

NO. 048-336469-22

**TROY BROOKS and SCOTT  
HOFSTROM,**  
                    **Plaintiffs,**

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**IN THE DISTRICT COURT OF**

**TARRANT COUNTY**

v.

**CITY OF ARLINGTON, TEXAS,**  
                    **Defendant.**

\_\_\_\_\_ **JUDICIAL DISTRICT**

**PLAINTIFFS’ ORIGINAL PETITION**

TO THE HONORABLE JUDGE OF THE COURT:

Come now Plaintiffs Troy Brooks and Scott Hofstrom and complain of Defendant, City of Arlington, Texas. In support of their complaint, Plaintiffs state the following:

**DISCOVERY LEVEL**

**I.**

Plaintiffs intend that discovery in this case be conducted under Level 2 of Rule 190 of the Texas Rules of Civil Procedure. *See* TEX. R. CIV. P. 190.3.

**PARTIES**

**II.**

Plaintiffs Troy Brooks and Scott Hofstrom are individual Texas residents who are employed by Defendant in Tarrant County, Texas.

**III.**

Defendant City of Arlington is a municipal corporation operating within its geographical boundaries in Tarrant County, Texas. Defendant City may be served by serving City Mayor Jim Ross at his office address, 101 W. Abram Street, Arlington Texas 76010, or wherever he may be found.

## **JURISDICTION AND VENUE**

### **IV.**

The Court has jurisdiction over the case pursuant to TEX. CONST. art. V, § 8; TEX. GOV'T CODE §§ 24.007–24.008. Venue is proper in this Court pursuant to TEX. CIV. PRAC. & REM. CODE § 15.002. Defendant's immunity has been waived by TEX. LOC. GOV'T CODE § 180.006. As is required by TEX. R. CIV. P. 47, Plaintiffs plead that they seek, at the current time, monetary relief over \$250,000 but not more than \$1,000,000, excluding interest, statutory or punitive damages and penalties, and attorney fees and costs.

## **FACTUAL ALLEGATIONS**

### **V.**

During all times relevant to this suit, Defendant has been subject to the requirements of TEX. LOC. GOV'T CODE § 142.0015. Defendant uses a 28-day work period for operations fire fighters. Accordingly, those fire fighters must be paid overtime premiums for hours worked in excess of 212 in a work period. Non-operations fire fighters are entitled to overtime premiums for hours worked in excess of 40 in a week.

### **VI.**

Plaintiffs are fire fighters employed by Defendant in the Arlington Fire Department ("AFD") as Deputy Chiefs. Deputy Chiefs are two ranks below the Fire Chief at AFD. Deputy Chiefs report to Assistant Chiefs, who in turn report to the Fire Chief. The rank of Deputy Chief is not an equivalent classification to Assistant Chief at AFD.

### **VII.**

Both Plaintiffs are operations fire fighters who regularly work more than 212 hours in a work period. During the limitations period, Plaintiff Hofstrom worked as a non-operations fire fighter, and during that time he regularly worked more than 40 hours in a week. Defendant has

failed to compensate Plaintiffs for their hours worked in excess of the applicable overtime thresholds at rates equal to 1-1/2 times the compensation paid to Plaintiffs for regular hours.

**CAUSE OF ACTION  
VIII.**

Defendant has violated and continues to violate Plaintiffs' rights under TEX. LOC. GOV'T CODE § 142.0015 to be paid for overtime hours at the rate of "1-1/2 times the compensation paid to the fire fighter or member of the fire department for regular hours."

**PRAYER FOR RELIEF  
IX.**

Wherefore, premises considered, Plaintiffs respectfully request that Defendant be cited to appear and answer herein, and upon hearing, that the Court award Plaintiffs the following relief:

A. Order Defendant to pay each Plaintiff back pay for each overtime hour worked in the limitations period at the rate of 1-1/2 times the compensation paid to the Plaintiff for regular hours.

B. Permanently enjoin Defendant from failing and refusing to compensate Plaintiffs for overtime hours worked at the rate of 1-1/2 times the compensation paid to the Plaintiff for regular hours.

C. Order Defendant to pay pre- and post-judgment interest at the highest lawful rate for all amounts awarded against Defendant.

D. Order such other relief, whether legal or equitable, to which Plaintiffs are entitled.

Respectfully submitted,

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Matthew Bachop on behalf of Matthew Bachop

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Status as of 9/14/2022 10:49 AM CST

Associated Case Party: Troy Brooks

Name	BarNumber	Email	TimestampSubmitted	Status
Matthew Bachop		mbachop@ddollaw.com	9/14/2022 10:16:25 AM	SENT
Gwen Shaw		gshaw@ddollaw.com	9/14/2022 10:16:25 AM	SENT
Sarai King		sking@ddollaw.com	9/14/2022 10:16:25 AM	SENT