

**COMMONWEALTH OF MASSACHUSETTS**

Suffolk, ss.

Superior Court  
Civil Action No.

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COMMONWEALTH OF MASSACHUSETTS and )  
all employees similarly situated to Jose Gomez )  
) )  
Plaintiff, )  
) )  
v. )  
) )  
MOHAMMAD AFREEDI and )  
LABUSA, INC., )  
) )  
Defendants. )

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**COMPLAINT**

The Commonwealth of Massachusetts, by its Attorney General, Martha Coakley, brings this action for unpaid overtime pursuant to G.L. c. 151, §1B, against Mohammad Afreedi and LabUSA, Inc., a Haverhill testing services laboratory, that unlawfully failed to pay overtime to Jose Gomez, its former employee, and other employees similarly situated.

**JURISDICTION AND VENUE**

1. The Attorney General is authorized to bring this action pursuant to G.L. c. 151, §1B. This Court has jurisdiction over the subject matter of this action pursuant to G.L. c. 212, §4.
2. Venue is proper in Suffolk County pursuant to G.L. c. 223, §5.

**PARTIES**

3. Plaintiff, Commonwealth of Massachusetts, represented by the Attorney General,

brings this action in the public interest.

4. Defendant LabUSA, Inc. is a Massachusetts corporation. LabUSA, Inc. is a testing services laboratory located at 108 R Merrimack Street, Haverhill, MA. Defendant Afreedi is the President and Treasurer of LabUSA, Inc.

### **FACTS**

5. On or about August 8, 2011, the Office of the Attorney General received a complaint from Jose Gomez (“Gomez”), a former employee of LabUSA, Inc., alleging that he, and others working for LabUSA, Inc., had not been paid overtime for work performed in excess of 40 hours in a week.

6. Gomez worked as a phlebotomist for LabUSA, Inc. and was paid an hourly wage. Gomez regularly worked over 40 hours in a week and, as a non-exempt employee, was eligible for overtime compensation.

7. On or about October 6, 2011, the Attorney General and the Defendants entered into a tolling agreement, effective September 23, 2011.

8. In response to a request from the Attorney General, the Defendants provided time records and payroll registers for all employees for the time period of September 2009 through September 2011. Defendants also provided a self-audit which included hours worked and overtime compensation due to Gomez and to 28 other non-exempt employees who worked in excess of 40 hours a week during this same time period.

9. Pursuant to G.L. c. 151, §1B, Gomez assigned his wage claim to the Attorney General to collect in trust for him.

10. Defendants admitted that they failed to pay overtime to Gomez and the other 28 employees for the time period of September 2009 through September 2011.

**STATEMENT OF CLAIMS**

**Count I**

**Failure to Pay Overtime**  
(G.L. c. 151, §1A)

11. The Commonwealth re-alleges and incorporates paragraphs 1 through 10.

12. Defendants LabUSA, Inc. and Afreedi were the statutory employers of Gomez, and the 28 similarly situated employees identified in the Defendants' self-audit, from September 2009 through September 2011.

13. The Defendants have violated G.L. c. 151, §1A, by failing to pay Gomez, and the 28 similarly situated employees identified in the Defendants' self-audit, the statutorily required time and one-half for all hours over 40 worked in a week at LabUSA, Inc., from September 2009 through September 2011.

**PRAYER FOR RELIEF**

WHEREFORE, the Commonwealth of Massachusetts requests that this Court:

- (a) Find that Defendants violated G.L. c. 151, §1A;
- (b) Order the Defendants to make immediate payment of overtime wages and treble damages to the Attorney General in trust for Gomez and the 28 similarly situated employees identified in the Defendants' self-audit;

(c) Order such other relief for the Commonwealth as the Court deems just and proper.

Respectfully submitted,

MARTHA COAKLEY  
ATTORNEY GENERAL

By: \_\_\_\_\_

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