

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF KENTUCKY
PADUCAH DIVISION**

ALISHA ASKEW, DEBORAH WILLIAMS
and, **SHAVONNA ASKEW**, *Individually and
on behalf of themselves and all other similarly
situated current and former employees,*

Plaintiffs,

v.

Case No. 5:19-cv-24-TBR

**INTER-CONTINENTAL HOTELS
CORPORATION (a/k/a “IHG”),
LINGATE HOSPITALITY, an assumed name of
GLENN ENTERPRISES, INC.,
LINGATE, a subsidiary of Glenn Enterprises, Inc.,
BURGER THEORY, an assumed name of
BIG BLUE BAR, INC., and,
GLENN HIGDON, Individually,**

FLSA Opt-in Collective Action

JURY DEMANDED

Defendants.

ORIGINAL COLLECTIVE ACTION COMPLAINT

Plaintiffs, Alisha Askew, Deborah Williams and Shavonna Askew, individually, (“Plaintiffs”), on behalf of themselves and other similarly situated current and former tipped employees (servers/bartenders) of Defendants, bring this collective action against Defendants, Inter-Continental Hotels Corporation (a/k/a Inter-Continental Hotels Group “IHG”), LinGate Hospitality, an assumed name of Glenn Enterprises, Inc. (a/k/a LinGate Hospitality Group), LinGate (comprised of Linmar Hospitality and Gateway Lodging), Burger Theory, an assumed name of Big Blue Bar, Inc. and, Glenn Higdon, individually, (collectively “Defendants”) and, allege as follows:

I.
INTRODUCTION

This lawsuit is brought against Defendants as a collective action under the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201, *et seq.*, to recover unpaid minimum wages and other damages owed to Plaintiffs and other similarly situated current and former tipped employees of Defendants (also known as servers and bartenders), who are members of a class as defined herein.

II.
JURISDICTION AND VENUE

1. The FLSA authorizes court actions by private parties to recover damages for violations of the FLSA’s wage and hour provisions. Jurisdiction over Plaintiffs’ FLSA claims are based on 29 U.S.C. § 216(b) and 28 U.S.C. § 1331.
2. Venue in this district is proper pursuant to 28 U.S.C. § 1391(b) and (c) because Plaintiffs were employed by Defendants in this district at all times relevant to this action, Defendants regularly conducted and continue to conduct business in this district and have engaged and continue to engage in wrongful conduct alleged herein in this district, during all times material to this action.

III.
CLASS DESCRIPTION

3. Plaintiffs bring this action on behalf of themselves and the following similarly situated persons:

“All current and former hourly-paid tipped employees (servers and bartenders) who have been employed by and worked at any Inter-Continental Hotels Corporation (IHG) restaurant, any Burger Theory restaurant or any restaurant franchised, owned, managed and/or operated by LinGate Hospitality, “LinGate” or Big Blue Bar, Inc. in the United States at any time during the applicable statutory limitations’ period covered by this

Collective Action Complaint (*i.e.* two years for FLSA violations and, three years for willful FLSA violations) up to and including the date of final judgment in this matter, and who is the Named Plaintiff or elect to opt-in to this action pursuant to the FLSA, 29 U.S.C. § 216(b). (Collectively, “the class”).¹

IV. **PARTIES**

4. Defendant Inter-Continental Hotels Corporation, a/k/a Intercontinental Hotels Group “IHG”, is a Georgia Corporation and one of the world’s leading hotel companies. Inter-Continental Hotels Corporation (hereinafter “IHG”), franchisees, manages, owns, oversees and/or operates such hotel brands as Holiday Inn, Crowne Plaza, Candlewood Suites, Intercontinental Hotels, Staybridge Suites, as well as Burger Theory restaurants, throughout the United States. Its U.S. corporate offices are located at Three Ravinia Drive, Atlanta, Georgia 30346. Plaintiffs have worked as hourly-paid tipped employees at IHG’s and Lingate Hospitality’s Burger Theory restaurant at 600 North Fourth Street in Paducah, Kentucky at all times material herein. Inter-Continental Hotels Corporation has been an “employer” of Plaintiffs and class members as that term is defined in the FLSA, 29 U.S.C. §203(d), during all times material to this action.
5. Defendant Lingate Hospitality, an assumed name of Glenn Enterprises, Inc. is a Kentucky Corporation with its corporate offices located at 1701 Spring Bank Drive, Building A (Suite B), Owensboro, Kentucky 42203. Plaintiffs have worked as hourly-paid tipped employees at IHG’s and Lingate Hospitality’s Burger Theory restaurant at 600 North Fourth Street in Paducah, Kentucky at all times material herein. Lingate Hospitality has

