

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

STEVE MOORE, RUBEN PENA,	§	
RONALD E. GANER, RUSSELL EDLIN,	§	
CIRIACO VILLAREAL, JR, and	§	CIVIL ACTION NO.
RUDY RAMIREZ,	§	
individually and on behalf of all others	§	
similarly situated	§	
Plaintiffs	§	
	§	
vs.	§	
	§	
CITGO REFINING AND CHEMICALS	§	
COMPANY, LP	§	JURY TRIAL DEMANDED
Defendant	§	

PLAINTIFFS' ORIGINAL COMPLAINT

TO THE HONORABLE JUDGE OF SAID COURT:

STEVE MOORE (hereinafter referred to as “Moore”), **RUBEN PENA** (hereinafter referred to as “Pena”), **RONALD E. GANER** (hereinafter referred to as “Ganer”), **RUSSELL EDLIN** (hereinafter referred to as “Edlin”), **CIRIACO VILLARREAL, JR** (hereinafter referred to as “Villarreal”), and **RUDY RAMIREZ** (hereinafter referred to as “Ramirez”), complain of **CITGO REFINING AND CHEMICALS COMPANY, LP** (hereinafter referred to as “Citgo” or “Defendant”) and file this class action lawsuit and showing this Court as follows.

PARTIES

1. **STEVE MOORE** is a resident of Portland, San Patricio County, Texas and is a citizen of the United States.
2. **RUBEN PENA** is a resident of Corpus Christi, Nueces County, Texas and is a citizen of the United States.

3. **RONALD E. GANER** is a resident of Corpus Christi, Nueces County, Texas and is a citizen of the United States.
4. **RUSSELL EDLIN** is a resident of Aransas Pass, Aransas County, Texas and is a citizen of the United States.
5. **CIRIACO VILLAREAL, JR.** is a resident of Mathis, San Patricio County, Texas and is a citizen of the United States.
6. **RUDY RAMIREZ** is a resident of Bishop, Nueces County, Texas and is a citizen of the United States.
7. Defendant, **CITGO REFINING AND CHEMICALS COMPANY, LP**, is a Limited Partnership with its principal place of business in Texas. It may be served with process in this matter by serving its Registered Agent for Service of Process, CT Corp. Systems, 350 North St. Paul, Dallas, Dallas County, Texas 75201.

JURISDICTION

8. The jurisdiction of this Court is invoked pursuant to 29 U.S.C. § 207 *et. seq.*, as amended, The Fair Labor Standards Act (“FLSA”) and 28 U.S.C. §1331.

FACTS

9. Plaintiff Moore began his employment with Defendant on July 1, 1991 and remains currently employed.
10. Plaintiff Pena was employed by Defendant from April 1995 until November 2010.
11. Plaintiff Ganer began his employment with Defendant on November 30, 1981 and remains currently employed.
12. Plaintiff Edlin began his employment with Defendant on November 25, 1985 and remains currently employed.

13. Plaintiff Villareal began his employment with Defendant on July 1, 1991 and remains currently employed.
14. Plaintiff Ramirez began his employment on April 17, 1989 and remains currently employed.
15. Each plaintiff is/was employed as a Console Supervisor during the relevant time period.
16. Each plaintiff who served as a Console Supervisor was misclassified as supervisors and performed no supervisory functions. Despite not having supervisory duties, Defendant treated each plaintiff as being exempt from the requirements of the Fair Labor Standards Act to be compensated for overtime wages. Specifically, each Plaintiff regularly worked in excess of 40 hours per workweek but did not receive overtime pay.
17. Plaintiffs have, in the past, performed such responsibilities and were classified as “non-exempt” employees as that term is known and understood according to the FLSA. Yet, Defendant has improperly classified Plaintiffs and other similarly situated employees as “exempt” as that term is known and understood according to the FLSA. As such, Plaintiffs and other similarly situated employees of Defendant are working overtime hours without being compensated for time and a half their hourly wages in violation of the FLSA.
18. Defendant has taken advantage of Plaintiffs and other similarly situated employees’ lack of education and knowledge of the FLSA and other labor laws to a grossly unfair degree. Its violation of the FLSA was willful.
19. Plaintiffs have met the requirements set forth under the FLSA 29 U.S.C. § 216(6) for certifying this lawsuit as a class action lawsuit under the Fair Labor and Standards Act.
20. Plaintiffs have employed the undersigned Attorney on behalf of themselves and other similarly situated employees and have contracted with him to pay a reasonable fee to seek redress for Defendant's violation of law as alleged herein.

PRAYER

Plaintiffs pray that Defendant be cited to appear and answer this complaint and upon final hearing, Plaintiffs recover an amount from Defendant in excess of the jurisdictional limit of this Court, pre and post-judgment interest at the lawful rate, court costs, attorney's fees and other general and special relief to which Plaintiffs may show themselves to be justly entitled.

Respectfully Submitted,

/s/ Gregg M. Rosenberg
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OF COUNSEL:
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ATTORNEYS FOR PLAINTIFFS