

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CAROLYN RUSIN, individually, and on)	
behalf of All Others Similarly Situated,)	
)	
Plaintiff,)	Case No.
)	
v.)	
)	
CHICAGO TRIBUNE COMPANY,)	
)	
Defendant.)	

COMPLAINT

Plaintiff Carolyn Rusin (“Plaintiff”) on behalf of herself and all others similarly situated, known and unknown, through her attorneys, for her Complaint against Defendant Chicago Tribune Company (“Defendant”), states as follows:

NATURE OF PLAINTIFF’S CLAIMS

1. This lawsuit arises under the Illinois Minimum Wage Law, 820 ILCS 105/1, *et seq.* (IMWL), and the Fair Labor Standards Act, 29 U.S.C. §201, *et seq.* (FLSA), for Defendant’s failure to pay Plaintiff and other similarly-situated persons overtime wages for time they worked in excess of forty (40) hours per week. Plaintiff brings her IMWL overtime claim as a class action pursuant to Rule 23. Fed.R.Civ.P. 23. Plaintiff brings her FLSA claim as a collective action under Section 216(b). 29 U.S.C. §216(b). Plaintiff’s consent form to act as representative Plaintiff under the FLSA is attached hereto as Exhibit A. Plaintiff also bring a claim under the Illinois Wage Payment and Collection Act for Defendant’s failure to pay her all her wages.

THE PARTIES

2. Between July 2010 and October 2011, Representative Plaintiff Carolyn Rusin worked for Defendant as a reporter writing news articles for the *Chicago Tribune* section “Trib Local.”

3. Plaintiff Rusin resides in and is domiciled within this judicial district.

4. Defendant Chicago Tribune Company is a print media company incorporated in Illinois. Defendant conducts business in this judicial district.

5. Plaintiff Rusin performed work for Defendant in this judicial district.

6. Between July 2010 and October 2011, Plaintiff Rusin was Defendant’s “employee” as that term is defined by Section 3 of the IMWL and Section 203 of the FLSA. 820 ILCS 105/3; 29 U.S.C. §203.

7. Between July 2010 and October 2011, Defendant was Plaintiff Rusin’s “employer” as that term is defined by Section 3 of the IMWL, 820 ILCS 105/3, and Section 203 of the FLSA, 29 U.S.C. §203.

8. At all relevant times, Defendant was an “enterprise engaged in commerce” within the meaning of Section 3(s) of the FLSA. 29 U.S.C. 203(s).

JURISDICTION AND VENUE

9. This Court has original jurisdiction over Plaintiff’s FLSA claim under 29 U.S.C. § 1331.

10. This Court has supplemental jurisdiction over the state law class claim in this action under 28 U.S.C. § 1367.

11. Venue is proper in the Northern District of Illinois.

BACKGROUND FACTS

12. Plaintiff and similarly-situated persons are current and former employees of Defendant working as reporters for “Trib Local” and who were not paid one and one-half times their regular rate for time they worked in excess of forty (40) hours per workweek.

13. Defendant assigned “Trib Local” reporters, including Plaintiff Rusin, to report on local news occurring in particular towns.

14. Plaintiff Rusin primarily reported on local news occurring within Barrington, Barrington Hills, and Palatine.

15. Defendant gave Plaintiff Rusin a quota of new stories she was required to write.

16. As a reporter for “Trib Local,” Plaintiff Rusin primarily re-wrote press releases, reported on local government and school board meetings, and other local news.

17. “Trib Local” does not include investigative new pieces, and Plaintiff did not write investigative journalism articles for “Trib Local.”

18. Defendant did not classify Plaintiff Rusin as exempt from the overtime provisions of the FLSA and IMWL.

19. Defendant did not classify other reporters writing articles for “Trib Local” as exempt from the overtime provision of the FLSA and IMWL.

20. Plaintiff and other “Trib Local” reporters worked more than forty (40) hours a week in individual work weeks in the last three years.