¹ Plaintiffs reserve the right to modify or amend the Class Description upon newly discovered information gathered through the discovery process.

been an “employer” of Plaintiffs and class members as that term is defined in the FLSA, 29 U.S.C. §203(d), during all times material to this action.

6. Defendant LinGate (a/k/a Lingate Hospitality and Lingate Hospitality Group) is a Kentucky business entity with its principal offices located at 1701 Spring Bank Drive, Building A (Suite B), Owensboro, Kentucky 42203. According to its website, LinGate has been serving the hospitality industry since 1986 and is comprised of two companies: Linmar Hospitality and Gateway Lodging, Inc. (a Kentucky Corporation.) Plaintiffs have worked as hourly-paid tipped employees at IHG’s and Lingate Hospitality’s Burger Theory restaurant at 600 North Fourth Street in Paducah, Kentucky at all material times herein. LinGate has been an “employer” of Plaintiffs and class members as that term is defined in the FLSA, 29 U.S.C. §203(d), during all times material to this action.
7. Upon information and belief, Burger Theory is an IHG F&B (food and beverage) jointly operated restaurant (with Lingate Hospitality) under IHG’s “Be 1” concept, as well as an assumed name of Big Blue Bar, Inc., a Kentucky Corporation, whose principal owner and decision-maker has been Defendant Glenn Higdon, during all times material to this action.
8. Big Blue Bar, Inc. is a Kentucky Corporation, under whose name Burger Theory is assumed and, whose principal owner and decision-maker has been Defendant Glenn Higdon at all times material to this action.
9. Defendant Glenn Higdon has been the principal owner and officer of Lingate Hospitality, Glenn Enterprises, Inc., LinGate, Linmar Hospitality, Gateway Lodging and Big Blue Bar, Inc. and, was jointly responsible with IHG for the operational and compensation policies and practices related to Plaintiffs and class members at the Burger Theory restaurant at 600 North Fourth Street in Paducah, Kentucky, during all times material herein. Glenn Higdon

has been an “employer” of Plaintiffs and class members as that term is defined in the FLSA, 29 U.S.C. §203(d), during all times material to this action.

10. Defendants have been joint employers of Plaintiffs and class members because they worked under Defendants’ joint control and direction of the Burger Theory restaurant at 600 North Fourth Street in Paducah, Kentucky, at all times material to this action.
11. Defendants constitute an integrated enterprise, as defined in the Fair Labor Standards Act, 29 U.S.C. § 203(r), because their management, training, control and oversight activities relating to Plaintiffs and class members at the Burger Theory restaurant at 600 North Fourth Street in Paducah, Kentucky have been performed through a unified operation of common control for a common business purpose, during all times material herein.
12. Plaintiff Alisha Askew has been employed by Defendants as an hourly-paid tipped employee at Defendants’ Burger Theory restaurant at 600 North Fourth Street in Paducah, Kentucky during all times material. (Plaintiff Alisha Askew’s Consent to Join this collective action is attached hereto as *Exhibit A.*)
13. Plaintiff Deborah Williams has been employed by Defendants as an hourly-paid tipped employee at Defendants’ Burger Theory restaurant at 600 North Fourth Street in Paducah, Kentucky during all times material. (Plaintiff Deborah Williams’ Consent to Join this collective action is attached hereto as *Exhibit B.*)
14. Plaintiff Shavonna Askew has been employed by Defendants as an hourly-paid tipped employee at Defendants’ Burger Theory restaurant at 600 North Fourth Street in Paducah, Kentucky, within this district, during all times material. (Plaintiff Shavonna Askew’s Consent to Join this collective action is attached hereto as *Exhibit C.*)

