

## Firefighters Sue Halliburton, Others For Iraq OT Pay

By Django Gold

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Law360, New York (December 07, 2011, 8:26 PMET) -- Halliburton Corp (/companies/halliburton-company). and two other government contractors were hit with a putative class action Tuesday in Washington federal court by a group of firefighters who say the defendants denied them overtime wages for their service in Iraq and Afghanistan.

The firefighters allege that Halliburton, Kellogg Brown & Root LLC (/companies/kellogg-company) and Wackenhut Services International required them to log grueling round-the-clock hours while working abroad, but held onto overtime wages that the companies subsequently charged the federal government.

"Defendants bill the United States government for these services performed by plaintiffs, but refuse to compensate plaintiffs for their time, on-call time, overtime, and other up-pay and benefits commensurate with their status and work," the complaint said.

"And the United States does pay defendants for this extra 24-hour work, but still defendants refuse to pay plaintiffs, but instead pocket the money," the firefighters alleged.

The firefighters were employed by the contractors as part of the U.S. Army's Logistics Civil Augmentation Program, which provides support to military personnel through services provided by private companies.

Beginning in 2001, the government solicited Halliburton, KBR (/companies/kbr-inc) and other companies to provide firefighter services in Afghanistan and later Iraq, services which in turn were subcontracted out to Wackenhut, according to the complaint.

The contractors recruited over 2,000 firefighters to work in the Middle East, but presented them employment contracts requiring them to waive various rights and submit to an arbitration provision, according to the complaint.

"This submission was unconscionable because the contracts improperly set forth a right of [Wackenhut] to require arbitration, but the requirement was not related to any specific provision giving rise to arbitration," the complaint said.

Once on the ground in Afghanistan or Iraq, the firefighters were allegedly required to work on-call for excessive hours, often 24 hours at a time.



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### Documents

Complaint

### Case Information

#### Case Title

HILL et al v. WACKENHUT SERVICES INTERNATIONAL et al (/cases/4edfccd3a893234bac000001)

#### Court

District Of Columbia (/courts/district-of-columbia)

#### Nature of Suit

190(Contract: Other) (/search/cases?q=nos:%22190(Contract: Other)%22)

#### Case Number

1:11-cv-02158 (/cases/4edfccd3a893234bac000001)

#### Judge

Judge James E. Boasberg (/judges/judge-james-e-boasberg)

#### Date Filed

December 6, 2011

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## Employment

### DOJ Pans For-Profit College Co.'s Bid To Nix Fraud Suit

(/employment/articles/291748/doj-pans-for-profit-college-co-s-bid-to-nix-fraud-suit)

The U.S. Department of Justice on Wednesday rebuked a motion to dismiss a whistleblower suit against for-profit college chain owner Education Management Corp., insisting the government had done more than enough to state fraud claims over the \$11 billion the company received in federal aid.

### How The Supreme Court Will Tackle Health Reform

(/employment/articles/290408/how-the-supreme-court-will-tackle-health-reform)

Of the several petitions before the U.S. Supreme Court regarding the constitutionality of the Patient Protection and Affordable Care Act, the court chose to review four issues — three raised by the 11th Circuit, the only circuit court to invalidate the requirement that individuals have health insurance, say attorneys with Ropes & Gray LLP.

### Employee Hits TradingScreen With Retaliation Claims

(/employment/articles/291667/employee-hits-trading-screen-with-retaliation-claims)

A former sales executive at Delaware-based electronic trading firm TradingScreen Inc. sued the company in New York on Tuesday, alleging he was retaliated against for reporting that the CEO violated federal securities law by fraudulently diverting company money.

## Class Action

### Cures For The Common Closing

(/classaction/articles/290277/cures-for-the-common-closing)

In today's litigation world, where so few cases make it to trial, let alone all the way to closing without settling, it is understandable why attorneys default to conservative, lawyerly ways of preparing and presenting closing arguments. But what often results from this approach is what I call "the common closing" — a closing that fails to be persuasive, riveting or powerful, says Guy Grogan of The Focal Point.

### Judge Recused Over Mom's Shares Back On Bench

(/classaction/articles/291520/judge-recused-over-mom-s-shares-back-on-bench)

U.S. District Judge John G. Koeltl on Wednesday reinstated himself in 15 suits, including securities and labor class actions involving JPMorgan Chase & Co. and Citigroup Inc., after previously recusing himself because of shares of stock held by his deceased mother's estate.

### Yahoo Settles Interclick Investor Suits Over \$270M Sale

(/classaction/articles/291453/yahoo-settles-interclick-investor-suits-over-270m-sale)

"[They] were not free to go where they wanted to or even to sleep," the complaint alleged. "They had to carry pagers even during sleep hours. They were subject to being called out on fires or other emergencies, sometimes for only a few minutes, sometimes for hours at a time. They were compensated for none of these extra services."

