

Press Release

Munsch Hardt Wins Positive FLSA Verdict for J4 Oilfield Services

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Munsch Hardt) recently received a unanimous jury verdict in favor of its client, 4 JLJ LLC, in a Fair Labor Standards Act (FLSA) case. The Corpus Christi-based oil service company, which operates under the name J4 Oilfield Services, LLC (J4), was sued by a former employee for failure to pay overtime wages under FLSA.

“Over the past 10 to 15 years, we’ve seen a dramatic increase in these types of FLSA cases, and yet the majority are settled before going to trial,” said Daniel Pipitone, lead attorney for J4 Oilfield Services. “However, when business owners settle, they open the door for additional suits to be brought against them.”

When John L. Jalufka, owner of J4, expanded his fracking business in the summer of 2014, he hired Anthony Ferrara to serve as his company’s first Frack Supervisor because of his extensive background in fracking and his in-depth knowledge of how to operate the necessary fracking equipment. After seven months in this leadership role, Ferrara’s employment was terminated due to performance issues.

During his employment with J4, Mr. Ferrara was highly compensated and categorized as a supervisor and, therefore, exempt from receiving overtime pay. Under the FLSA rules, exempt employees may be classified as either administrative, executive or highly compensated. Ferrara filed suit in April 2015 claiming he was entitled to overtime because he was not given the traditional supervisor responsibilities. After a four day trial before Judge Nelva Gonzales Ramos of the U.S. District Court for the Southern District of Texas, the jury ruled unanimously in favor of J4, citing that all three possible exemptions applied to Ferrara’s role as supervisor.

“Hopefully, this case serves as a good lesson for Plaintiffs and the Plaintiffs’ bar that there are clients and attorneys willing to push back against the onslaught of meritless FLSA cases. And not only do we fight hard, we win,” said Michael Harvey, who also represented J4 Oilfield Services in the matter.

The verdict (case no. 2:15-CV-00182) was delivered on September 22, 2016, in Corpus Christi, Texas. Munsch Hardt Shareholders Daniel Pipitone and Michael Harvey and Associate Brenna Hill represented Jalufka and J4 Oilfield Services in the matter.

“We had a strong case from the very beginning,” said John L. Jalufka, President for JLJ LLC. “Having ‘The A Team’ at our side during the FLSA case gave our company the ability to defend ourselves against the insanity of this type of case. With Dan Pipitone, Michael Harvey and Brenna Hill we won the verdict on all counts. With their help we stand ready and will defend ourselves against any further frivolous lawsuits of this nature.”

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