V.
ALLEGATIONS

15. Defendants, as joint employers and as an integrated enterprise, operated, trained, managed and “oversaw” the aforementioned Burger Theory restaurant located at the Holiday Inn Riverfront in Paducah, Kentucky, as well as operated, trained, managed and “oversaw” other restaurants throughout the United States.
16. On information and belief, IHG had training responsibilities relating to Plaintiffs and class members at the aforementioned Burger Theory restaurant in Paducah, Kentucky and required them to comply with and conform to IHG’s standards, policies and practices while so employed during all times material to this action. IHG advertised and held itself out as having management and oversight authority over the aforementioned Burger Theory restaurant in Paducah, Kentucky and regarded Plaintiffs and class members as its employees. (IHG provided Plaintiffs and class members with free Amazon “Kindles” and allowed them to use “IHG” employee discount rates at all of its other hotels, “IHG” employee discount rates at Shell gas stations and “IHG” employee discount rates at Hertz rental car agencies, etc.
17. Defendants LinGate, LinGate Hospitality and LinGate Hospitality Group, had joint management responsibilities with IHG in the operation and control of the aforementioned Burger Theory restaurant in Paducah, Kentucky during all times material to this action.
18. The primary function of Defendants’ hotel-related restaurants has been to sell and serve food and beverage items to customers.
19. On information and belief, the decisions regarding the compensation of Plaintiffs and other class members were made through an integrated team, under the control and direction of Glenn Higdon and IHG management.

20. Defendants have and continue to employ a time keeping system for tracking and reporting the compensable work time of Plaintiffs and class members.
21. At all times material to this action, Plaintiffs and class members have been “employees” of Defendants as defined by Section 203(e)(1) of the FLSA and, worked for Defendants within the territory of the United States within three (3) years preceding the filing of this lawsuit.
22. Plaintiffs and class members are current or former employees of Defendants who were paid a “tip credit” rate (a rate less than minimum wage) of pay against the required FLSA minimum wage of \$7.25 per hour. Therefore, Defendants violated the FLSA’s minimum wage provision.
23. At all times material to this action, Defendants have been an enterprise engaged in interstate commerce or in the production of goods for commerce as defined by Section 203(s)(1) of the FLSA, with annual revenue in excess of \$500,000.00 and, their tipped employees, including Plaintiffs and class members, likewise have engaged in interstate commerce during all relevant times.
24. At all times material to this action, Defendants have been an “employer” or “joint employer” as defined by the FLSA.
25. Defendants constitute an integrated enterprise, as defined in the FLSA, 29 U.S.C. § 203(r), during all times material herein.
26. Defendants have had a common plan, policy and practice (scheme) of strictly enforcing restricted hours of compensable work per day and per week (budgeted labor cost) of Plaintiffs and class members, to stay within or below such budgeted labor cost, during all times material herein.

27. Defendants have carried out their common plan, policy and practice of strictly enforcing their budgeted labor cost by inducing and forcing their restaurant managers to require, direct, encourage, entice and/or, suffer and permit, Plaintiffs and class members:
- (a) to perform maintenance, kitchen and housekeeping (dual occupation),² non-tip producing tasks for extended periods of time during their shifts while clocked-in to Defendants' time keeping system as tipped employees at a "tip credit" wage rate;
 - (b) to perform non-tip producing "side work" tasks tangentially related to their tipped occupation but non-tip producing in nature more than twenty (20%) percent of their shifts, and attend meetings and training, while only receiving a tip credit for such work and time; and
 - (c) to pool their banquet tips with cooks and housekeeping employees who are not hourly-paid tipped employees (constituting an unlawful "tip pool").
28. As tipped employees, Plaintiffs and putative class members performed non-tip producing tasks including, but not limited to: washing and stocking dishes and silverware; cutting lemons, limes, and fruit; washing linens; sweeping and mopping their assigned serving sections; cleaning, and dusting ledges; cleaning glass and windows; mopping; filling salt and pepper shakers; rolling silverware; various cooking duties, such as cooking french fries; stocking and filling condiments; busing tables; and preparing banquet areas, including arranging plates and glasses.
29. Plaintiffs and class members routinely work shifts that lasted between eight (8) and nine (9) hours.

