

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA**

BRIAN JACKSON, individually and on  
behalf of all others similarly situated

VERSUS

LIVINGSTON PARISH FIRE  
PROTECTION DISTRICT 5

\*  
\*  
\*  
\*  
\*

CIVIL ACTION NO.: \_\_\_\_\_

MAGISTRATE:

Jury Trial requested

**COLLECTIVE ACTION COMPLAINT**

Plaintiff, Brian Jackson, for his Complaint against Defendant Livingston Parish Fire Protection District 5, does hereby allege as follows:

**INTRODUCTION**

1. This is a collective action brought pursuant to the Fair Labor Standards Act, 29 U.S.C. §201, *et seq.* (“FLSA”) to recover unpaid overtime, liquidated damages, attorney fees, interest and costs owed to Plaintiff, individually, and all other similarly situated employees of Defendant.

2. Plaintiff and all other similarly situated employees are or were employed by Defendant as fire suppression personnel (firefighters) in the Parish of Livingston, State of Louisiana.

3. Plaintiff and all other similarly situated firefighters routinely worked in excess of one hundred six (106) hours per two-week work cycle without being paid overtime compensation “at a rate not less than one and one-half times their regular rate,” as required by the FLSA.

### **JURISDICTION AND VENUE**

4. This Court has subject matter jurisdiction over this claim pursuant to 29 U.S.C. §216(b) and 28 U.S.C. §1331. Plaintiff's claims arise under §207(a) of the FLSA.

5. Venue is proper in this Court pursuant to 28 U.S.C. §1331(b). The events giving rise to Plaintiff's claims occurred within this District and Defendant is located and has its principal place of business in Livingston Parish, Louisiana, within this District.

### **PARTIES**

#### **Plaintiff**

6. Plaintiff, BRIAN JACKSON, is a major individual domiciled in the Parish of Livingston, State of Louisiana. Plaintiff's written consent to be a Plaintiff in this action pursuant to 29 U.S.C. §216(b) is attached hereto as Exhibit "A."

#### **Defendant**

7. Defendant, LIVINGSTON PARISH FIRE PROTECTION DISTRICT 5, is a political entity recognized under the laws of the State of Louisiana, located at 8098 Florida Boulevard, Denham Springs, Louisiana 70726.

8. Defendant is a "public agency" within the meaning of 29 U.S.C. §203(x).

### **FACTUAL ALLEGATIONS**

9. Plaintiff was employed by Defendant as a firefighter and given the job title of "Captain" from approximately 2014 to February 6, 2022.

10. Plaintiff was an hourly employee and was paid between \$18.25 and \$19.75 per hour within the last three years.

11. In addition, Plaintiff and other similarly situated firefighters were paid extra compensation in the form of mandatory, non-discretionary supplemental pay pursuant to LSA R.S. 40:1666.1. Plaintiff received \$500 per month in supplemental pay.

12. Plaintiff was only paid for the hours he actually worked. If Plaintiff missed time from work, his pay was reduced or he was required to use vacation pay or paid time off. Plaintiff was not paid on a salary basis.

13. Plaintiff's job duties included responding to fire alarms and engaging in front line fire fighting activities. Plaintiff and all other similarly situated firefighters were engaged in fire protection activities as that phrase is defined in 29 U.S.C. §203(y) and 29 C.F.R. §541.3.

14. Plaintiff and all other similarly situated firefighters are not exempt from the overtime requirements of the FLSA pursuant to 29 C.F.R. §541.3(b), and thus are all eligible for overtime pay.

15. Plaintiff was also required to administer emergency medical care to the sick or injured, provide advanced life support services and administer medications at an emergency scene.

16. Plaintiff was also required to use appropriate fire extinguishers to contain fires, apply appropriate fire streams and agents for the most effective fire extinguishment, use appropriate tools and proper techniques, perform search and rescue and forcible entry operations in order to locate and remove trapped victims from endangered spaces during the fire.

