

Source: Outten & Golden LLP

Labor Laws Allegedly Violated by BP and TRG The Response Group in Oil Spill Cleanup, According to Workers' Legal Team

NEW ORLEANS, Feb. 17 /PRNewswire/ -- Workers who helped with the Gulf Coast cleanup after the Deepwater Horizon oil spill were systematically denied overtime pay and required to sign unlawful employment agreements, a lawsuit filed today in federal court in New Orleans alleges.

The lawsuit accuses BP P.L.C., BP America, Inc., TRG The Response Group, L.L.C. (TRG), and TRG President Roy Barrett of violating the federal Fair Labor Standards Act (FLSA).

The complaint alleges that BP “failed to take responsibility for ensuring the workplace rights of many of its disaster response workers who worked 12-plus hour days on the cleanup efforts. BP, along with subcontractor TRG The Response Group, L.L.C., intentionally misclassified Plaintiffs and similarly situated workers as ‘independent contractors’ and denied them overtime pay and other benefits of employment.”

The defendants also are accused of retaliating against workers after learning of their concerns about overtime violations and terminating them despite exemplary work records and a previously promised promotion and pay raise.

The workers are represented by Justin M. Swartz, Molly Brooks and Dana Sussman, of [Outten & Golden LLP](#), of New York; Sam J. Smith, Marguerite M. Longoria, and Christine M. Jalbert of [Burr & Smith, LLP](#), of Tampa, Fla., and Dawn M. Barrios, Bruce S. Kingsdorf, and Zachary L. Wool, of [Barrios, Kingsdorf & Casteix, LLP](#), of New Orleans.

The law firms will seek to have the case certified as a collective action and to recover back pay, front pay, compensatory damages, liquidated damages, punitive damages, attorneys’ fees, costs, and other compensation, as well as reinstatement of the workers who were terminated.

Justin M. Swartz, of Outten & Golden LLP, stated, “These workers were relieved to have a job, especially during a recession. BP and TRG were well-positioned to take advantage of them and, our clients allege, did so by denying them substantial overtime wages they earned.”

Sam J. Smith, of Burr & Smith, LLP, stated, “Our complaint is clear - when TRG found out that our clients were attempting to protect their rights to be paid properly, they tried to sweep it all under the rug by attempting to have workers release their overtime claims under the FLSA. TRG should have known that such releases are not valid.”

Dawn M. Barrios, of Barrios, Kingsdorf & Casteix, LLP, stated, “Our investigation of this matter is continuing because we believe that BP and TRG may have violated other workers’ rights in Louisiana, Mississippi, Alabama, and Florida.”

The named plaintiffs are Jon Brewer, of Redondo Beach, Calif.; Nathan Cohen, of Belmont,

Calif.; and Quentin Doyle, of Panama City Beach, Fla., all of whom worked for TRG and BP in 2010 and 2011. Mr. Brewer worked on clean-up projects in Venice, La., St. Joe, Fla., and Pensacola, Fla. in 2010 and 2011. Mr. Cohen worked on projects in Venice, La. Mr. Doyle worked on projects in Panama City and Pensacola, Fla.

Other individuals who have joined the case as opt-in plaintiffs worked in Venice, La., Port St. Joe, Fla., Pensacola, Fla., Tallahassee, Fla., Carrabelle, Fla., Panama City, Fla., Panama City Beach, Fla., Destin, Fla., Mobile, Ala., and Pascagoula, Miss.

The case is “Jon Brewer, Nathan Cohen and Quentin Doyle. v. BP P.L.C., BP America, Inc.; TRG The Response Group, L.L.C.; and Roy Barrett,” Case No. 2:11-cv-00401 in the U.S. District Court, Eastern District of Louisiana.

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