² See 29 C.F.R. § 531.56(e)

30. Plaintiffs estimate that they routinely spent two (2) to three (3) hours performing non-tip producing tasks, as described above.
31. Accordingly, Plaintiffs and class members performed such “off-the-clock”, “dual occupation”, “more than twenty (20%) percent and related meetings/training time,” and suffered a loss of tips as a result of the aforementioned unlawful “tip pool” scheme. Consequently, they were not paid the applicable FLSA minimum wage rate of pay for all such hours worked.
32. Further, Defendants cannot claim a tip credit for any tips Plaintiffs received from Defendants’ customers. Defendants cannot establish they complied with the tip credit provisions of Section 203(m). *See* 29 U.S.C. § 2013(m). For example, as previously stated, at times Defendants required Plaintiffs, and putative class members, to give up a portion of their tips to ineligible employees and others not entitled to receive them.
33. Plaintiffs' and Class Members' “dual occupation”, “more than twenty (20%) percent and related meetings/training time” and, “unlawful tip pooling” claims have been unified through common theories of Defendants’ FLSA violations.
34. As a result, Plaintiffs and class members are entitled to at least the applicable FLSA minimum wage rates of pay for all such unpaid wage claims, including at least the applicable minimum wage rate of pay, without applying any tip credit, for all hours worked on shifts during which unlawful tip pooling occurred.
35. The U.S. Department of Labor’s Fact Sheet #15 provides “the maximum tip credit that an employer can currently claim under the FLSA is \$5.12 per hour (the minimum wage of \$7.25 minus the minimum required cash wage of \$2.13).

36. According to the regulation promulgated by the U.S. Department of Labor, "...tips are the property of the employee whether or not the employer has taken a tip credit under section (3) of the FLSA." 29 C.F.R. § 531.52.
37. The net effect of Defendants' aforementioned plan, policy and practice of requiring Plaintiffs and other class members to perform unrelated maintenance, kitchen and housekeeping, non-tip producing (dual occupation) work for extended periods of time at only the tip credit rate when not assigned "tables" and customers, to perform unrelated preparation and maintenance "side work" of more than twenty (20%) percent of the time, and attend mandatory meetings and required training, while only receiving a tip credit wage for such time and, to unlawfully pool their banquet tips with non-tipped hourly-paid employees, was to stay within its "budgeted labor" cost for their jointly managed and operated restaurants and, thereby, save payroll costs and payroll taxes. As a consequence, Defendants have violated the FLSA and, thereby enjoyed ill-gained profits at the expense of their tipped employees, including Plaintiff and class members.
38. Although at this stage Plaintiffs are unable to state the exact amount owed to them and class members, they believe such information will become available during the course of discovery. However, when an employer fails to keep complete and accurate time records, employees may establish the hours worked solely by their testimony and the burden of proof of overcoming such testimony shifts to the employer.

VI.
COLLECTIVE ACTION ALLEGATIONS

39. Plaintiffs bring this action on behalf of themselves and the class as a collective action pursuant to the FLSA, 29 U.S.C. §§ 206, 207, and 216(b).

40. The claims under the FLSA may be pursued by those who opt-in to this case under 29 U.S.C. § 216(b).
41. The members of the class are so numerous that joinder of all other members of the class is impracticable. While the exact number of the other members of the class is unknown to Plaintiffs at this time and, can only be ascertained through applicable discovery, they believe there are hundreds of individuals in the putative class.
42. The claims of Plaintiffs are typical of the claims of the class. Plaintiffs and other members of the class who work or have worked for Defendants' restaurants were subjected to the same operational, compensation and timekeeping policies and practices of Defendants, without being paid fully for all their aforementioned wage claims at the applicable FLSA minimum wage and overtime compensation rates of pay.
43. As a result, such aforementioned unpaid wage claims of Plaintiffs and class members are unified through common theories of Defendants' FLSA statutory violations.
44. Common questions of law and fact exist as to the class which predominate over any questions only affecting other members of the class individually and include, but are not limited to, the following:
 - Whether Plaintiffs and other members of the class were expected and/or required to perform work without being paid full compensation;
 - Whether Defendants failed to pay Plaintiffs and the other members of the class the applicable FLSA minimum wage rates of pay for all work performed;
 - The correct statutes of limitations for the claims of Plaintiffs and other members of the class;
 - Whether Plaintiffs and other members of the class are entitled to damages from Defendants, including but not limited to liquidated damages, and the measure of the damages; and,