17. Plaintiff was also required to drive, operate and inspect fire apparatus, drive emergency medical vehicles to and from the scene of a fire or other emergencies.

18. Other firefighters had the same or similar job duties as Plaintiff.

19. While Plaintiff could, at times, direct the work of other firefighters or rescue personnel at the scene of a call to which he responded, Plaintiff's fire extinguishment and treatment and rescue of victims was, as described above, his primary duty.

20. Defendant failed to meet the requirements of any exemption from the overtime pay requirements of the FLSA for Plaintiff at any relevant time.

21. Pursuant to 29 U.S.C. §207(k) and 29 C.F.R. §553.201(a), Defendant adopted a qualifying work cycle of fourteen (14) days, during which Plaintiff and all other similarly situated firefighters were scheduled to work eighty-four (84) hours. Pursuant to 29 U.S.C. §207(k) and 29 C.F.R. §553.201(a), a municipality that adopts a fourteen (14) day work period, like Defendant, need not pay overtime compensation to its firefighters until they have worked over one hundred six (106) hours in the two-week work period.

22. Plaintiff, and all other similarly situated firefighters routinely worked in excess of their regularly scheduled eighty-four hours (84) and frequently worked over one hundred six (106) hours in a two-week work cycle by working unmanned open shifts.

23. For example, for the work cycle of January 11, 2021 to January 24, 2021, Plaintiff worked two hundred forty (240) hours and was paid straight time for all hours worked. Plaintiff was not paid an overtime premium for all hours over one hundred six (106) during this work period.

24. For further example, for the work cycle of June 14, 2021 to June 27, 2021, Plaintiff worked two hundred fifty-two (252) hours and was paid straight time for all hours worked. Plaintiff was not paid an overtime premium for all hours over one hundred six (106) during this work period.

25. Despite the non-exempt nature of Plaintiff's and all similarly situated firefighters' duties and the applicability of 29 C.F.R. §541.3, Defendant failed to pay overtime for all hours over 106 in a two-week work cycle.

26. Defendant had knowledge of the hours Plaintiff and similarly situated firefighters worked as Defendant kept track of its employees' hours as part of its payroll system.

27. Defendant knew that the overtime provisions of the FLSA were applicable to Plaintiff and other similarly situated firefighters and showed reckless disregard as to whether it was violating the FLSA by failing to pay them overtime for all hours worked over one hundred six (106) in a two- week work period and by failing to include supplemental pay in calculating overtime.

#### **FLSA VIOLATIONS AND COLLECTIVE ACTION ALLEGATIONS**

28. The allegations in the preceding paragraphs are incorporated by reference as if fully set forth herein.

29. Plaintiff and similarly situated firefighters all worked greater than one hundred six (106) hours in one or more two-week work cycles in the last three years and were not paid overtime as required by the FLSA.

30. Defendant knew or showed reckless disregard for the matter of whether its failure to pay overtime pay was prohibited by law. Plaintiff and other similarly situated employees are entitled to recover their unpaid overtime compensation, calculated by including supplemental pay in determining the regular and overtime rates of pay, liquidated damages, attorney fees, costs and interest.

31. The Collective for purposes of notice pursuant to 29 U.S.C. §216(b) is defined as:

All hourly firefighters employed by Livingston Parish Fire Protection District 5 who were not paid overtime wages for all hours worked over one hundred six (106) in a two-week work cycle within the last three (3) years.

32. Defendant's practice and policy of not paying overtime affects Plaintiff and the Collective similarly and is a willful violation of the FLSA. Plaintiff and the Collective members are all victims of Defendant's unlawful compensation practice and are similarly situated to Plaintiff in terms of job duties, pay and employment practices.

33. Plaintiff and the Collective members are similar because they are all covered by 29 C.F.R. §541.3(b), are all paid by the hour and are all, as a matter of law, non-exempt from the overtime requirements of the FLSA.

34. Defendant's failure to pay overtime compensation as required by the FLSA results from a generally applicable, systematic policy and practice and is not dependent on the personal circumstances of any Collective member.

