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IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

VANKAR RAMNIKBHAI LALJIBHALI,
PANACKAPURACKAL ASARIES ROY JUSTUS,
PETER JERON, SATISH KUMAR CHHOTABHAI PATEL,
HEYATUNABI ANSARI,
PANDYALAKAL ANTONY LAWRENCE,
RAMESH CHANDRA CHHIKABHAL PATEL,
HASMUKHLAL CHHAGANIAL PATEL,
RAJASEKHARAN CHERUVOTH,
PERUMBULLY AUGUSTINE PAULY,
MANNALIL VARGHESE JOSE,
BHARATHA KUMARAN NAIR,
MATHA CHINNA RAO,
PANACKAL PURACKAL JOHNKUTTY GEORGE,
ALLALANGIL KARUNAKARAN SHAJI,
UMESHKUMAR CHUNDUBHAI PATEL,
LUDBE UDAY DATTATRAY, MARTHI VENU,
SALAPU BALA RAJU, KANIYALAL KANTILAL PATEL,
YOGESHKUMAR GHANSHYAMBHAI PATEL,
JITENDRKUMAR PRABHUDAS PATEL,
PRAJAPATI JAGDISH VIRJIBHAI,
SVANT VIVEK KUMAR GANPAT RAO,
BABU THANU CHELLEN, TOOFAN MONDAL,
MARSHAL JOESEPH SUARES,
NARENDRA RATILAL RATHOD, JIVA DHANJI KALASUVA,
MOHAMMED NASROOL HODA ANSARI,
VALIAIL VARGHESE JOY, VAZHAYINAL SUNNY CHANDY,
ALEPARAMBU MATHAPAN JOSY,
PANACKAL JOHNKUTTY AMBROSE,
REYNOLD PANDIYALACKAL GREGORY,
ANTHONY PANACKALPURACKAL JOHNKUTTY,
RAPETI NOOKA APPARAO,
PANACKAL PURACAL ANTONY PRADEEP,
NEERUDI SUDARSHANAM,
SHAIKH ARIF HUSEN GULAM MOHAMAD,
CHANKKUNGAL PAULOSE JOSEPH,
HIMANSHU SHIVABHAI PATEL,
MORAES JONATHAN PETER, GOPISETTI SRINIVAS,
RICHARD ROE AND JOHN DOE

F I L E D

MAR 15 2002

Phil Lombardi, Clerk
U.S. DISTRICT COURT

CASE NO. 02CV85 EA.(M)

**JURY TRIAL DEMANDED
ATTORNEY LIEN CLAIMED**

Plaintiffs,

18

c/5

vs.

JOHN PICKLE COMPANY, INC., a domestic corporation.

Defendant.

THIRD AMENDED COMPLAINT

COME NOW Plaintiffs in the above styled and numbered cause and would allege and prove as follows:

PROCEDURAL HISTORY

1. On February 1, 2002 Plaintiffs filed their Original Complaint, which was amended on February 6, 2002 and again on February 8, 2002.
2. Defendant John Pickle Company Inc. filed an Answer and Motion to Dismiss on February 26, 2002.
3. Per Court Order a status conference was had on March 6, 2002 at which time it was agreed between the parties and later confirmed in writing on March 14, 2002 that the Plaintiffs would amend their complaint without objection from the Defendants.
4. Service has previously been accepted on behalf of John Pickle Company, Inc. by previous counsel of record, David Sobel.

JURISDICTION AND VENUE

5. Each and all of the named Plaintiffs are citizens of India legally in the United States and former employees of John Pickle Company, Inc.
6. Richard Roe and John Doe are citizens of India and current or former employees of John Pickle Company, Inc. whose names are currently unknown but discoverable.
7. John Pickle Company, Inc. is an Oklahoma Corporation with its principal place of business

in Tulsa County, Oklahoma.