21. On occasion, Defendant paid Plaintiff overtime wages. For example, in 2011, Defendant paid Plaintiff for five (5) overtime hours.

22. Defendant did not pay Plaintiff for all of the overtime hours she worked.

23. Defendant did not pay other “Trib Local” reporters for all of the overtime hours they worked in the last three (3) years.

CLASS ACTION ALLEGATIONS

24. Plaintiff Rusin and similarly-situated persons are current and former employees who are or were employed by Defendant as reporters for “Trib Local.”

25. Plaintiff and other persons who worked as reporters for “Trib Local” are similarly situated to one another because they all worked under common employment policies and were subject to the same compensation scheme, including Defendant’s policy of not paying them overtime wages for time they worked in excess of forty hours per week.

26. With respect to the IMWL claim, Plaintiff seeks to represent a class of persons employed by Defendant in Illinois as reporters for “Trib Local” in the last three (3) years who were not paid overtime wages for all time worked in excess of forty (40) hours per week (herein the “IMWL Class”).

27. Defendant employed more than 40 persons as reporters for “Trib Local” in Illinois within the last three years.

28. Defendant did not pay reporters for “Trib Local” one and one-half times their regular rate of pay for all time they worked in excess of forty (40) hours per week.

29. This claim is brought as a class action under Rule 23, Fed. R. Civ. P. 23, because the IMWL Class is so numerous that joinder of all class members is impracticable.

30. Plaintiff and the members of the IMWL Class have been equally affected by Defendant’s practice of failing to compensate employees for the overtime hours they worked.

31. The issues involved in this lawsuit present common questions of law and fact; these common questions of law and fact predominate over the variations that may exist between members of the Class, if any.

32. Plaintiff, the members of the IMWL Class and Defendant have a commonality of interest in the subject matter and the remedy sought.

33. If individual actions were required to be brought by each member of the class injured or affected, the result would be a multiplicity of actions, creating a hardship to the IMWL Class, to the Court, and to Defendant. Accordingly, a class action is an appropriate method for the fair and efficient adjudication of this lawsuit and distribution of the common fund to which the Class is entitled.

34. The books and records of Defendant are material to Plaintiff's case as they disclose the hours alleged to have been worked by members of the IMWL Class and the amounts they were paid for that work.

35. Plaintiff Rusin and her counsel will fairly and adequately protect the interest of the class.

36. Plaintiff Rusin retained counsel experienced in complex employment litigation and in class action litigation.

COUNT I
Violation of the Illinois Minimum Wage Law
(Class Action)

37. Plaintiff hereby realleges and incorporates the above paragraphs of this Complaint, as if fully set forth herein.

38. The matters set forth in this Count I arise from Defendant's violation of the overtime compensation provisions of the Illinois Minimum Wage Law. 820 ILCS 105/4a. Plaintiff brings this action on her own behalf and on behalf of the IMWL Class pursuant to Rule 23. Fed. R. Civ. P. 23.

39. Pursuant to the IMWL, for all weeks during which Plaintiff and the IMWL Class worked in excess of 40 hours, Plaintiff and the IMWL Class were entitled to be compensated at one and one-half times their regular rate of pay for time worked in excess of 40 hours per week. 820 ILCS 105/4a.

40. Plaintiff worked for Defendant in excess of forty (40) hours in individual workweeks during the limitations period.

41. Members of the IMWL Class worked for Defendant in excess of forty (40) hours in individual workweeks during the limitations period.

42. Defendant failed to pay Plaintiff Rusin one and one-half times her regular rate of pay for time she worked in excess of forty (40) hours per week.

43. Defendant failed to pay members of the IMWL Class one and one half times their regular rate of pay for time they worked in excess of forty (40) hours per week.

44. Defendant violated the Illinois Minimum Wage Law by failing to compensate Plaintiff and members of the IMWL Class one and one-half times their regular rate of pay for all time worked in excess of 40 hours per week.

