

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

KEITH STURTEVANT,

Plaintiff,

vs.

Case No.:

FEELING PRODUCTIONS, INC. a  
Delaware Corporation doing business in Florida, and  
CELINE DION and RENE ANGELIL  
individually,

Defendants.

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**COMPLAINT**

1. Plaintiff, KEITH STURTEVANT (hereinafter referred to as “Plaintiff”), was an employee of Defendants FEELING PRODUCTIONS, Inc., a Delaware corporation doing business throughout the entire world, including Florida, and CELINE DION and RENE ANGELIL (hereinafter referred to as “Defendants”), and brings this action on behalf of himself and other similarly situated employees of Defendants for overtime compensation and other relief under the Fair Labor Standards Act, as amended (the “FLSA” or the “Act”), 29 U.S.C. §201 et. seq.

2. Defendant CELINE DION is an international recording super star and along with her husband RENE ANGELIL, own and operate FEELING PRODUCTIONS, Inc.

3. At all times material hereto, Plaintiff performed non-exempt duties for the Defendants, and was never paid at an overtime rate. Although Defendants are characterizing Plaintiff as a “warehouse manager,” this is mistaken as a matter of law, because during the entire

time that Plaintiff worked at the warehouse in Stuart, Florida, he was the sole employee, there, and thus there was no one to exert managerial powers over.

4. Plaintiff also worked extensively at Defendant's compound which is located at 215 South Beach Road, Hobe Sound, Florida, 33455, where he also performed extensive non-exempt duties for defendant's benefit, for which he was never paid at an overtime rate. Plaintiff performed a litany of non-exempt duties, including but not limited to fixing ice makers, cleaning the house shutters, building stages, repairing kitchen items, setting up and tearing down party events for Defendants, receiving and itemizing items received at the warehouse from all over the world, running miscellaneous errands for Defendants, building book shelves etc. Plaintiff did not have the power to hire or fire employees, nor did he participate in any employees interviewing process.

5. Plaintiff performed a large amount of these duties for the Defendants in Hobe Sound, Martin County, Florida, within the jurisdiction and venue of this Court.

6. Plaintiff, KEITH STURTEVANT, was hired by Defendants in approximately March 2009 and worked continuously for defendants until approximately June, 2012.

7. Based upon the information preliminarily available, and subject to discovery in this cause, Plaintiff's typical weekly schedule, which was sometimes longer, included five (5) to seven (7) days per week. Plaintiff was never paid at an overtime rate. Plaintiff does not recall his rate of salary when he was hired but believes that it was approximately \$50,000.00 per annum. Plaintiff was subsequently given a raise to \$63,000.00 per annum. Plaintiff is without the benefit of time sheets as none exist. Defendants do have in their possession sign in and sign out sheets from the guard house at the entrance to the compound, but these do not accurately

reflect all of the hours that Plaintiff worked for Defendants. Plaintiff routinely worked in excess of 40 hours per work week for Defendant's benefit, but was never paid at an overtime rate.

8. In an attempt to avoid paying workers compensation insurance and appropriate federal withholding taxes, Defendants improperly and illegally designated Plaintiff as an exempt employee. Defendants also designated at least three other maintenance workers as independent contractors for the same purpose, despite the fact that this job was their only job and they relied on this position for their sole source of income. The sole maintenance worker that was classified as an employee and paid overtime was Scott Hyde, who is the estate manager's brother. Defendants' have represented to their workers compensation carrier that Defendants employ at least 69 separate employees at their Hobe Sound, Florida location. (See proof of coverage database.)

9. Defendant, FEELING PRODUCTIONS, INC., owns and/or operates a worldwide music distribution and concert business company for profit and regularly does business in Stuart, Florida, and employs persons such as Plaintiff and other similarly situated employees to work on its behalf in providing labor for its practice. This Corporate Defendant is within the personal jurisdiction and venue of this Court.

10. At all times material hereto, CELINE DION and RENE ANGELIL managed, owned and/or operated FEELING PRODUCTIONS, Inc., and regularly exercised the authority to hire and fire employees, determine the work schedules of employees, set the rate of pay of employees, and control the finances and operations of FEELING PRODUCTIONS, INC. By virtue of such control and authority, CELINE DION and RENE ANGELIL, were employers of Plaintiff as such term is defined by the Act. 29 U.S.C. §201 et seq.

