Wireline operators are field employees, not office employees. The perform work related to Defendant's core business, not the management of the company's operations.

28.   The primary duty of a wireline operator does not require independent judgment or discretion.

29.   Wireline operators are not computer-systems analysts, computer programmers, software engineers, or other similar employees.

30.   Wireline operators perform manual labor.

31.   Plaintiff performed manual labor while employed by Defendant.

32.   Plaintiff never hired or fired employees for Defendant.

33.   Plaintiff was not hired as a manager of a customized department nor did he supervise two or more employees.

34.   Plaintiff did not work as an administrative employee for Defendant.

35.   Plaintiff did not perform work for Defendant related to payroll, taxes, quality control, or human resources.

36.   Despite these facts, Defendant classified its wireline operators as exempt from overtime pay.

37.   As a result of Defendant's pay policies, Plaintiff and other wireline operators were denied overtime pay.

38.   Defendant knew or showed reckless disregard for whether Plaintiffs and the other wireline operators were entitled to overtime pay under the law.

39.   Defendant has been sued multiple times for violating the FLSA.

COUNT ONE: VIOLATION OF 29 U.S.C. § 207

40.   Plaintiff incorporates all allegations contained in the foregoing paragraphs.

41.   Defendant's practice of failing to pay Plaintiff time-and-a-half for all hours worked in excess of forty (40) per workweek violates the FLSA. 29 U.S.C. § 207.

42.   None of the exemptions provided by the FLSA regulating the duty of employers to pay overtime at a rate not less than one and one-half times the regular rate at which its employees are paid are applicable to Defendant or Plaintiff.

COLLECTIVE ACTION ALLEGATIONS

43.   Plaintiff incorporates by reference the allegations in the preceding paragraphs.

44.   Plaintiff has actual knowledge that FLSA Class Members have also been denied overtime pay for hours worked over forty (40) hours in a workweek as a result of Defendant's misclassification of its employees.

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