45. Pursuant to the punitive damage provision of the IMWL, 820 ILCS 105/12(a), Plaintiff and the IMWL Class are entitled to recover punitive damages in the amount of two percent (2%) per month of the amount of under payments.

WHEREFORE, Plaintiff and the IMWL Class pray for judgment against Defendant as follows:

- A. Judgment in the amount of one and one-half times the regular rate for all unpaid hours Plaintiff and the IMWL Class worked in excess of forty (40) hours per week;
- B. Prejudgment interest on the back wages in accordance with the Illinois Interest Act, 815 ILCS 205/2, and punitive damages pursuant to the formula set forth in

the IMWL, 820 ILCS 105/12(a);

- C. Reasonable attorneys' fees and costs incurred in filing this action;
- D. Injunctive relief precluding Defendant from violating the Illinois Minimum Wage Law; and
- E. Such other and further relief as this Court deems appropriate and just.

COUNT II
Violation of the Fair Labor Standards Act
(Section 216(b) Collective Action)

46. Plaintiff hereby realleges and incorporates the above paragraphs of this Complaint, as if fully set forth herein.

47. Defendant failed to pay Plaintiff and other similarly-situated persons one and one-half times their regular rate of pay for time they worked in excess of 40 hours in individual workweeks. Defendant thus violated the maximum hour provisions of the FLSA. 29 U.S.C. 207(a).

48. Defendant's failure to pay Plaintiff and other similarly-situated persons one and one-half times their regular rate for all time worked over 40 hours in a workweek was willful.

49. Plaintiff and other similarly-situated persons who worked for Defendant within the last three (3) years are due unpaid overtime wages and liquidated damages, pursuant to 29 U.S.C. §216.

WHEREFORE, Plaintiff and other similarly-situated employees pray for the following relief:

- A. Judgment in the amount of all overtime wages due, as provided by the Fair Labor Standards Act;
- B. Liquidated damages in an amount equal to the amount of all overtime wages due, as provided by the Fair Labor Standards Act;

- C. Reasonable attorneys' fees and costs incurred in filing this action;
- D. Pre-judgment and post-judgment interest, as provided by law; and
- E. Such other and further relief as this Court deems appropriate and just.

COUNT III

**Violation of the Illinois Wage Payment and Collection Act – Unpaid Wages
(Plaintiff Rusin individually only)**

50. Plaintiff hereby realleges and incorporates the above paragraphs of this Complaint, as if fully set forth herein.

51. Defendant was Plaintiff's "employer" as defined in the IWPCA, 820 ILCS 115/2, and Plaintiff was Defendants' "employee" within the meaning of that Act.

52. Defendant agreed to compensate Plaintiff for her work.

53. Defendant failed to compensate Plaintiff for the work she performed in the last week of her employment and for all of her earned vacation wages.

54. Defendant violated the IWPCA by failing to compensate Plaintiff for all time she worked for Defendants and for all her earned vacation wages. 820 ILCS 115/5.

55. Plaintiff has been damaged by Defendant's failure to compensate her for all time she worked for Defendant and for all her earned vacation wages.

WHEREFORE, Plaintiff prays for a judgment against Defendant as follows:

- A. A judgment in the amount of all back wages due, as provided by the IWPCA;
- B. Prejudgment interest on the back wages in accordance with 815 ILCS 205/2;
- C. Reasonable attorneys' fees and costs incurred in filing this action;
- D. Such other and further relief as this Court deems appropriate and just.

Respectfully submitted,

Dated: February 16, 2012

s/Douglas M. Werman
One of Plaintiff's Attorneys

Douglas M. Werman –dwerman@flsalaw.com
Maureen A. Salas- msalas@flsalaw.com
David E. Stevens-dstevens@flsalaw.com
Werman Law Office, P.C.
77 W. Washington, Suite 1402
Chicago, IL 60602
(312) 419-1008