

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

ELAINE L. CHAO, SECRETARY OF LABOR,)
UNITED STATES DEPARTMENT OF LABOR,)

Plaintiff,)

v.)

PARAGON CONTRACTORS CORP.)
and BRIAN JESSOP, individually, and)
JAMES JESSOP, individually,)

Defendants.)

Judge Tena Campbell
DECK TYPE: Civil
DATE STAMP: 08/23/2006 @ 14:19:22
CASE NUMBER: 2:06CV00700 TC

Complaint

Plaintiff brings this action to enjoin defendants from violating the provisions of §§12(c) and 15(a)(4) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. §§ 212(c) & 215(a)(4), hereinafter called the "FLSA,".

I

Jurisdiction of this action is conferred upon the Court by § 17 of the FLSA and by 28 U.S.C. § 1345.

II

A. Defendant Paragon Contractors Corporation located in Hildale, Utah, within the jurisdiction of this Court, is a Utah corporation, engaged in home construction.

B. Defendant, James Jessop resides in Hildale, Utah, within the jurisdiction of this Court, and is an owner and operator of Paragon Contractors Corporation and acts directly or indirectly in the interest of Defendant, Paragon Contractors Corporation, in relation to the employees referred to below.

C. Defendant, Brian Jessop resides in Hildale, Utah, within the jurisdiction of this Court, and is an owner and operator and the registered agent of Paragon Contractors Corporation and acts directly or indirectly in the interest of Defendant, Paragon Contractors Corporation, in relation to the employees referred to below.

III

At all times hereinafter mentioned, the business activities of Paragon Contractors Corporation, and James Jessop and Brian Jessop, referred to in paragraph II, supra, were, and are, related and performed through unified operation or common control for a common business purpose, and constitute an enterprise within the meaning of § 3(r) of the FLSA.

IV

At all times hereinafter mentioned, Defendants, Paragon Contractors Corporation, and James Jessop and Brian Jessop employed employees in and about its place of business in the activities of said enterprise engaged in commerce or in the production of goods for commerce, including employees handling, selling or otherwise working on goods or materials that have been moved in or produced for commerce. Said enterprise, at all times hereinafter mentioned, has had an annual gross volume of sales made or business done in an amount not less than \$500,000.00.

Therefore, the said employees have been employed in an enterprise engaged in commerce or in the production of goods for commerce within the meaning of Section 3(s)(1)(A) of the FLSA.

V

A. Defendants have repeatedly and willfully violated, and are violating the provisions of §§ 12(c) and 15(a)(4) of the FLSA by allowing, since at least June 2005, at least two minors under fourteen (14) years of age and at least two minors under sixteen (16) years of age to work on a construction site contrary to 29 C.F.R. § 570.33, such employment constituting oppressive child labor within the meaning of the FLSA.

B. Defendants have repeatedly and willfully violated, and are violating the provisions of §§ 12(c) and 15(a)(4) of the FLSA by allowing, since at least June 2005, at least two minors under sixteen (16) years of age to operate power circular saws, contrary to Hazardous Occupations Order Number 16, (29 C.F.R. § 570.65), such employment constituting oppressive child labor within the meaning of the FLSA.

C. Defendants have repeatedly and willfully violated, and are violating the provisions of §§ 12(c) and 15(a)(4) of the FLSA by allowing, since at least June 2005, at least two minors under fourteen (14) years of age and one minor under sixteen (16) years of age to work in connection with roofing operations, and on or about a roof, contrary to Hazardous Occupations Order Number 16, (29 C.F.R. § 570.67), such employment constituting oppressive child labor within the meaning of the FLSA.

VI

Defendants have repeatedly violated the child labor provisions of the FLSA as alleged in paragraph V above. A judgment permanently enjoining and restraining the violations herein alleged, is specifically authorized by § 17 of the FLSA.

WHEREFORE, cause having been shown:

Plaintiff prays for judgment, pursuant to § 17 of the FLSA, permanently enjoining and restraining defendants, their officers, agents, servants, employees, and those persons in active concert or participation with them, from prospectively violating the provisions of §§ 12(c) and

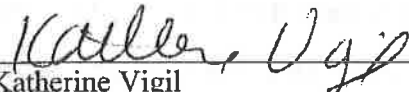
15(a)(4) of the FLSA, and for such other and further relief as may be necessary and appropriate to effectuate the purposes of the FLSA , and for the recovery of costs of this action.

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