When the firefighters complained about the excessive hours and lack of appropriate pay, they were routinely threatened with dismissal, according to the complaint.

"Defendants intentionally inflicted harm on plaintiffs and their families, and when plaintiffs or other similarly situated complained of the breaches, they were threatened and intimidated into silence," the complaint said. "Defendants created a culture of intimidation and threat to carry out their conspiracy."

On entering into a pair of class action arbitration proceedings against their employer, the firefighters recovered a "grossly inadequate" settlement of approximately \$1,500 apiece, the plaintiffs say.

Though they were in turn offered the chance to opt out of this settlement, "the terms and conditions for opting out, when provided, were so confusing and burdensome that many did not understand the deadlines and could not opt out, or did not opt out because the procedure was burdensome in requiring individuals to copy down in their handwriting a lengthy formula," the complaint said.

The plaintiffs' attorney Scott J. Bloch told Law360 on Wednesday that his clients have been exploited by the military contractors.

"These large contracting companies made billions off the back of these firefighters and other employees who put it all on the line for America," he said. "The companies even promised in their agreements with the government they would pay the workers for the work they did. Yet the companies refused to pay the firefighters for the jobs they performed. They compounded their injustice with a quick and dirty settlement of a fraction of their pay, which was rushed through."

Representatives for the defendants were not immediately available for comment.

The putative class consists of all Logcap-contracted firefighters who were denied overtime and other pay when working in Iraq and Afghanistan from 2005 to the present.

The plaintiffs are represented by Michael J. Trevelline Esq. and Scott J. Bloch Esq.

Counsel information for the defendants was not immediately available.

The case is Hill et al. v. Wackenhut Services International et al., case number 1:11-cv-02158, in the U.S. District Court for the District of Columbia.

--Editing by Andrew Park.

Interclick Inc. shareholders have agreed to settle putative class actions in Delaware claiming the advertising technology company's proposed \$270 million sale to Yahoo Inc. represents an unfair price and that Interclick's board breached their responsibilities, Yahoo said in a regulatory filing Monday.

## Commercial Contracts

**Label Sues Universal For A Cut Of Fatboy Slim Royalties**  
(</commercialcontracts/articles/291698/label-sues-universal-for-a-cut-of-fatboy-slim-royalties>)

New York label Strictly Rhythm Records Inc. sued a Universal Music Group unit Wednesday demanding a cut of the royalties from a Fatboy Slim song in a contract dispute over whether the label retains interest in the hip-hop track.

**Fox Lambasts Dodgers' Bid To Sell Off TV Rights**  
(</commercialcontracts/articles/291352/fox-lambasts-dodgers-bid-to-sell-off-tv-rights>)

Crying foul over potential damages for breach of contract, Fox Sports Net Inc. — the Los Angeles Dodgers LLC's current broadcast partner — fought Wednesday to scuttle the team's plan to auction its future television rights at a pivotal hearing in Delaware bankruptcy court.

**Holding Co. Principals Not Upholding Bargain: Cayman Fund**  
(</commercialcontracts/articles/291122/holdi-co-principals-not-upholding-bargain-cayman-fund>)

Cayman Islands corporation Aviator Master Fund Ltd. and several other investment funds sued Strategy International Insurance Group Inc. principals in New York court Monday, claiming Strategy's Sandro Sordi and John Hamilton failed to make good on a pledge to turn over \$15 million in real estate.

## Government Contracts

**DOJ Pans For-Profit College Co.'s Bid To Nix Fraud Suit**  
(</governmentcontracts/articles/291748/doj-pans-for-profit-college-co-s-bid-to-nix-fraud-suit>)

The U.S. Department of Justice on Wednesday rebuked a motion to dismiss a whistleblower suit against for-profit college chain owner Education Management Corp., insisting the government had done more than enough to state fraud claims over the \$11 billion the company received in federal aid.

**Medical Supply Co. Settles False Claims Suit For \$5M**  
(</governmentcontracts/articles/291702/medi-supply-co-settles-false-claims-suit-for-5m>)

California medical supply company Shield Healthcare Inc. has reached a \$5 million settlement with the federal government in a whistleblower lawsuit alleging it submitted false claims to the state's Medicaid program, Medi-Cal, the U.S. attorney's office in Los Angeles announced Wednesday.

**Contracts Abroad Should Count In Small Biz Tally: Report**  
(</governmentcontracts/articles/291431/cont-abroad-should-count-in-small-biz-tally-report>)

Overseas government contracts should be included in calculations to determine whether the federal government has met its goal of maximizing contracting opportunities for small businesses, a U.S. Small Business Administration watchdog said Tuesday.

