

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS**

Lubbock Division

FLINT AVENUE, LLC,

Plaintiff,

v.

U.S. DEPARTMENT OF LABOR; JULIE
SU, Acting Secretary, U.S. Department of
Labor, in her official capacity; JESSICA
LOOMAN, Administrator, Wage and Hour
Division, U.S. Department of Labor, in her
official capacity,

Defendants.

CASE NO: 5:24-cv-130-H

**DECLARATION OF AMY WOOD IN SUPPORT OF PLAINTIFF'S
MOTION FOR PRELIMINARY INJUNCTION**

DECLARATION OF AMY WOOD

1. I, Amy Wood am over the age of 18 years old and a resident of Levelland, Texas.
2. I am founder and Chief Executive Officer of Plaintiff Flint Avenue, LLC (“Flint Avenue.”)located in Lubbock, Texas.
3. I am generally familiar with the requirements of the Department of Labor’s Final Rule challenged in this suit and am particularly knowledgeable of its effects on Flint Ave.
4. Flint Avenue is a small software development and marketing firm that competes with larger and higher-paying companies for labor by offering a flexible work culture, including unlimited paid vacation and remote or hybrid arrangements for employees.
5. Flint Avenue employees a junior graphic and web designer who works in a professional capacity and is paid less than the Final Rule’s \$844 weekly salary requirement that takes effect on July 1, 2024.
6. The junior graphic designer regularly takes multiple weeks of vacation to travel or to visit family.
7. Once the Final Rule’s \$844 weekly salary requirement takes effect, the junior graphic and web designer could no longer be exempt from FLSA’s minimum wage and overtime pay requirements.
8. Flint Avenue would be forced to increase her salary—which it cannot afford—or reclassify the designer as an hourly employee—which precludes work flexibility and unlimited paid vacation time.
9. Later, the Final Rule causes even more harm to Flint Avenue. Four Flint Avenue employees—an Office Manager, a Project Manager, a Marketing Manager, and a Senior Graphic Designer—perform administrative or professional duties and are each paid less than the Final Rule’s \$1,128 minimum weekly salary, which takes effect on January 1, 2025.
10. Once the Final Rule’s \$1,128 weekly salary requirement takes effect, these employees would no longer be exempt from FLSA’s minimum wage and overtime pay requirements. Flint Avenue would be forced to increase their salaries—which it cannot afford—or reclassify them as hourly employees—which precludes work flexibility and unlimited paid vacation time.

11. The costs of complying with the rule, such as tracking hours which we do not currently do and reclassification of the affected employees are also a harm.

12. Finally, there is no guaranty or employees will stay under a new arrangement and we may have to seek new employees which always injures a company in hard to define ways in my experience.

I declare under penalty of perjury that the foregoing is true and correct.

Executed On: June 12, 2024



Ms. Amy Wood