8. Most of the parties and witnesses and relevant documentary evidence is/are located in Tulsa County, Oklahoma.
9. Jurisdiction is proper under 28 U.S.C Section 1331 in that the Plaintiffs allege violations of the Fair Labor Standards Act as set forth more fully below.
10. Jurisdiction is proper under 28 U.S.C. Section 1331 in that Plaintiffs allege Racial Discrimination in the Workplace in violation of 42 U.S.C. Section 1981 as set forth more fully below.
11. Jurisdiction is proper under 28 U.S.C. Section 1332, the doctrines of ancillary and pendent jurisdiction and the in interests of judicial efficiency on common law claims for false imprisonment and deceit set forth more fully below.
12. Venue is likewise proper for the reasons set forth above and pursuant to 28 U.S.C. Section 1391.

COUNT ONE - FAIR LABOR STANDARDS

13. John Pickle Jr., President of John Pickle Company, Inc. traveled to India personally and directed employees and agents to travel to India to recruit high tech welders and fitters and engineers, as well as cooks to staff his factory in Tulsa County, Oklahoma, which manufactures coal dryer bases, heat exchanger parts and pressure vessels marketed primarily to energy companies.
14. John Pickle, Jr. negotiated terms of employment and at all times acted as an employer in India and in the United States.
15. Each of all of the Plaintiffs were employees of John Pickle Company, Inc. at all relevant times working in excess of forty (40) hours a week.

16. John Pickle Company, Inc. breached the federal minimum wage rate of \$5.15 per hour by paying the Plaintiffs between \$2.31 and 3.17 per hour
17. The Plaintiffs often worked in excess of forty (40) hours per week.
18. John Pickle Company, Inc. failed to pay and breached the Fair Labor Standards Act by failing to compensate the Plaintiffs for overtime worked.
19. John Pickle Company, Inc. was willful and knowing in its refusal to pay minimum wage and appropriate overtime pay.
20. Plaintiffs are entitled to all damages provided for in the Fair Labor Standards Act including costs and a reasonable attorney's fee.

COUNT TWO - RACE DISCRIMINATION

21. Paragraphs one through twelve are incorporated by reference.
22. The Plaintiffs were at all times relevant employees of the Defendant John Pickle Company, Inc..
23. The Plaintiffs are all citizens of India.
24. John Pickle Company, Inc. also employed non Indian workers doing identical or substantially identical work.
25. John Pickle Company, Inc. paid Indian workers far less for doing identical or substantially identical work.
26. John Pickle Company, Inc. paid Indian workers far less based on the criteria of race.
27. Plaintiffs are entitled to all damages as provided by 42 U.S.C. 1981 including costs and a reasonable attorneys' fee.

COUNT THREE - DECEIT

28. Plaintiffs would incorporate by reference paragraphs one through twelve above.

29. Defendant John Pickle Company, Inc. by and through employees and agents traveled to India and promised the Plaintiffs, (after testing and interviews to determine that the Plaintiffs each and all were highly skilled and experienced), that they would have a job in the United States of America working for John Pickle Company, Inc.; that they would be paid the same as American workers with similar skills and experience; that they would be provided cars, apartments, cell phones to contact family members at home, that Indian food would be provided, that work boots, clothes and other necessary equipment would be provided and, most importantly, that they would be given the opportunity to work indefinitely and bring family members to the United States.
30. These promises were false, were known to be false when made, and were made to the Plaintiffs with the intent that they should be relied on by the Plaintiffs.
31. John Pickle Company, Inc. by and through its employees and agents took a "processing fee" averaging \$3,000.00 from each Plaintiff to secure a job in the United States.
32. In many cases the aforementioned "processing fee" represented "life savings," was gathered from many relatives and or borrowed from other sources.
33. As the Plaintiffs boarded the aircraft to come to the United States of America, a document was presented to them on Al-Samit International letterhead specifying rates of pay and deductions to be made in America for such things as food and lodging. This letter was presented as a formality to the Plaintiffs with promises that the original terms of employment would be adhered to once in the United States. These documents specify a rate of pay far less than promised (\$500.00 base pay with overtime, less \$50.00 per week for food).
34. The rate of pay noted in the "airplane offers" would require the Plaintiffs to work approximately six months simply to recoup their investment of \$3,000.00.