- Whether Defendants are liable for interest, attorneys' interest, fees, and costs to Plaintiff and the class.
45. Plaintiffs will fairly and adequately protect the interests of the class as their interests are aligned with those of the other members of the class. Plaintiffs have no interests adverse to the class and, they have retained competent counsel who are experienced in collective action litigation.
46. The collective action mechanism is superior to the other available methods for a fair and efficient adjudication of the controversy. The expenses, costs, and burden of litigation suffered by individual other members of the class in a collective action are relatively small in comparison to the expenses, costs, and burden of litigation of individual actions, making it virtually impossible for other members of the class to individually seek address for the wrongs done to them.
47. Plaintiffs and other members of the class have suffered and will continue to suffer irreparable damage from the unlawful policies, practices, and procedures implemented by Defendants.

COUNT I
FLSA VIOLATIONS – MINIMUM WAGE
(On Behalf of the Class)

48. Plaintiffs, on behalf of themselves and other members of the class, repeat and re-allege Paragraphs 1 through 44 above, as if they were fully set forth herein.
49. At all times relevant herein, Defendants have been and continue to be an employer engaged in interstate commerce within the meaning of the FLSA, 29 U.S.C. § 206(a) and 207(a). Plaintiffs and class members likewise have been engaged in interstate commerce during all relevant times.

50. Pursuant to Defendants' aforementioned common plans, policies and practices, it has failed to pay Plaintiffs and other members of the class the applicable minimum wage rates for all work performed, as required by the FLSA.
51. At all times relevant and based on the aforementioned allegations, Defendants have had a common plan, policy and practice of willfully refusing to pay Plaintiffs and other members of the class for all compensable time, including for all unrelated maintenance, kitchen and housekeeping "dual occupation" non-tip producing work time when not assigned "tables" and customers at only a tip credit wage rate, for all unrelated non-tip producing preparation and maintenance "side work" in excess of twenty (20%) percent of their time, and "meetings/training" time, at only a tip credit wage rather than at the applicable FLSA minimum wage rate of pay.
52. At all times relevant herein, Defendants' aforementioned common plans, policies and practices of willfully failing to pay Plaintiff and members of the class at least the required minimum wage rate of \$7.25 an hour for the aforementioned claims violate the FLSA. Such claims are unified through common theories of Defendants' FLSA violations.
53. At all times relevant and based on the aforementioned allegations, Defendants have had a common plan, policy and practice of pooling earned tips of Plaintiffs and class members with non-tipped hourly employees and, thereby constituting an unlawful "tip pool" compensation plan.
54. As result, Plaintiffs and class members are entitled to the applicable FLSA minimum wage rate of \$7.25 per hour, without applying any tip credit, for all hours worked during shifts in which such unlawful "tip pooling" occurred, during the relevant statutory period of time herein.

55. At all times relevant, Defendants have had actual as well as constructive knowledge of willfully refusing to pay Plaintiffs and other members of the class for all the aforementioned unpaid wage claims of at least the applicable FLSA minimum wage rate of pay.
56. Defendants knew or showed reckless disregard for whether their practices violated the minimum wage provisions of the FLSA.
57. Defendants' aforementioned FLSA violations were willful and, committed without a good faith basis. Therefore, Defendants' conduct constitutes a willful violation of the FLSA within the meaning of 29 U.S.C. § 255(a).

