

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

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**AMY BISHOP, T'KEYHA COFFEY,  
ANGELICA MALDONADO, SHANTE MCNAIRY,**  
and **ALEXANDRIA REED**, *Individually,*  
*and on behalf of themselves and other similarly  
situated current and former employees,*

Plaintiffs,

NO. \_\_\_\_\_

v.

**TYSON RANCH PROCESSING, LLC,**  
*a Delaware Limited Liability Company,*  
**TYSON HOLISTIC HOLDINGS, INC.,**  
*a California Corporation, and*  
**ROBERT A. HICKMAN,**  
*an Individual,*

**FLSA Collective Action  
JURY DEMANDED**

Defendants.

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**ORIGINAL COLLECTIVE ACTION COMPLAINT**

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Named Plaintiffs, Amy Bishop, T'Keyha Coffey, Angelica Maldonado, Shante McNairy, and Alexandria Reed (collectively "Plaintiffs"), individually and on behalf of all others similarly situated, bring this Fair Labor Standards Act ("FLSA") collective action against the above-named Defendants and show as follows:

**I. NATURE OF SUIT**

1. This lawsuit is brought against Defendants as a collective action under the FLSA, 29 U.S.C. § 201, *et seq.*, to recover unpaid overtime compensation and other damages owed to Plaintiffs and other similarly situated current and former employees of Defendants, as defined herein.
2. Defendants violated the FLSA by failing to compensate Plaintiffs at the rate of time and

one-half their regular rate of pay for all the hours worked over forty (40) hours in each workweek. Plaintiffs bring this action as a collective action pursuant to 29 U.S.C. § 216(b).

## **II. PARTIES**

3. Plaintiff Amy Bishop was employed by Defendants as a Line Tech and Shift Lead within the three (3) year period preceding the filing of this Collective Action Complaint. Plaintiff Bishop worked for Defendants at their location in California from January 2019 to June 2019 and at their location in Tennessee from June 2019 until November 2019. Plaintiff Bishop was told she would be paid \$25.00 per hour for every hour worked for Defendants during her employment from January 2019 until November 2019. Plaintiff Bishop hereby consents to be a party-plaintiff and a named representative plaintiff in this action and her consent to join form is attached as “*Collective Exhibit A.*”
4. Plaintiff T’Keyha Coffey was employed by Defendants as a Line Tech and Shift Lead within the meaning of the FLSA within the three (3) year period preceding the filing of this Collective Action Complaint. Plaintiff Coffey worked for Defendants in Tennessee from May 2019 until November 2019. Plaintiff Coffey was told she would be paid \$18.00 per hour for every hour worked for Defendants as a Line Tech and was promoted to Shift Lead in June 2019 with a raise to \$25.00 per hour. Plaintiff Coffey hereby consents to be a party-plaintiff and a named representative plaintiff in this action and her consent to join form is attached as “*Collective Exhibit A.*”
5. Plaintiff Angelica Maldonado was employed by Defendants as a Line Tech within the meaning of the FLSA within the three (3) year period preceding the filing of this Collective Action Complaint. Plaintiff Maldonado worked for Defendants in Tennessee

from May 2019 until November 2019. Plaintiff Maldonado was told she would be paid \$18.00 per hour for every hour worked for Defendants. Plaintiff Maldonado hereby consents to be a party-plaintiff and a named representative plaintiff in this action and her consent to join form is attached as “*Collective Exhibit A.*”

6. Plaintiff Shante McNairy was employed by Defendants as a Line Tech and Shift Lead within the meaning of the FLSA within the three (3) year period preceding the filing of this Collective Action Complaint. Plaintiff McNairy worked for Defendants in Tennessee from May 2019 until November 2019. Plaintiff McNairy was told she would be paid \$18.00 per hour for every hour worked for Defendants as a Line Tech and was promoted to Shift Lead in August 2019 with a raise to \$21.00 per hour. Plaintiff McNairy hereby consents to be a party-plaintiff and a named representative plaintiff in this action and her consent to join form is attached as “*Collective Exhibit A.*”

7. Plaintiff Alexandria Reed was employed by Defendants as a Line Tech and Shift Lead within the meaning of the FLSA within the three (3) year period preceding the filing of this Collective Action Complaint. Plaintiff Reed worked for Defendants in Tennessee from May 2019 until November 2019. Plaintiff Reed was told she would be paid \$18.00 per hour for every hour worked for Defendants as a Line Tech and was promoted to Shift Lead with a raise to \$21.00 per hour. Plaintiff Reed hereby consents to be a party-plaintiff and a named representative plaintiff in this action and her consent to join form is attached as “*Collective Exhibit A.*”

8. Defendant Tyson Ranch Processing, LLC is a for-profit Delaware Limited Liability Company authorized to do business, and is currently doing business, in the State of Tennessee. According to the Tennessee Secretary of State, it can be served through its

registered agent, CT Corporation System, at 300 Montvue Road; Knoxville, Tennessee 37919 or wherever it may be found.

9. Defendant Tyson Holistic Holdings, Inc. is a California for-profit corporation authorized to do business, and is currently doing business, in the State of California. According to the California Secretary of State, it can be served through its registered agent, Robert A. Hickman at 34145 Pacific Coast Highway, #304, Dana Point, California 92629 or wherever it may be found.
10. Defendant Robert A. Hickman is an individual residing in California and can be served with process at 34145 Pacific Coast Highway, #304, Dana Point, California 92629 or wherever he may be found.

### **III. JURISDICTION AND VENUE**

11. This Court has jurisdiction over this lawsuit because the suit arises under 29 U.S.C. § 201 *et seq.*
12. Venue is proper in this District under 28 U.S.C. § 1391(b)(2) because Defendants are currently conducting business in this District and because the events that form the basis of this suit occurred in this District.

### **IV. CLASS DESCRIPTION**

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

All current and former hourly paid employees (Line Techs and Shift Leads) of Defendants during the applicable limitation's period (*i.e.* two (2) years for FLSA violations and three (3) years for willful FLSA violations) up to and including the date of final judgment in this matter including the Named Plaintiffs and those who elect to opt-in to this action pursuant to the FLSA, 29 U.S.C. § 216(b). (Collectively, "the class").

## V. COVERAGE

14. At all material times, Defendants have acted, directly or indirectly, in the interest of an employer or joint employer with respect to Plaintiffs and Class Members.
15. At all times hereinafter mentioned, Defendants have been employers of Plaintiffs within the meaning of the Section 3(d) of the FLSA, 29 U.S.C. § 203(d), as well as an employer of all other persons hired to work for Defendants and comprising the Class.
16. At all times hereinafter mentioned, Defendants have been an enterprise within the meaning of Section 3(r) of the FLSA, 29 U.S.C. § 203(r).
17. At all times hereinafter mentioned, Defendants have been an enterprise engaged in commerce or in the production of goods for commerce within the meaning of Section 3(s)(1) of the FLSA, 29 U.S.C. § 203(s)(1), because Defendants have had employees engaged in commerce or in the production of goods for commerce, or employees handling, selling, or otherwise working on goods or materials that have been moved in or produced for commerce by any person and in that said enterprise has had and has an annual gross volume of sales made or business done of not less than \$500,000 (exclusive of excise taxes at the retail level which are separately stated).
18. Throughout the statutory recovery period applicable to this action, Defendants knew the law required that the employees who worked for them be paid overtime for each hour they worked over forty (40) in any given workweek.
19. At all times material to this action, Plaintiffs and all other putative Class Members employed by Defendants were engaged in commerce.
20. At all times hereinafter mentioned, Plaintiffs and Class Members were individual employees engaged in commerce or in the production of goods for commerce as required

by 29 U.S.C. §§ 206–207.

## VI. FACTUAL ALLEGATIONS

21. Defendants’ primary business is processing cannabidiol (“CBD”) from raw hemp biomass for retail sale in various products across the United States.
22. Plaintiffs and Class Members were typically required to work in excess of forty (40) hours per week.
23. When Plaintiffs were hired by Defendants, they were told that they would be paid hourly for all the work they performed. However, Plaintiffs were not compensated for all hours worked over forty (40) at the applicable FLSA overtime rate.
24. In 2016 the corporate Defendants in this matter were founded by former undisputed World Heavyweight World Champion boxer “Iron” Mike Tyson and his business partner Defendant Robert A. Hickman with the goal of creating the best CBD extraction processes within the cannabis industry and with a holistic approach.
25. During the statutory period, Defendant Robert A. Hickman was an employee and equity holder of Tyson Ranch Processing, LLC and Tyson Holistic Holdings, Inc. Defendant Hickman is believed to be the Chief Executive Officer (“CEO”) of Tyson Holistic Holdings, Inc. and Tyson Ranch Processing, LLC. In these capacities, he has the power to hire and fire employees and had this power over Plaintiffs during the course of their relevant employment. Defendant Hickman was ultimately in charge of Plaintiffs’ schedule, supervised their work, was instrumental in implementing Defendants unlawful pay policies, and has knowledge of the overtime hours worked by Plaintiffs, but failed to provide proper redress or lawful pay for their excessive work. In short, he is, in whole or in part, responsible for the overtime violations at issue in this lawsuit.

26. Plaintiff and putative class members job duties involve, *inter alia*, producing and manufacturing CBD isolate.
27. Plaintiffs and Class Members were often required to work eighteen (18) hour days during their employment with Defendants.
28. Plaintiff and Class Members worked on average at least sixty (60) hours per week during their employment with Defendants.
29. Defendants required Plaintiffs and Class Members to attend “pass down” meetings at least fifteen (15) minutes prior to the beginning of their scheduled shifts for which they were not paid, stay after their shifts for mandatory, unpaid weekly meetings, have any overtime hours worked transferred over as “paid time off” at their regular rate of pay, and generally were required to perform work “off the clock” outside of their scheduled shift times.
30. Plaintiffs were told by management members of Defendants that overtime was not paid to employees no matter how many hours were worked per week.
31. Upon information and belief, all Named Plaintiffs had their employment terminated by Defendants when they complained about the way they were compensated for their work. Plaintiffs specifically mentioned the lack of overtime compensation for hours worked over forty (40) per week.
32. Defendants knowingly, willfully, or with reckless disregard carried out their illegal pattern or practice of failing to pay overtime compensation with respect to Plaintiffs and Class Members in both California and Tennessee.
33. The overtime provision set forth in §207 of the FLSA applies to the Defendants.
34. Plaintiffs are owed time and a half pay and liquidated damages for all hours worked over

forty (40) and during the statutory period.

**VIII. COLLECTIVE ACTION ALLEGATIONS**

35. Plaintiffs re-allege and incorporate all the preceding paragraphs as if fully set forth herein.
36. Plaintiffs and Class Members were subjected to the same pay provisions and violations in that they were employed as hourly-paid workers not compensated at time-and-one-half for all hours worked in excess of forty (40) hours in a workweek.
37. Defendants' failure to compensate employees at the appropriate rate for hours worked in excess of forty (40) in a workweek as required by the FLSA results from a policy or practice of not paying hourly employees overtime rates for overtime hours. This policy or practice was applicable to Plaintiffs and Class Members. Application of this policy or practice does not depend on the personal circumstances of Plaintiffs or those joining this lawsuit. Rather, the same policy or practice, which resulted in the non-payment of overtime and all hours worked, that applied to Plaintiffs applied to all Class Members.
38. Defendants were aware of their obligation to pay overtime to Plaintiffs and Class Members and failed to do so. Defendants knowingly, willfully, or with reckless disregard carried out their illegal pattern or practice of failing to pay overtime compensation with respect to Plaintiffs and Class Members.

**IX. CAUSE OF ACTION**

**COUNT I: FAILURE TO PAY WAGES IN ACCORDANCE  
WITH THE FAIR LABOR STANDARDS ACT**

39. Plaintiffs re-allege and incorporate all the preceding paragraphs as if fully set forth herein.
40. During the relevant period, Defendants violated, and are currently violating, the provisions of Sections 6 and/or 7 of the FLSA, 29 U.S.C. §§ 206, 207, and 215(a)(2), by employing employees in an enterprise engaged in commerce or in the production of goods for



commerce within the meaning of the FLSA as aforesaid, for workweeks longer than forty (40) hours without compensating such employees for their work in excess of forty (40) hours per week at rates no less than one-and-a-half times the regular rates for which they were employed.

41. Defendants have acted willfully in failing to pay Plaintiffs and Class Members in accordance with the law.

**X. RELIEF SOUGHT**

42. WHEREFORE, cause having been shown, Plaintiffs prays for judgment against Defendants as follows:

- A. For an Order to Defendants to furnish to Plaintiffs' counsel a list of all names, telephone numbers, e-mail addresses, and home addresses of employees holding hourly-paid positions who have worked for the Defendant within the last three (3) years;
- B. For an Order that authorizes Plaintiffs' counsel to issue notice via U.S. mail, text message, and e-mail at the earliest possible time to all hourly-paid employees who have worked for the Defendants within the last three (3) years, informing them that this action has been filed, of the nature of the action, and of their right to opt-in to this lawsuit if they were deprived of overtime compensation, as required by the FLSA;
- C. For an Order pursuant to Section 16(b) of the FLSA finding Defendants liable for unpaid back wages due to Plaintiffs (and those who may join this suit) and for liquidated damages equal in amount to the unpaid compensation found due to Plaintiffs (and those who may join this suit);
- D. For an Order awarding Plaintiffs (and those who may join this suit) the costs of this action;
- E. For an Order declaring that Defendants' violations of the FLSA were willful;

- F. For an Order awarding Plaintiffs (and those who may join this suit) attorneys' fees;
- G. For an Order awarding Plaintiffs (and those who may join this suit) pre-judgment and post-judgment interest at the highest rates allowed by law;
- H. For an award of a reasonable incentive award for Plaintiffs to compensate them for the time and effort they have spent protecting the interests of the Class and the risks they have undertaken; and
- I. For an Order granting any such other and further relief as may be necessary and appropriate by this Court.

**DEMAND FOR JURY TRIAL**

Plaintiffs hereby demand a **TRIAL BY JURY** as to all issues.

Dated: September 11, 2020.

Respectfully Submitted,

/s/J. Russ Bryant

J. Russ Bryant (TN BPR #33830)

Robert E. Turner, IV (TN BPR #35364)

Nathaniel A. Bishop (TN BPR #35944)

Robert E. Morelli, III (TN BPR #37004)

**JACKSON, SHIELDS, YEISER, HOLT  
OWEN & BRYANT**

Attorneys at Law

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Memphis, Tennessee 38018

Tel: (901) 754-8001

Fax: (901) 759-1745

*rbryant@jsyc.com*

*rturner@jsyc.com*

*nbishop@jsyc.com*

*rmorelli@jsyc.com*

and

Nina Parsley (TN BPR #23818)

**PONCE LAW**

400 Professional Park Drive

Goodlettsville, TN 37072

*nina@poncelaw.com*

*Attorneys for Plaintiffs and similarly situated  
current and former employees*

**Exhibit A**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

---

**AMY BISHOP, T'KEYHA COFFEY,  
ANGELICA MALDONADO, SHANTE MCNAIRY,**  
and **ALEXANDRIA REED**, *Individually,*  
*and on behalf of themselves and other similarly  
situated current and former employees,*

Plaintiffs,

NO. \_\_\_\_\_

v.

**TYSON RANCH PROCESSING, LLC,**  
*a Delaware Limited Liability Company,*  
**TYSON HOLISTIC HOLDINGS, INC.,**  
*a California Corporation, and*  
**ROBERT A. HICKMAN,**  
*an Individual,*

**FLSA Collective Action  
JURY DEMANDED**

Defendants.

---

**CONSENT TO BECOME A PARTY PLAINTIFF**

**Fair Labor Standards Act of 1938, 29 U.S.C. § 216(b)**

I hereby consent to be a party plaintiff pursuant to 29 U.S.C. § 216(b) against Tyson Ranch Processing, LLC et al. for unpaid wages.

Electronically Signed  
2019.10.19 10:45 AM UTC - 172.26.38.132  
  
Account ID: [REDACTED]

**Client**

Amy Bishop

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

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AMY BISHOP, T'KEYHA COFFEY,  
ANGELICA MALDONADO, SHANTE MCNAIRY,  
and ALEXANDRIA REED, *Individually,*  
*and on behalf of themselves and other similarly*  
*situated current and former employees,*

Plaintiffs,

NO. \_\_\_\_\_

v.

TYSON RANCH PROCESSING, LLC,  
*a Delaware Limited Liability Company,*  
TYSON HOLISTIC HOLDINGS, INC.,  
*a California Corporation, and*  
ROBERT A. HICKMAN,  
*an Individual,*

FLSA Collective Action  
JURY DEMANDED

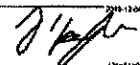
Defendants.

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**CONSENT TO BECOME A PARTY PLAINTIFF**

Fair Labor Standards Act of 1938, 29 U.S.C. § 216(b)

I hereby consent to be a party plaintiff pursuant to 29 U.S.C. § 216(b) against Tyson Ranch Processing, LLC, et al for unpaid wages.

  
2015-12-04 21:39:00 UTC - 172.44.144.230

Client

T'Keyha Coffey

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

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AMY BISHOP, T'KEYHA COFFEY,  
ANGELICA MALDONADO, SHANTE MCNAIRY,  
and ALEXANDRIA REED, *Individually,*  
*and on behalf of themselves and other similarly*  
*situated current and former employees,*

Plaintiffs,

NO. \_\_\_\_\_

v.

TYSON RANCH PROCESSING, LLC,  
*a Delaware Limited Liability Company,*  
TYSON HOLISTIC HOLDINGS, INC.,  
*a California Corporation, and*  
ROBERT A. HICKMAN,  
*an Individual,*

FLSA Collective Action  
JURY DEMANDED

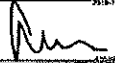
Defendants.

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**CONSENT TO BECOME A PARTY PLAINTIFF**

Fair Labor Standards Act of 1938, 29 U.S.C. § 216(b)

I hereby consent to be a party plaintiff pursuant to 29 U.S.C. § 216(b) against Tyson Ranch Processing, LLC et al for unpaid wages.

  
2019-10-16 20:14:03 UTC - 70 (1644) 1347

Client

Angelica Maldonado

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

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**AMY BISHOP, T'KEYHA COFFEY,  
ANGELICA MALDONADO, SHANTE MCNAIRY,**  
and **ALEXANDRIA REED**, *Individually,*  
*and on behalf of themselves and other similarly  
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Plaintiffs,

NO. \_\_\_\_\_

v.

**TYSON RANCH PROCESSING, LLC,**  
*a Delaware Limited Liability Company,*  
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*a California Corporation, and*  
**ROBERT A. HICKMAN,**  
*an Individual,*

**FLSA Collective Action  
JURY DEMANDED**

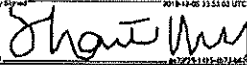
Defendants.

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**CONSENT TO BECOME A PARTY PLAINTIFF**

**Fair Labor Standards Act of 1938, 29 U.S.C. § 216(b)**

I hereby consent to be a party plaintiff pursuant to 29 U.S.C. § 216(b) against Tyson Ranch Processing, LLC et al for unpaid wages.

DocuSign Envelope ID: 2019-12-05 13:51:03 UTC - 0120287214  
  
11/27/2019 10:51:03 UTC - 0120287214

**Client**

Shante McNairy

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

---

**AMY BISHOP, T'KEYHA COFFEY,  
ANGELICA MALDONADO, SHANTE MCNAIRY,**  
and **ALEXANDRIA REED**, *Individually,*  
*and on behalf of themselves and other similarly*  
*situated current and former employees,*

Plaintiffs,

NO. \_\_\_\_\_

v.

**TYSON RANCH PROCESSING, LLC,**  
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*a California Corporation, and*  
**ROBERT A. HICKMAN,**  
*an Individual,*

**FLSA Collective Action  
JURY DEMANDED**


Defendants.

---

**CONSENT TO BECOME A PARTY PLAINTIFF**

**Fair Labor Standards Act of 1938, 29 U.S.C. § 216(b)**

I hereby consent to be a party plaintiff pursuant to 29 U.S.C. § 216(b) against Tyson Ranch Processing, LLC et al for unpaid wages.

Electronically Signed  
  
2020-09-11 09:32:56 -0700

**Client**

Alexandria Reed



# 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**  
 AMY BISHOP, T'KEYHA COFFEY,  
 ANGELICA MALDONADO, SHANTE MCNAIRY,  
 and ALEXANDRIA REED

**(b)** County of Residence of First Listed Plaintiff Rutherford County, TN  
 (EXCEPT IN U.S. PLAINTIFF CASES)

**(c)** Attorneys (Firm Name, Address, and Telephone Number)  
 Jackson, Shields, Yeiser, Holt, Owen & Bryant  
 262 German Oak Drive  
 Memphis, Tennessee 38018

**DEFENDANTS**  
 TYSON RANCH PROCESSING, LLC, 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	<b>PERSONAL INJURY</b> <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	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<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 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <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 (15 USC 1681 or 1692) <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	<b>Habeas Corpus:</b> <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 <b>Other:</b> <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 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 U.S.C. § 216

Brief description of cause:  
FLSA unpaid overtime collective action

**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: 09/10/2020    SIGNATURE OF ATTORNEY OF RECORD: /s/ J. Russ Bryant

## 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.  
 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.

# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Mike Tyson's CBD Processing Company Hit with Lawsuit Alleging Unpaid Overtime Wages](#)

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