11. Defendants directly or indirectly acted in the interest of an employer towards Plaintiff and other similarly situated employees at all material times, including without limitation directly or indirectly controlling the terms of employment of Plaintiff and other similarly situated employees.

12. At all times material hereto, Plaintiff and all similarly situated employees were performing their duties for the benefit of and on behalf of Defendants.

13. This cause of action is brought to recover from Defendants overtime compensation, liquidated damages, and the costs and reasonable attorneys' fees under the provisions of 29 U.S.C. §216(b) on behalf of Plaintiffs and all other current and former employees similarly situated during the material time.

14. The records, if any, concerning the number of hours worked by Plaintiff and all other similarly situated employees as Plaintiff, are in the possession and custody of Defendants.

15. The records, if any, concerning the compensation actually paid to Plaintiff and all other similarly situated employees are in the possession and custody of Defendants.

16. Subject matter jurisdiction is conferred on this Court by 28 U.S.C. §1337 and by 29 U.S.C. §216(b). At all times pertinent to this Complaint, the corporate Defendant, FEELING PRODUCTIONS, INC., was an enterprise engaged in interstate commerce or in the production of interstate commerce as defined by the Act, 29 U.S.C. §203(r) and 203 (s). Based upon information and belief, the annual gross sales volume of the corporate Defendant was in excess of \$500,000.00 per annum at all times material hereto. Alternatively, the Plaintiff and those similarly situated employees worked in interstate commerce so as to fall within the protections of the Act.

17. At all times pertinent to this complaint, Defendants failed to comply with Title 29 U.S.C. §§ 201-209 in that Plaintiff and those similarly situated employees performed services and labor for Defendants for which Defendants made no provision to pay Plaintiff and other similarly situated employees compensation to which they were lawfully entitled for all of the hours worked in excess of forty within a work week.

18. The additional persons who may become Plaintiffs in this action are Defendants' non-exempt employees who have worked in excess of Forty (40) hours during one or more work weeks on or after June 2009 and did not receive time and one-half of their regular rate of pay for all of the hours they worked over Forty (40) in one or more work weeks.

19. Plaintiff has retained the law office of Consumer Law Organization, P.A. to represent him individually and incurred attorneys' fees and costs in bringing this action. Pursuant to 29 U.S.C. § 216(b), Plaintiff is entitled to recovery of reasonable attorneys' fees and costs.

## **COUNT I**

### **RECOVERY OF OVERTIME COMPENSATION**

20. Plaintiff realleges, and incorporates here by reference, all allegations contained in Paragraphs 1 through 19 above.

21. Plaintiff is entitled to be paid time and one-half of his regular rate of pay for each hour worked in excess of Forty (40) hours per work week.

22. All similarly situated employees of Defendants are similarly owed their overtime rate for each overtime hour they worked and were not properly paid.

23. Defendants knowingly and willfully failed to pay Plaintiff and the other similarly situated to him at time and one half of their regular rate of pay for all hours worked in excess of Forty (40) hours per week. In fact, in approximately April 2012, Brett Hyde sent an

e-mail to Plaintiff and various other non-exempt employees that they would be expected to alternate 60 hour work weeks which would be followed by a 48 hour work weeks. There was no provision to pay any non-exempt employee at an overtime rate.

24. By reason of the said intentional, willful, and unlawful acts of Defendants, Plaintiff and those similarly employees have suffered damages plus incurred costs and reasonable attorneys' fees.

25. As a result of Defendants' willful violations of the Act, Plaintiff and those similarly situated employees are entitled to liquidated damages. In the event that Plaintiff does not recover liquidated damages, Plaintiff demands pre-judgment interest.

26. Plaintiff demands a jury trial.

WHEREFORE, Plaintiff, KEITH STURTEVANT., and those similarly situated to him who have or will opt into this collective action, demand judgment, jointly and severally, against Defendants, FEELING PRODUCTIONS, INC., and CELINE DION and RENE ANGELIL for the payment of compensation for all overtime hours at one and one-half their regular rate of pay due them for the hours worked by them for which they have not been properly compensated, liquidated damages, reasonable attorneys' fees and costs of suit, and for all other appropriate relief. If Plaintiff does not recover liquidated damages, then Plaintiff alternatively claims pre-judgment interest.

Dated: June 27, 2012

Respectfully submitted,

s/ Dennis Card Jr.  
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