PRAYER FOR RELIEF

Whereas, Plaintiffs, individually, and on behalf of themselves and all other similarly situated members of the class, request this Court to grant the following relief against Defendants:

- A. Designation of this cause as a collective action on behalf of the class and promptly issue notice pursuant to 29 U.S.C. § 216(b), apprising class members of the pendency of this action and permitting other members of the class to assert timely FLSA claims in this action by filing individual Consents under 29 U.S.C. § 216(b);
- B. On Count I, an award of compensation for unpaid minimum wages to Plaintiffs and other members of the class at the applicable FLSA minimum wage rate of pay.
- C. On Count I, an award of liquidated damages to Plaintiffs and other members of the class;
- D. On Count I, an award of prejudgment and post-judgment interest at the applicable legal rate to Plaintiffs and other members of the class;

- E. On Count I, an award of costs, expenses, and disbursements relating to this action together with reasonable attorneys' fees and expert fees to Plaintiffs and other members of the class;
- F. On Count I, a ruling that the three-year statutory period for willful violations under the FLSA shall apply in this action, and;
- G. Such other general and specific relief as this Court deems just and proper.

JURY TRIAL DEMAND

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiffs demand a **trial by jury** on all issues so triable

Dated: February 15, 2019.

Respectfully Submitted,

/s/ Lori Keen

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J. Russ Bryant* (TN BPR) #33830
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rturner@jsyc.com

** Pro Hac Vice Admission Anticipated*

*Attorneys for the Named Plaintiffs, on behalf of
herself and all other similarly situated current
and former employees*

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF KENTUCKY
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ALISHA ASKEW, DEBORAH WILLIAMS
and, **SHAVONNA ASKEW**, *Individually, and*
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situated current and former employees,

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and **BURGER THEORY**, *an assumed name of*
BIG BLUE BAR, INC. and, GLENN HIGDON,
Individually,

FLSA Collective Action

Defendants,

JURY DEMANDED

CONSENT TO JOIN AS NAMED REPRESENTATIVE

1. I have been employed by Defendants as an hourly paid employee during the past three years.
2. I hereby consent to join this or any subsequent action against the Defendants as a Named Representative Plaintiff to assert claims for violations of the FLSA 29 U.S.C. § 201, *et seq.*, including the non-payment of minimum wage compensation as specified in the Collective Action Complaint.
3. I understand this lawsuit is brought under the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. § 216(b), *et seq.* I hereby consent to join and opt-in and authorize the prosecution of the above-styled action to recover unpaid wages in my name and on my behalf as an above-named representative Plaintiff.
4. I agree to be represented by the law firm of Jackson, Shields, Yeiser & Holt and Attorneys Gordon E. Jackson and J. Russ Bryant, as well as any other attorneys with whom they may associate.

EXHIBIT A

Alisha D Askew
Signature _____ Date _____

Alisha D Askew
Full Legal Name _____

EXHIBIT B

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ALISHA ASKEW, DEBORAH WILLIAMS
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EXHIBIT B

Deborah Williams

Signature

Date

Deborah A. Williams

Full Legal Name

EXHIBIT C

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and, **SHAVONNA ASKEW**, *Individually, and*
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EXHIBIT C

Shavonna Askew
Signature Date

Shavonna Denice Askew
Full Legal Name

JS 44 (Rev. 08/18)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

ALISHA ASKEW, et al.

(b) County of Residence of First Listed Plaintiff McCracken County, KY
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Lori Keen; Glassman Edwards Wade & Wyatt, PC; 26 North 2nd, St.,
Memphis, TN 38103; (901) 527-4673

DEFENDANTS

INTER-CONTINENTAL HOTELS CORPORATION, et al.

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	LABOR	FEDERAL TAX SUITS
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input checked="" type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
		IMMIGRATION		
		<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions		

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from Another District (specify)
- 6 Multidistrict Litigation - Transfer
- 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
29 USC 201, et seq.

Brief description of cause:
Collective Action under 216(b) of the Fair Labor Standards act for the recovery of unpaid wages.

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE 02/15/2019 SIGNATURE OF ATTORNEY OF RECORD /s/ Lori Keen

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Kentucky

ALISHA ASKEW, et al.,

Plaintiff(s)

v.

