

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

FILED IN CLERK'S OFFICE  
U.S.D.C. Atlanta

JUN 12 2009

JAMES N. MATTEN, Clerk  
By: [Signature] Deputy Clerk

Lola Thompson, )  
 )  
Plaintiff, ) CIVIL ACTION FILE  
 )  
v. ) NO.  
 ) **1 : 09 - CV - 1587**  
Kimberly-Clark Corporation, )  
 ) JURY TRIAL DEMANDED  
Defendant. )

**COMPLAINT**

COMES NOW Plaintiff Lola Thompson (hereinafter sometimes "Plaintiff"), and files this lawsuit against Defendant Kimberly-Clark Corporation (hereinafter sometimes "K.C.C."), and shows the following:

**I. Nature of Complaint**

1.

Plaintiff brings this action to obtain full and complete relief and to redress the unlawful employment practices described herein.

2.

This action seeks declaratory and injunctive relief, liquidated and actual damages for Defendant's failure to pay federally mandated overtime wages to

Plaintiff in violation of the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. §201 *et seq.* (hereinafter “FLSA”) during a period of Thompson’s employment with Defendant, specifically January 1, 2007 until April 29, 2009 (hereinafter referred to as the “relevant time period”).

## **II. Jurisdiction and Venue**

3.

The jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 1331, 1337, 1367 and 29 U.S.C. § 216(b).

4.

KCC, is a foreign corporation doing business in the State of Georgia, and the unlawful employment practices described herein occurred at 1400 Holcomb Bridge Road, Roswell, Georgia 30076. Accordingly, venue in this Court is proper pursuant to 28 U.S.C § 1391(b)(2).

## **III. Parties and Facts**

5.

Plaintiff is a resident of the State of Georgia and began working for KCC in 1968. Thompson is an “employee” (as defined under FLSA §3(e), 29 U.S.C. §203(e)) for Defendant. Plaintiff performed non-exempt labor for the

Defendant within the relevant time period.

6.

Thompson was not paid the overtime wage differential required by FLSA §7, 29 U.S.C. §207 during the relevant time period when she worked over forty (40) hours in a workweek.

7.

KCC is a private employer engaged in interstate commerce, and its gross revenues exceed \$500,000 per year. Defendant, is an “employer” within the definition of FLSA §3(d), 29 U.S.C. §203(e) and governed by and subject to FLSA §7, 29 U.S.C. §204 and §207.

**Count I - Violation of the overtime wage requirement  
of the Fair Labor Standards Act.**

8.

Plaintiff realleges and incorporates herein all preceding paragraphs of this Complaint.

9.

Defendant has violated FLSA §7, 29 U.S.C. §207, by failing to pay overtime wages for time that Plaintiff worked in excess of forty (40) hours in a workweek during the relevant time period.

10.

Pursuant to FLSA §16, 29 U.S.C. §216, Plaintiff brings this lawsuit to recover her overtime wage differential, liquidated damages in an equal amount, attorney's fees, and the costs of this litigation.

11.

Throughout the relevant time period Defendant knowingly, intentionally and willfully violated the FLSA by failing to pay Plaintiff the overtime compensation to which she was entitled.

12.

Throughout the relevant time period Defendant “knew or showed reckless disregard” that its conduct violated overtime laws under the FLSA.

13.

Throughout the relevant time period Defendant failed to act in good faith and had no reasonable grounds for believing it was not violating the FLSA.

**PRAYER FOR RELIEF**

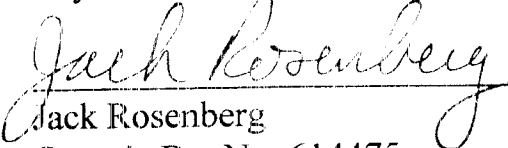
**WHEREFORE**, Plaintiff respectfully requests that this Court:

- a. Require Defendant to pay Plaintiff damages for unpaid overtime

compensation calculated at one and one-half times the proper normal rate that Plaintiff would have received but for unlawful conduct going back until January 1, 2007;

- b. Require Defendant to pay Plaintiff liquidated damages as provided for under the FLSA;
- c. Issue a declaratory judgment that Defendant has engaged in unlawful employment practices in violation of the FLSA with respect to Plaintiff;
- d. Award Plaintiff her reasonable attorney's fees and costs and expenses of suit arising from Defendant's violations under the FLSA;
- e. Provide such other and further relief as the Court may deem just and proper.

Respectfully submitted this 12<sup>th</sup> day of June, 2009.



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