

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
AT EVANSVILLE

FILED
U.S. DISTRICT COURT
EVANSVILLE DIVISION

2004 MAR -5 PM 1:25

SOUTHERN DISTRICT
OF INDIANA
LAURA A. BRIGGS
CLERK

JAMES BUDDE,

Plaintiff,

v.

No.

VEOLIA WATER NORTH
AMERICA OPERATING SERVICES,
INC., SUCCESSOR TO U.S. FILTER
OPERATING SERVICES, INC.

Defendant

Donald L. Ware
DLW-18
DW 04-048 - 11 Pages

3:04-CV-039 RLY - WGH

COMPLAINT

Demand for Jury Trial

**COUNT I: COMPLAINT UNDER FAIR LABOR STANDARDS
ACT-BY INDIVIDUAL FOR OVERTIME PAY**

Now comes Plaintiff, James Budde, by counsel Kevin S. Kinkade of O'Leary and Associates, and for his complaint against Defendant Veolia Water North America Operating Services, Inc., successor to U.S. Filter Operating Services, Inc., states as follows:

1. Plaintiff brings this action to recover from Defendant Veolia Water North America Operating Services, Inc., successor to U.S. Filter Operating Services, Inc. (hereinafter Defendant) unpaid overtime compensation and an additional equal amount as liquidated damages, pursuant to Section 16(b) of the Fair Labor Standards Act of 1938, Title 29, United States Code, § 216(b), as hereinafter follows.

2. Defendant is an Operation and Maintenance Company with operations in several regions of the United States. Defendant is incorporated in the state of Delaware. Defendant operates within this judicial district, the Southern District of Indiana. Defendant was, prior to February 5, 2004, known as U.S. Filter Operating Services, Inc. U.S. Filter Operating Services, Inc. was, prior to April 21, 2003, known as USFilter Operating Services, Inc.

3. Plaintiff is a citizen of the United States and at all times relevant hereto resided in Vanderburgh County, State of Indiana.

4. Jurisdiction is conferred on this Court by 29 U.S.C. § 216 and 28 U.S.C. § 1331.

5. At all times herein set forth, Defendant and its predecessors was/were an employer within the definition of the Fair Labor Standards Act of 1938, § 3, 29 U.S.C. § 203 and subject to the act. At all times herein set forth Plaintiff was an employee within the definition of the section.

6. At all times herein set forth, the Defendant and its predecessors was/were was engaged in commerce within the meaning of the section of the Act.

7. At all times relevant hereto, from July 1, 2001 to June 20, 2002, Plaintiff was employed by the Defendant's predecessor in the capacity of Maintenance Mechanic. The services performed by the Plaintiff, on behalf of Defendant's predecessor, were necessary and an integral part of existing and directly essential instrumentalities of the production of the product manufactured by AK Steel and shipped in interstate commerce.

8. The Defendant's predecessor employed Plaintiff as aforesaid on a 40-hour weekly basis at a pay rate of \$19.58 per hour. This rate did not change from the inception of Plaintiff's

employment with the Defendant, July 1, 2001, to the last day Plaintiff worked for Defendant's predecessor, June 20, 2002.

9. Contrary to § 7 of the Act (29 U.S.C. § 207), during portions of the period covered by Plaintiff's employment, Plaintiff was required to work in excess of 40 hours per week without being paid statutory overtime. Defendant has failed and refused to compensate Plaintiff for overtime work performed by Plaintiff on behalf of Defendant in excess of 40 hours in such workweeks at a rate not less than one and one-half times the regular rate at which he was employed.

10. The Defendant's actions were willful and knowingly in violation of the Act and constitute a continuing violation of the Act.

11. Under the provisions of the Act as provided in 29 U.S.C. §§ 207 and 216, there is due and owing from the Defendant to the Plaintiff, as compensation for overtime work not paid, an amount to be proven at trial, plus an additional equal amount as liquidated damages, together with an additional sum due for reasonable attorney fees and costs.

WHEREFORE, Plaintiff demands judgment against the defendant for uncompensated overtime plus an equal amount as liquidated damages, interest, attorney fees and costs.

COUNT II: DEMAND FOR UNPAID WAGES
PURSUANT TO I.C. 22-2-5-2

Now comes Plaintiff, James Budde, by counsel, and for his complaint against Defendant Veolia Water North America Operating Services, Inc., successor to U.S. Filter Operating Services, Inc., alleges as follows:

1. Plaintiff incorporates herein by reference Paragraphs 2, 3, 7, 8 and 9 of Count I herein.

2. This Court has supplemental jurisdiction over Plaintiff James Budde's claim herein under 28 U.S.C. § 1367(a) in that the actions alleged herein form part of the same case and controversy under Article III of the United States Constitution and share the same core of operative facts.

3. Pursuant to Indiana Code 22-2-5-2, Plaintiff Budde is seeking payment of his unpaid wages and all available remedies including, but not limited to, triple the amount of monies due as an additional monetary damage, plus all his attorney's fees, costs and expenses.

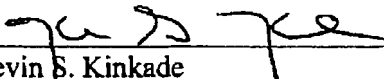
4. Plaintiff Budde made a demand for his unpaid wages while employed and more than ten days have passed since the last demand was made, and Plaintiff Budde has not been paid any of the unpaid wages which are due and owing him by Defendant.

5. Defendant's refusal to pay Plaintiff Budde his full and appropriate wages has caused undue financial stress and hardship on Plaintiff Budde.