INTER-CONTINENTAL HOTELS CORPORATION, et al.,

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) BIG BLUE BAR, INC.
Reg. Agent: Glenn D. Higdon
1401 Springbank Dr.
Bldg. A, Ste 8
Owensboro, KY 42304

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Glassman Edwards Wade & Wyatt, PC JACKSON SHIELDS YEISER & HOLT
26 North 2nd, St., Memphis, TN 38103 262 German Oak Drive
(901) 527-4673 Cordova, TN 38018
(901) 754-8001

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Kentucky

ALISHA ASKEW, et al.,

Plaintiff(s)

v.

INTER-CONTINENTAL HOTELS CORPORATION, et al.,

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) BURGER THEORY, assumed name of BIG BLUE BAR, INC.
Reg. Agent: Glenn D. Higdon
1401 Springbank Dr.
Bldg. A, Ste 8
Owensboro, KY 42304

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Glassman Edwards Wade & Wyatt, PC JACKSON SHIELDS YEISER & HOLT
26 North 2nd, St., Memphis, TN 38103 262 German Oak Drive
(901) 527-4673 Cordova, TN 38018
(901) 754-8001

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Kentucky

ALISHA ASKEW, et al.,

Plaintiff(s)

v.

INTER-CONTINENTAL HOTELS CORPORATION, et al.,

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) GLENN ENTERPRISES, INC.
Reg. Agent: Glenn D. Higdon
1401 Springbank Dr.
Bldg. A, Ste 8
Owensboro, KY 42304

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Glassman Edwards Wade & Wyatt, PC JACKSON SHIELDS YEISER & HOLT
26 North 2nd, St., Memphis, TN 38103 262 German Oak Drive
(901) 527-4673 Cordova, TN 38018
(901) 754-8001

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Kentucky

ALISHA ASKEW, et al.,

Plaintiff(s)

v.

INTER-CONTINENTAL HOTELS CORPORATION, et al.,

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Glenn D. Higdon
1401 Springbank Dr.
Bldg. A, Ste 8
Owensboro, KY 42304

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Glassman Edwards Wade & Wyatt, PC JACKSON SHIELDS YEISER & HOLT
26 North 2nd, St., Memphis, TN 38103 262 German Oak Drive
(901) 527-4673 Cordova, TN 38018
(901) 754-8001

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Kentucky

ALISHA ASKEW,et al.,

Plaintiff(s)

v.

INTER-CONTINENTAL HOTELS CORPORATION, et al.,

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) INTER-CONTINENTAL HOTELS CORPORATION
Reg. Agent: Corporation Service Company
40 Technology Pkwy, South, #300
Norcross, GA 30092

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Glassman Edwards Wade & Wyatt, PC JACKSON SHIELDS YEISER & HOLT
26 North 2nd, St., Memphis, TN 38103 262 German Oak Drive
(901) 527-4673 Cordova, TN 38018
(901) 754-8001

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Kentucky

ALISHA ASKEW, et al.,

Plaintiff(s)

v.

INTER-CONTINENTAL HOTELS CORPORATION, et al.,

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) LINGATE HOSPITALITY, assumed name of Glenn Enterprises, Inc. Reg. Agent: Glenn D. Higdon 1401 Springbank Dr. Bldg. A, Ste 8 Owensboro, KY 42304

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Glassman Edwards Wade & Wyatt, PC 26 North 2nd, St., Memphis, TN 38103 (901) 527-4673 JACKSON SHIELDS YEISER & HOLT 262 German Oak Drive Cordova, TN 38018 (901) 754-8001

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Kentucky

ALISHA ASKEW, et al.,

Plaintiff(s)

v.

INTER-CONTINENTAL HOTELS CORPORATION, et al.,

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) LINGATE, a subsidiary of Glenn Enterprises, Inc.
Reg. Agent: Glenn D. Higdon
1401 Springbank Dr.
Bldg. A, Ste 8
Owensboro, KY 42304

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Glassman Edwards Wade & Wyatt, PC JACKSON SHIELDS YEISER & HOLT
26 North 2nd, St., Memphis, TN 38103 262 German Oak Drive
(901) 527-4673 Cordova, TN 38018
(901) 754-8001

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Burger Theory, InterContinental Hotels Group Named in Tipped Employees' Wage and Hour Lawsuit](#)