35. John Pickle Company, Inc. fully realized and manipulated each and every Plaintiff into an untenable situation wherein they were forced to trust the Defendant to fulfill the promises made earlier, or walk away less \$3,000.00.

COUNT FOUR - FALSE IMPRISONMENT

36. Paragraphs one through twelve are incorporated by reference.
37. John Pickle Company, Inc. by and through its employees and agents lured the Plaintiffs to its factory in Tulsa County, Oklahoma in the manner noted in Count Three above with promises of an American job, American pay and American housing.
38. Once in the United States of America and Tulsa, Oklahoma specifically, the Plaintiffs were bussed to the factory where they would be required to work, sleep and eat so long as they remained in the country.
39. Concrete cubicles with shower rods and curtains and steel frame bunk beds were prepared in the factory where the Plaintiffs were forced to sleep. (At least one local hotel manager was told not to provide assistance to any "run-away" Indians.)
40. Substandard food, prepared in the factory, was provided by two cooks. One cook escaped the Defendant's factory after he became overwhelmed by the unsanitary conditions and legitimate complaints of the men he attempted to feed.
41. The factory and specifically the living quarters were locked from the outside.
42. Armed guards were placed at the gates of the factory and on at least one occasion a gun was drawn to discourage one of the Plaintiffs from leaving.

43. American workers complained that locking the Plaintiffs inside the factory, in one case for over four days, created a fire hazard. They quit or were fired.
44. The doors remained locked and each and every Plaintiff was held unlawfully against his will within the confines of the Defendant's factory at various times.
45. On occasion the Plaintiffs were chaperoned into the outside world, in some instances to worship on Sunday morning.
46. It was during a worship service at a local church that the plight and false imprisonment of the Plaintiffs became known to an outsider.
47. This outsider suggested the Plaintiffs complain to the Defendant.
48. The Plaintiffs complained.
49. To make an example of the "complainers", seven Plaintiffs were forcibly taken to Tulsa International Airport, with the assistance of local and unidentified law enforcement, and forcibly put on an aircraft to India.
50. At a stop over in Atlanta, Georgia, I.N.S. agents boarded the aircraft carrying the "complainers", all Plaintiffs herein, having been alerted by a concerned citizen.
51. I.N.S. in Atlanta advised the Plaintiffs that they were not in fact under arrest. They were likewise advised that they were legal visitors in the United States of America and they could leave the aircraft, (and the Defendant's "chaperone") and move freely about they country should they so desire.
52. The Plaintiffs disembarked and returned to Tulsa where they were assisted in finding food and shelter (and legal assistance) for themselves, and, later, for all other Plaintiffs who had remained in the Defendant's factory, under lock and key, until they also escaped, shortly after the filing of Plaintiff's Original Complaint.

WHEREFORE, premises considered, the Plaintiffs each and all would respectfully request an amount of money in excess of \$75,000.00 per man to compensate them for past present and future lost wages, race discrimination, for deceit, for false imprisonment and an amount of punitive damages sufficient to punish Defendant and deter future misconduct, for pre and post judgment interest on any jury may deem fair compensation, for costs incurred, for attorneys' fees and for all other relief at law or in equity to which they may show themselves justly entitled.

Respectfully submitted,



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ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF MAILING

I, B. Kent Felty do hereby certify that I mailed a copy of the foregoing Third Amended Complaint to Linda McGowan, counsel for Defendant at 1516 S. Boston, Tulsa, Oklahoma 74119 with proper postage prepaid on March 15, 2002.


B. Kent Felty