6. By way of this Complaint, Plaintiff Budde is seeking all available damages, including unpaid commissions, all available liquidated, punitive and/or treble damages, all attorney's fees, costs and expenses, and any other damage to which he may be entitled pursuant to law.

WHEREFORE, Plaintiff James Budde respectfully requests that this Court award him judgment against Defendant Veolia Water North America Operating Services, Inc., successor to U.S. Filter Operating Services, Inc. in an amount equal to all unpaid wages plus any and all

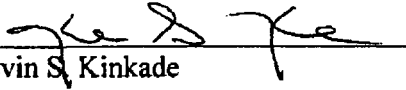
available treble, liquidated or other punitive damages available under I.C. 22-2-5-2 plus all his attorney's fees, costs and expenses, plus any and all other just and proper relief in the premises.



Kevin S. Kinkade
O'LEARY & ASSOCIATES
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REQUEST FOR A JURY TRIAL

Plaintiff, by counsel, respectfully requests trial by jury on all issues triable by a jury in the above-entitled cause.


Kevin S. Kinkade

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS, INDIANA**

FILED
U.S. DISTRICT COURT
INTERNATIONAL OFFICE
2005 SEP 14 PM 2:48

SOUTHERN DISTRICT
OF INDIANA
LAURA A. BRIGGS
CLERK

LISA COOPER,

Plaintiff,

V.

INDIANAPOLIS WATER COMPANY,

U. S. FILTER d/b/a VEOLIA,

Defendant.

CIVIL ACTION NO.:

1:05-ev-1375-LJM-WTL

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, named-above, complains of acts and omissions to act by the Defendant. In support of his Complaint and as cause of action against Defendant, Plaintiff respectfully submits the following:

JURISDICTION

1. This suit is authorized and instituted pursuant to 42 U.S.C. § 2000 et al. all as amended by the Civil Rights Act of 1991; 28 U.S.C. §§ 1331 and 1343.
2. The Equal Employment Opportunity Commission (EEOC) issued Plaintiff a Notice of Right to Sue and Plaintiff received it on June 27, 2005.

PARTIES

3. Plaintiff, Lisa Cooper, is a citizen of the United States and she presently resides in the Southern District of Indiana.
4. Defendant is a corporation doing business in the State of Indiana in the Southern District of Indiana.

FACTS

5. Plaintiff began working for Defendants on April 17, 2000.
6. Plaintiff performed her job well.
7. Plaintiff's evaluations were satisfactory or better.
8. Plaintiff received merit increases each year.
9. Plaintiff was the only female to work at her position.
10. Despite Plaintiff's work performance she has been treated less favorably than male employees by her supervisor.
11. Plaintiff's supervisor would chastise her for taking restroom breaks, but similarly situated male employees were not similarly harassed.
12. Plaintiff's supervisor would chastise Plaintiff for allegedly being "slow" gathering her equipment, but similarly situated male employees who were "slow" or late would not be chastised.
13. Plaintiff complained to Defendant's management but nothing happened.
14. On November 9, 2004, Plaintiff was suspended without pay and no valid reason was given for the suspension.
15. On December 9, 2004, Plaintiff was terminated.
16. The reason given for Plaintiff's termination was that she falsified a document.
17. Plaintiff falsified no document.
18. There have been male employees who have falsified documents but they have not been terminated.
19. The reason for Plaintiff's poor treatment, suspension and termination is her gender.
20. The reason given for her suspension and termination is simply pretext.

COUNT I

21. Plaintiff incorporates by reference paragraphs 1-20.
22. Defendant violated 42 U.S.C. § 2000 by terminating Plaintiff due to her gender.

COUNT II

23. Plaintiff incorporates by reference paragraphs 1-20.
24. Defendant violated 42 U.S.C. § 2000 by suspending Plaintiff due to her gender.

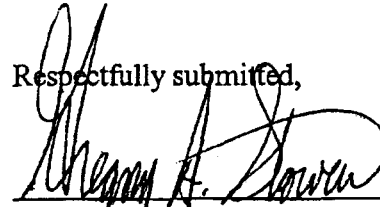
COUNT III

25. Plaintiff incorporates by reference paragraphs 1-20.
26. Defendant violated 42 U.S.C. § 2000 by treating Plaintiff less favorably due to her gender.

WHEREFORE, Plaintiff respectfully requests that the Court grant the following relief:

- A. Award Plaintiff the position from which he was terminated or front pay in lieu of reinstatement;
- B. Award Plaintiff lost wages;
- C. Award Plaintiff compensatory damages for emotional pain and suffering, inconvenience, mental anguish and loss of enjoyment of life;
- D. Award Plaintiff punitive damages;
- E. Award Plaintiff his costs in this action and reasonable attorney fees;
- F. Award Plaintiff a permanent injunction enjoining Defendant from engaging in any employment practice or policy which discriminates against Plaintiff on the basis of race and national origin.
- G. Award Plaintiff any other relief which is allowable under the circumstances of this case.

Respectfully submitted,

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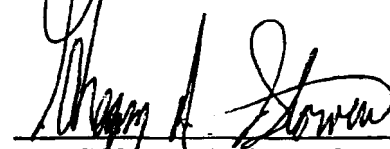
GREGORY A. STOWERS, 13784-49
Attorney for Plaintiff

REQUEST FOR JURY TRIAL

Comes now the Plaintiff and requests that this cause be tried by jury.

Respectfully submitted,

STOWERS & WEDDLE P.C.

A handwritten signature in black ink, appearing to read "Gregory A. Stowers", is written over a horizontal line.

GREGORY A. STOWERS, 13784-49
Attorney for Plaintiff

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