35. Whether Defendant violated the FLSA by failing the pay Plaintiff and the Collective members overtime is a threshold legal issue that can be determined using representative testimony in a collective action.

### **RELIEF SOUGHT**

**WHEREFORE**, Plaintiff, individually and on behalf of all other similarly situated firefighters, prays for Judgment in their favor and against Defendant as follows:

- a. For an Order authorizing preliminary discovery on the issue of whether Plaintiff and the Collective members are similarly situated under the FLSA;
- b. For an Order recognizing this proceeding as a collective action Under §216(b) of the FLSA and ordering Notice to the Collective members;

- c. For Judgment in favor of Plaintiff and the Collective members, and against Defendant for unpaid overtime wages due and for liquidated damages equal to unpaid overtime compensation;
- d. For an award of costs, attorney fees and pre- and post-judgment interest; and
- e. All such other and further relief to which Plaintiff and the Collective members may be entitled.

**JURY DEMAND**

Plaintiff demands trial by jury on all issues against all parties.

Respectfully Submitted:

By: /s/ Philip Bohrer  
Philip Bohrer (LA Bar 14089)  
phil@bohrerbrady.com  
Scott E. Brady (LA Bar 24976)  
scott@bohrerbrady.com  
**BOHRER BRADY, LLC**  
8712 Jefferson Highway, Suite B  
Baton Rouge, Louisiana 70809  
(225) 925-5297 Phone  
(225) 231-7000 Fax


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**FIRE PROTECTION DISTRICT #5 OF LIVINGSTON PARISH  
PLAINTIFF CONSENT FORM**

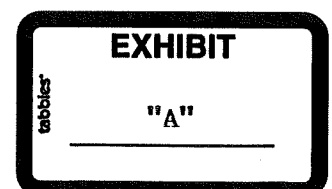
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1. I consent to make a claim under the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.* against my current/former employer, Fire Protection District #5 of Livingston Parish, and any other related entities or responsible parties ("Defendant"), to recover overtime pay by filing my consent in a lawsuit, class/collective action or arbitration.
2. During the past three years, there were occasions when I worked over 40 hours per week for Defendant, and did not receive proper compensation for my overtime hours worked.
3. I designate the law firm and attorneys at Bohrer Brady, LLC as my attorneys to prosecute and make decisions concerning my wage claim.
4. I understand that by filing this Consent Form I will be bound by the Judgment of the Court or arbitrator on all issues in this case.

Date: 4-13-22

  
\_\_\_\_\_  
Signature

Brian Jackson  
\_\_\_\_\_  
Print Name





JS 44 (Rev. 10/20)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

Brian Jackson, individually and on behalf of others  
similarly situated

(b) County of Residence of First Listed Plaintiff Livingston  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Philip Bohrer / Scott E. Brady, Bohrer Brady, LLC  
8712 Jefferson Hwy, Suite B, Baton Rouge, LA 70809

**DEFENDANTS**

Livingston Parish Fire Protection District 5

County of Residence of First Listed Defendant \_\_\_\_\_

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question  
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity  
(Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input checked="" type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
29 U.S.C. Sec. 201, et seq.

Brief description of cause:  
Failure to pay overtime

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

4/21/22

SIGNATURE OF ATTORNEY OF RECORD

/s/Philip Bohrer

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Middle District of Louisiana

Brian Jackson, individually and on  
behalf of all others similarly situated

*Plaintiff(s)*

v.

Livingston Parish Fire Protection District 5

*Defendant(s)*

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

Livingston Parish Fire Protection District 5  
through its Fire Chief  
Joe Koczrowski  
8098 Florida Boulevard  
Denham Springs, LA 70726

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Philip Bohrer / Scott E. Brady  
Bohrer Brady, LLC  
8712 Jefferson Highway  
Suite B  
Baton Rouge, LA 70809

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
 was received by me on *(date)* \_\_\_\_\_.

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
 \_\_\_\_\_, on *(date)* \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
 designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other *(specify)*:

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc: