

## **Attachment A**

STATE OF SOUTH CAROLINA )  
COUNTY OF ORANGEBURG )

IN THE COURT OF COMMON PLEAS  
FIRST JUDICIAL CIRCUIT

SANDRA HAMMOND and )  
KENNETH PRESTON, )

Case No. 2014-CP-38- 454

Plaintiffs, )

vs. )

COMPLAINT  
(Jury Trial Requested)

THE METHODIST OAKS, a non- )  
profit domestic corporation, )

Defendant. )

2014 MAY -2 PM 2:31  
FILED FOR  
CLERK  
ORANGEBURG COUNTY

PLAINTIFFS, SANDRA HAMMOND (hereinafter "Hammond") and KENNETH PRESTON (hereinafter "Preston"), collectively referred to as "Plaintiffs, by and through the undersigned attorney, hereby assert the following claims against the Defendant individually and on behalf of all others similarly situated individuals, now or formerly employed by the Defendant:

**NATURE OF CLAIMS**

1. This action is brought individually and collectively as an action for unpaid overtime compensation, for liquidated damages, and for other relief under the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. § 201 et. seq. ("FLSA"). The collective action provision under the FLSA provide for opt-in representative or class participation.

ATTEST: TRUE COPY

*Wing B. Clark*  
CLERK OF COURT  
ORANGEBURG COUNTY, SC

**PARTIES, JURISDICTION AND VENUE**

2. Hammond is a citizen and resident of the County of Orangeburg, State of South Carolina, now and at all times relevant to this lawsuit.
3. Preston is a citizen and resident of the County of Orangeburg, State of South Carolina, now and at all times relevant to this law.
4. Defendant. The Methodist Oaks, doing business as “The Oaks (“hereinafter referred to as “Methodist Oaks”” or “Defendant”) is a non-profit corporation organized under the laws of the State of South Carolina. At all times relevant to this lawsuit, Defendant provided extended-stay nursing care to seniors with varying levels of disabilities, among providing other services for the elder, within the County of Orangeburg, State of South Carolina. Defendant can be served process through its registered agent, James R. McGhee, 1000 Methodist Oaks Dr., Orangeburg, South Carolina 29116.
5. As a non-profit healthcare organization, Defendant provides services for individuals who transition between states, accepts state and federal monies in order to carry out its services, and uses technological instrumentalities of interstate commerce such as the United States Postal Services, email, and the banking system in order to carry out its business functions.
6. Additionally, Defendant transacts over \$500,000.00 in business dealings per calendar year within the State of South Carolina.
7. This state court has concurrent jurisdiction over the subject matter of this action pursuant to 29 U.S.C. § 216(b) and venue is proper in this Court because the Defendant’s place of business is located in the County of Orangeburg, State of South

Carolina.

**GENERAL ALLEGATIONS**

8. Plaintiffs repeat and reallege each and every allegation of paragraphs one through seven as if restated verbatim herein.
9. At all times material hereto, Defendant Methodist Oaks owned or operated a business enterprise and its managers and supervisors regularly exercised the authority to hire and fire employees, determine the work schedules of employee, set the rate of pay of employees, and control the finances and operations of such business. By virtue of such control and authority, Defendant Methodist Oaks was an employer of the Plaintiffs as such term is defined by the FLSA, 29 U.S.C. § 201 et. seq.
10. At all times pertinent to this Complaint, Defendant owned the operation that employed the Plaintiffs, and the said business operation was an enterprise engaged in interstate commerce, as defined by 29 U.S.C. § 203(r) and 203(s) because it, as a minimum, competed for grants on a national level, provided services to clients who were transient across state lines, accepted state and national funding using the national banking system.
11. Based upon inform and belief, the annual gross sales volume of the Defendant's business was in excess of \$500,000.00 per annum at all times material hereto. Alternatively, the Plaintiff and those similarly situated employees worked in interstate commerce so as to fall within the protections of the FLSA.
12. All of the acts complained of herein occurred during the two to three years immediately preceding the filing of this action.

**FOR A FIRST CAUSE OF ACTION**

(Fair Labor Standards Act-Failure to Pay Overtime Wages)  
(Individually for both Plaintiffs and Collective Action)

13. Plaintiffs repeat and reallege each and every allegation of paragraphs one through twelve as if restated verbatim herein.
14. Plaintiffs and members of the Plaintiff class were employees of Defendant Methodist Oaks for purposes of the Fair Labor Standards Act during times relevant to this Complaint.
15. Plaintiffs and members of the Plaintiff class were hourly employees while employed by the Defendant Methodist Oaks.
16. During the relevant times of this lawsuit, Defendant Methodist Oaks failed to pay the Plaintiffs and members of the Plaintiff class at the rate of one-and-a-half times their normal rate of pay for all hours worked in excess of forty (40) hours per week as required by section 7(a) of the FLSA, 29 U.S.C. § 207(a).
17. Defendant also failed to pay the Plaintiffs and members of the Plaintiff class for all compensable time for which the Plaintiffs provided work for the benefit of Defendant. For example, Plaintiffs sometimes worked hours that did not appear on the pay stub and would sometimes work more than forty (40) hours during a workweek but would only be paid for less than forty hours.
18. Plaintiffs and members of the Plaintiff class are entitled to back wages at the rate on one-and-a-half times their regular rate of pay for all overtime hours worked in excess of forty (40) hours per week, pursuant to section 16(b) of the FLSA, 29 U.S.C. § 216(b), all in an amount to be determine during the trial of this matter.
19. Plaintiff and members of the Plaintiff class are also entitled to an award of back pay

at their regular hourly rate or their overtime rate, as appropriate compensation for all time spent working for the Defendant. Said compensation was wrongfully excluded by Defendant Methodist Oaks in calculating the Plaintiffs and Plaintiff members' compensable time.

20. The failure of Defendant to compensate the Plaintiffs and the Plaintiff members for overtime work and for "off the clock hours" as required by the FLSA was knowing, willful, intentional, and done in bad faith. Therefore, Plaintiffs and Plaintiff members are entitled to an award as liquidated damages equal to the amount of overtime compensation and unpaid compensation due to them under the FLSA, pursuant to section 16(b) of the FLSA, 29 U.S.C. § 216(b).
21. The work and pay records of Plaintiffs and members of the Plaintiff class are in the possession, custody, and/or control of the Defendant, and Defendant is under a duty to pursuant to section 11(c) of the FLSA, 29 U.S.C. § 211(c), and pursuant to the regulations of the United States Department of Labor to maintain and preserve such payroll and other employment records from which the amount of Defendant's liability can be ascertained. Plaintiffs request an order of this Court requiring the Defendant to preserve such records during the pendency of this action.
22. Plaintiffs are also entitled to an award of reasonable attorneys' fees and costs incurred in prosecuting this action, pursuant to 29 U.S.C. § 216(b).

**FOR A SECOND CAUSE OF ACTION**  
(South Carolina Payment of Wages Act)  
(Individually for both Plaintiffs and Collective Action)

23. Plaintiffs repeat and reallege each and every allegation of paragraphs one through twenty-two as if restated verbatim herein.

24. Defendant is an “employer” as defined by the South Carolina Payment of Wages Act, S.C. Code Ann. § 41-10-10(1).

25. Defendant employed the Plaintiffs and members of the Plaintiff class within the State of South Carolina.

26. Defendant owes Plaintiffs and members of the class “wages” as defined in S.C. Code Ann. § 41-10-10(2).

27. Defendant failed to pay the Plaintiff and the members of the class all wages due, as required by Sections 41-10-40 and 50 of the Act.

28. Defendant’s failure to pay Plaintiff and members of the class all wages due is willful, without justification, and in violation of the duty of good faith and fair dealings.

29. Pursuant to Section 41-10-80(C) of the Act, Plaintiffs and the members of the Plaintiff class are entitled to recover in this action an amount equal to three times the full amount of their unpaid wages, or their wrongfully.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs and similarly situated employees who are expected to join this action request the following relief:

- a. Designation of this action as a collective action on behalf of the FLSA collective class pursuant to 29 U.S.C. § 216(b);
- b. Judgment against the Defendant for an amount equal o Plaintiffs unpaid back wages at the applicable overtime rates;
- c. Judgment against the Defendant that its violation of the FLSA and its implementing regulations were willful;
- d. Liquidated damages in an amount equivalent to the overtime damages owed to

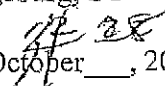
Plaintiffs;

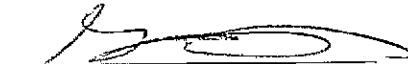
- e. Treble damages pursuant to the South Carolina Payment of Wages Act;
- f. Leave to add additional plaintiffs by motion, the filing of written consent forms; or  
any other method approved by the Court;

**JURY TRIAL DEMANDED**

Plaintiffs on behalf of themselves and on behalf of all other similarly-situated employees  
hereby demand a trial by jury.

At Orangeburg, SC

Dated:  October \_\_, 2013

  
GLENN WALTERS, Esquire  
1910 Russell Street (29115)  
Post Office Box 1346  
Orangeburg, SC 29116  
Phone: 803 531-8844  
Fax: 803 531-3628  
SC Bar No.: \_\_\_\_\_  
Attorney for Plaintiff



STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FIRST JUDICIAL CIRCUIT
COUNTY OF ORANGEBURG	)	
Sandra Hammond, and	)	CASE NO.: 2014-CP-38- <u>454</u>
Kenneth Preston	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	<b>INTERROGATORIES TO</b>
	)	<b>DEFENDANT</b>
The Methodist Oak	)	
	)	
Defendant(s).	)	
_____	)	

**TO THE DEFENDANT(s) ABOVE NAMED:**

Plaintiff, by and through undersigned counsel, pursuant to the Federal Rules of Civil Procedure, hereby propounds the attached Interrogatories to be answered within thirty days of receipt thereof.

**DEFINITIONS**

For the purposes of these interrogatories, the following definitions shall apply unless the context clearly requires otherwise.

- A. "Document" means any and all material that is written, printed, typed, photographed, recorded (electrically, electronically, magnetically, graphically or otherwise) or which is capable of being recorded or reproduced in any form. The terms includes, but is not limited to, paper, books records, letters, photographs, tangible things, correspondence, communications, telegrams, cables, telex messages, facsimile, memoranda, electronic mail (e-mail), accounting records, filings with governmental authorities, notes, notations, work papers, time cards, time sheets, payroll sheets, payroll cards, payroll stubs, transcripts, minutes, reports and recordings of telephone or other conversations, or of

whole or in part, directly or indirectly, implicitly or explicitly, and includes the terms containing, constituting, comprising, discussing, and recording.

- F. The term “Defendant” refers to the Defendant, and includes any predecessors in interest, successors in interest, attorneys, agents, representatives, and all other persons acting or purporting to act on behalf of the Defendant.
- G. The terms “you,” your,” or “yourself” refer to Defendant, and includes any predecessors in interest, successors in interest, successors in interest, attorneys, agents, representatives, and all other persons acting or purporting to act on behalf of the Defendant.
- H. The term “Plaintiff” and “person” refer to, and includes any predecessor in interest, successors in interest, attorneys, agents, representatives, and all other persons acting or purporting to act on behalf of the Plaintiff.
- I. The plural shall include the singular and the singular shall include the plural.

### **INTERROGATORIES**

Comes now Plaintiff, by and through undersigned counsel, and serves his interrogatories to Defendant, and requests that Defendant provide answers to same, within thirty (30) days from the date hereof, pursuant to F.R.C.P. as follows:

- 1. With respect to your current or former employees, please identify all individuals(s) who, between January 2012 and the present were and are responsible for maintaining or who participated in the maintenance of the records of: (i) the number of hours worked by Plaintiff each work day and work week of his entire employment, (ii) Plaintiff's rate of regular of pay, and if any, overtime pay, and (iii) the amount of regular and overtime pay earned by Plaintiff.
- 2. State with specificity and in detail the time, form, manner and amount in which Plaintiff

interviews, or of conferences, or of other meetings, maps, plats, models, drawings, blueprints or plans, certificates, permits, licenses, pictures, photographs, videotapes, motion pictures, affidavits, statements, summaries, opinions, reports, studies, analyzes, evaluations, contracts, agreements, agenda, bulletins, notices, announcements, advertisements, instructions, charts, annuals brochures, publications, schedules, statistical records, desk calendars, appointment book diaries, lists, tabulations, sound recordings, computer printouts, data processing input and output, microfilm, books of accounts all records kept by electronic, photographic or mechanical means, any notes or drafts relating to the foregoing, and all things similar to any of the foregoing however denominated. This does not refer to privileged documents.

- B. The terms “document” or “documents” shall include the original, any copies thereof which differ in any manner whatsoever for the original and all drafts thereof. It refers to documents of which you have knowledge, and to documents which are in the possession of you or your agents or otherwise under your custody or control. This does not refer to privileged documents.
- C. “Communication” means, without limitation, any oral, written, telephonic, radio, video or electronic transmission of information, demands or questions, including but not limited to conversations, meetings, discussions, telephone calls, telegrams, telecopies, telexes, seminars, conferences, writings, letters, messages, notes, or memoranda.
- D. To “identify” when used with respect to a document means to state the title, if any, the date, the author, the addressee, the recipients, the type of documents (e.g., letter, memorandum, contract) and the current location and custodian thereof.
- E. The terms “relating “ and “related to” mean to refer, concern or affect, in any manner, in

was compensated by Defendant during his entire employment. Your response should specifically state the basis for the rate of such calculation (if the amount changed over time, state each amount and when the amount changed), and include in detail whether Plaintiff was paid an hourly wage, by salary, pursuant to a piece rate method of compensation, or some other compensation plan or compensation policy.

3. State with specificity and in detail the terms of all agreements or understandings between Defendant and Plaintiff regarding the basis of Plaintiffs' compensation throughout his employment, and describe the records and documents upon which you rely in responding to this interrogatory.
4. If Defendant maintained records of the number of hours worked by Plaintiff during his entire employment, describe those records, the manner in which such records were compiled, the name of the individual(s) responsible for compiling those records, the place at which such records are maintained, and identify the person(s) who has custody of such records.
5. If Defendant claims that Plaintiff is not entitled to be paid time and one-half for every hour worked in excess of Forty (40) hours per work week, please set forth the reason for you claim and the factual basis upon which you make that claim and describe the records and documents upon which you rely in responding to this interrogatory.
6. If you claim that Plaintiff is or was exempt from the provisions of the Fair Labor Standards Act, please state the specific exemption upon which you rely, and indicate as part of your answer the factual basis for claiming such exemption and describe the records and documents upon which you rely in responding to this interrogatory.
7. If Defendant claims that it has relied upon any ruling, regulation or interpretation or

decision of any kind issued, promulgated or drafted by the United States Department of Labor in support of its failure to pay Plaintiff time and one-half for all hours worked in excess of Forty (40) per work week, describe and provide the citation of all such documents.

8. Within the last 10 years, if Defendant or any entity owned in whole or in part by Defendant have been sued or investigated by the U.S. Department of Labor or has received a claim by or demand from any employee regarding overtime compensation, state the name of the claimant for the suit, claim and/or investigation, the result of the suit, claim and/or investigation and describe in detail the factual basis of the suit, claim and/or investigation.
9. State whether you or any attorney or representative on your behalf has obtained statements, reports, memoranda or recordings from any person which in any way concerns the facts of this case or the matters alleged in your pleadings.
  - (a) If your answer is in the affirmative, separately identify the author of each such statement, report memorandum or recording; the person or persons to whom the statement, report, memorandum or recording was issued, distributed or otherwise provided; the present location and custodian of each such statement, report, memorandum or recording; and state the date each such statement, report, memorandum or recording was prepared.
10. Please identify the person or persons most instrumental in crafting, creating or developing Defendants' pay policies, including the pay policy at issue as they applied to Plaintiff.

Identify:

(a) all positions held by Plaintiff during his employment with Defendant, the rates of pay for each, as well as the dates on which Plaintiff held all such positions; and (b) for each position identified in response to subsection (a) above, describe in detail all of Plaintiff's job duties and responsibilities and what the primary duty associated with the position was; and

(c) any and all individuals who supervised Plaintiff during his employment with Defendant including the last known address of all such individuals, and indicate during what period of time each such person was his supervisor, indicate if they are still employed by Defendants or not, and what was the title of the position that supervised Plaintiffs during his employment.

11. With respect to each and every Affirmative Defense raised by Defendant in his Answer, state separately for each such defense any and all legal support for such defense, the factual basis for such defense and identify all witnesses who have knowledge of the facts which support such defense as well as any and all documents supporting Defendants' Affirmative Defenses.
12. Please identify all employees of Defendant (including former employees) whose duties were similar to those performed by Plaintiffs for Defendant and who were compensated in a manner similar to Plaintiffs between January 2012 and the present. For all such individuals, please provide the last known mailing address and telephone number.
13. Please identify all employees of Defendant (including former employees) whose duties were similar to those performed by Plaintiffs for Defendant and who were compensated in a manner similar to Plaintiff between January 2012 to the present. For all such

individuals, please provide the last known mailing address and telephone number.

14. Identify each and every person who worked at the same location as Plaintiff between January 2012 and the present, and indicate the job position/title, address, telephone number and current employment status of all such persons.
15. State the name, address and telephone number of all Certified Public Accounting firms, accountants, accounting services, bookkeeping services and payroll services which provided services to Defendant for the three (3) years preceding the filing of this lawsuit.
16. Separately identify each and every person who is known or believed by Defendant to have knowledge of the hours worked by Plaintiff, Plaintiff's job duties, the amounts paid to Plaintiff for his hours worked, and for each such person, described the nature and substance of their knowledge while indicating their job position/title, address, telephone number and current employment status.
17. If Defendants' timekeeping system during Plaintiff's employment permitted modification, change or correction, to time records, please describe how those records could be or were modified, changed or corrected and identify all such persons who had authority to or actually did modify, change or correct Plaintiff's time records.
18. If Plaintiff or another employee failed to take a lunch or bona fide meal break what action, if any, would Defendant take under such circumstances as it pertains to tracking time worked?
19. If Plaintiff or another employee failed to comply with Defendants' timekeeping requirements (e.g. failed or forgot to punch in or out), what action, if any, would Defendant take under such circumstances?
20. Please describe Defendants' policy, formal or informal, regarding meal breaks for

employees – e.g. did Defendant require such employees to take meal breaks and, if so, describe in detail the circumstances under which Defendant required meal breaks.

21. Identify all documents and records showing the dates that Plaintiff allegedly took meal breaks and/or the start and stop times of any meal breaks. Please describe the records and identify the custodian of such records.
22. Describe any and all records maintained by Defendant which contain information pertaining to any meal breaks taken by Plaintiffs and/or the stop and start times for any meal breaks taken by Plaintiff and the custodian of each such record. This Interrogatory includes time cards, time sheets, receipts of hours worked and schedules, as well as any and all other records reflecting Plaintiff's hours worked and/or start and stop times, including but not limited to, telephone records, computer records, emails, log-in/log-out records, and alarm code records.
23. State Defendant's gross revenues for 2011, 2012, 2013 and 2014.
24. State every fact relating to your claim that Defendant is exempted from the overtime provisions of the Fair Labor Standards Act, 29 U.S.C. §§ 201 et seq., identify each document related to such claim and identify each person who has knowledge of these facts and a brief description of the knowledge each person has or Defendant (s) believes that person may have.
25. Set forth for every workweek (a) the number of hours Defendant (s) contends were worked by Plaintiff since two years ago from the date of the filing of the Summons and Complaint; (b) if the amount of hours worked listed by Defendant (s) are less than those specified by the time cards and records, explain the differences in the hours and the reason therefore; (c) the amount paid Plaintiff; (d) whether any overtime was paid and, if



so, how much; and (e) the deductions made from pay and the reasons for the deductions.

Identify each person with knowledge of these facts and identify each document related to these facts.

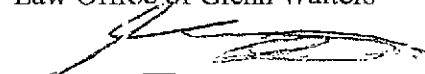
26. Set forth in detail the method by which Defendant (s) paid Plaintiff, including but not limited to the type of payment (hourly, salary, etc.), the number of hours the pay was to compensate him, how deductions were handled, the number of sick days available to him and the conditions to take such sick pay, how overtime would be calculated. Identify each person with knowledge of these facts and identify each document related to these facts.
27. Identify each person that Plaintiff supervised while in the employ of the Defendant (s), the period that each person was supervised by Plaintiff, identify each person that Plaintiff hired or fired and identify each person who was hired or fired based on the recommendation of Plaintiff.
28. Identify each person who supervised Plaintiff since two years ago from the date of the filing of the Summons and Complaint.
29. Set forth in detail the facts that relate to Defendant (s)'s answer that the amount of back wages arguably due Plaintiff (s) is negligible, including but not limited to the amount of such back wages, the method by which the amount is calculated and the underlying facts that are the basis of this allegation. Identify each person with knowledge of these facts and identify each document related to these facts.
30. Set forth in detail the basis and facts that relate to Defendant (s)'s answer that it acted in good faith and upon reasonable grounds and that it was acting in compliance with the Fair Labor Standards Act. Identify each person with knowledge of these facts and identify each document related to these facts.

31. Set forth in detail the normal operating hours for the Defendant for each day of the week since two years ago from the date of the filing of the Summons and Complaint. If there have been any changes in the normal operating hours, describe each change and the date the change occurred.

**WHEREFORE**, Plaintiff serves his Interrogatories on Defendant Pursuant to the Federal Rules of Civil Procedure.

Dated: 4/28, 2014  
Orangeburg South Carolina

Law Office of Glenn Walters

  
Glenn Walters, Sr., Esquire  
1910 Russell Street (29115)  
Post Office Box 1346  
Orangeburg, SC 29116  
Ph: 803-531-8844  
Fax: 803-531-3628  
SC Bar No.: 13198  
Attorney for Plaintiff

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
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Sandra Hammond, and	)	CASE NO.: 2014-CP-38- <u>454</u>
Kenneth Preston	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	
	)	<b>FIRST REQUEST FOR PRODUCTION</b>
	)	<b>OF DOCUMENTS TO DEFENDANT</b>
The Methodist Oak	)	
	)	
Defendant(s).	)	
_____	)	

**TO THE DEFENDANT(s) ABOVE NAMED:**

Plaintiff, by and through undersigned counsel, pursuant to Rule 34 of the Federal rules of Civil Procedure, hereby propounds the attached Request for Production to be answered within thirty days of receipt.

**INSTRUCTIONS FOR USE**

- A. This Request for Production of Documents is continuing in nature. If further documents come into the knowledge or possession of the Defendant, supplementation of the Response to this Request for Production of Documents is required.
- B. Unless otherwise indicated, this Request refers to the time frame from January 2012 to the present and to the place and circumstances of the events mentioned or complained of in the pleadings.
- C. If the original of any document herein requested is not in your custody, control or possession, please state to the best of your knowledge the name, address, and telephone number of the person or entity in possession, custody or control of the

original.

- D. In response to any document request, if any document requested called for has been discarded, destroyed or otherwise disposed of, please identify such document by stating the following: (1) its author or preparer; (2) its date or dates of preparation; (3) the addressee (s); (4) the subject matter of the document; (5) all persons to whom it was distributed; (6) the date, manner and reason for destruction or other disposition of the document; and (7) the name of the person who authorized or requested the destruction or other disposition of the document.
- E. If you consider any document called for by the Request for Production of Documents to be privileged from production, you must include in your answer to the Request for Production of Documents: (1) a list of documents withheld from production, identifying each document by date, addressee, author, title and subject matter; (2) the identity of those persons who have seen the document or who have seen copies of it; and (3) a statement of the ground(s) upon which each such document is considered privileged.
- F. All uses of the conjunctive shall be interpreted as also including the disjunctive and vice versa. Words in the singular shall be read to include the plural and vice versa.
- G. Segregate and identify all documents produced according to the request's number and subdivision to which each is responsive. If it is determined that a document is responsive to more than one request or sub-part of a request, produce the document pursuant to the first numbered request to which it is responsive and list the other request to which it is also responsive.

- H. Produce each document in its entirety, including all attachments cover memoranda, appendices, even if only a portion of the document is responsive to the request. Chapters of studies, plans or budget may be deleted if the chapter contains no material responsive to a request. If any chapter is deleted, provide a table of contents or other document sufficient to identify the subject matter and author of the deleted chapter.
- I. All responsive documents are to be produced for inspection and copying at Glenn Walters, Attorney at Law, P.A.

#### **DEFINITIONS**

For the purposes of this Request for Production, the following definitions shall Unless the context clearly requires otherwise.

- A. “Document” means any and all material that is written, printed, typed, photographed, recorded (electrically, electronically, magnetically, graphically or otherwise) or which is capable of being recorded or reproduced in any form. The terms includes, but is not limited to paper, books records, letters, photographs, tangible things, correspondence, communications, telegrams, cables, telex messages, facsimile, memoranda, electronic mail (e-mail), accounting records, filings with governmental authorities, notes, notations, work papers, time cards, time sheets, payroll sheets, payroll cards, payroll stubs, transcripts, minutes, reports and recordings of telephone or other conversations, or of interviews, or of conferences, or of other meetings, maps, plats, models, drawings, blueprints or plans, certificates, permits, licenses, pictures, photographs, videotapes, motion

pictures, affidavits, statement, summaries, opinions, reports, studies, analyzes, evaluations, contracts, agreements, agenda, bulletins, notices, announcements, advertisements, instructions, charts, annuals brochures, publications, schedules, statistical records, desk calendars, appointment book diaries, lists, tabulations, sound recordings, computer printouts, data processing input and output, microfilm, books of accounts, all records kept by electronic, photographic or mechanical means, and notes or drafts relating to the foregoing, and all things similar to any of the foregoing however denominated. This does not refer to privileged documents.

- B. The terms “document” or “documents” shall include the original, any copies thereof which differ in any manner whatsoever from the original and all drafts thereof. It refers to documents of which you have knowledge, and to documents which are in the possession of you or your agents or otherwise under your custody or control. This does not refer to privileged documents.
- C. “Communication” means, without limitation, any oral, written, telephonic, radio, video or electronic transmission of information, demands or questions, including but not limited to conversations, meetings, discussions, telephone calls, telegrams, telecopies, telexes, seminars, conferences, writings, letters, messages, notes or memoranda.
- D. To “identify” when used with respect to a document means to state the title, if any, the date, the author, the addressee, the recipients, the type of documents (e.g., letter, memorandum, contract) and the current location and custodian thereof.
- E. The terms “relating” and “related to” mean to refer, concern or affect, in any

manner, in whole or in part, directly or indirectly, implicitly or explicitly, and includes the terms containing, constituting, comprising, discussing, and recording.

- F. The term “Defendant” refers to the Defendant and includes any predecessors in interest, successors in interest, attorneys, agents, representatives, and all other persons acting or purporting to act on behalf of the Defendant.
- G. The terms “you,” “your,” or “yourself” refers to Defendant, and includes any predecessors in interest, successors in interest, attorneys, agents, representatives, and all other persons acting or purporting to act on behalf of the Defendant.
- H. The term “Plaintiff” and “person” refer to and includes any predecessor in interest, successors in interest, attorneys, agents, representatives, and all other persons acting or purporting to act on behalf of the Plaintiff.
- I. The plural shall include the singular and the singular shall include the plural.

#### **DOCUMENTS REQUESTED**

- 1. All receipts for all payments made to Plaintiff by Defendant during Plaintiff’s entire employment term with Defendant. Include all pay stubs for all paychecks.
- 2. All time sheets for all weeks worked by Plaintiff for Defendant beginning with Plaintiff’s commencement of employment with Defendant and ending at the time of Plaintiff’s employment dismissal. Include all documents pertaining to hours worked by Plaintiff for Defendant. This should include but not be limited to each and every time Plaintiff logged on to Defendant’s computer system and/or network.
- 3. All documents, records, electronic data that pertain and/or relate to Plaintiff’s

employment hiring and or employment dismissal with Defendant.

4. All employee income-reporting documents submitted by the Defendant to the Internal Revenue Service regarding the Plaintiff for the period that the Plaintiff worked for the Defendant as stated in the Complaint.
5. Any and all documents identified in Defendant's responses to Plaintiff's First Set of Interrogatories filed simultaneously herewith.
6. The records concerning the hours worked by Plaintiff, if any, which are in the possession and custody of Defendant.
7. Any and all employee handbooks, personnel policies and other documents, which embody or otherwise reflect the Defendant's employment policies, practices and procedures in effect at any time since January 2012, including any amendments or modifications thereto.
8. The complete personnel file of Plaintiff and any and all other documents related to his employment by Defendant.
9. The portion of the personnel file relating to Plaintiff's claim for wages of each and every person who held a supervisory position over Plaintiff during the relevant time period.
10. Any and all cards, time and attendance sheets and other documents, which indicate or reflect the hours worked by Plaintiff's supervisors employed at the Defendant's facility during the relevant time period.
11. Any and all job descriptions, specifications or other documents which describe or otherwise relate to the functions performed by Plaintiff during the course of his employment by the Defendant.



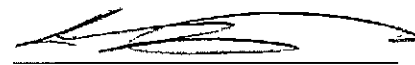
12. Any and all documents on which Defendant intends to rely at trial to support its affirmative defenses set forth in their Answer to this Complaint.
13. Any and all written statements of actual or potential witnesses taken by or on behalf of the Defendant in this action.
14. A copy of all e-mails sent to Plaintiff's work e-mail address (es) as well as a copy of all emails sent from Plaintiff's work e-mail address (es).
15. A copy of all estimated and actual Weekly Time Reports during the relevant time period.
16. A copy of all document sent by Plaintiff to the Defendant.
17. If Defendant claims that they have relied upon any opinion, ruling, regulation, interpretation or document drafted, issued or promulgated by the United States department of Labor or any Court as a basis for the failure to pay Plaintiff overtime compensation, produce all such documents.
18. Any and all records maintained by Defendant which contain information pertaining to the hours Plaintiff worked each day and/or Plaintiff's stop and start times for meal breaks and the custodian of each such record. This request includes time cards, times sheets, and schedules, as well as any other records reflecting Plaintiff's hours worked and/or start and stop times, including but not limited to telephone records, computer records, log-in/log-out records, and alarm code records.
19. All manuals or instructions for Defendant's time keeping software, including all versions from January 2012 to the present.
20. All e-mails, memoranda or other writing concerning lunch or meal breaks policies

or procedures between January 2012 and the present.

21. All documents showing changes or modifications made to Plaintiff's time records.
22. Name, address and telephone number of any and all employees whom the Plaintiff regularly supervised during the relevant time period.
23. Any and all documents that reflect defendants gross revenues from 2012 to the present; including but not limited to tax returns, and profit loss statements.

Dated: 4/28, 2014  
Orangeburg, South Carolina

Law Office of Glenn Walters



Glenn Walters, Sr., Esquire  
1910 Russell Street (29115)  
Post Office Box 1346  
Orangeburg, SC 29116  
Ph: 803-531-8844  
Fax: 803-531-3628  
SC Bar No.: 13198  
Attorney for Plaintiff