

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

JAMES COREY EATON and
STEVEN PAUL SMITH, on behalf
of themselves and all others similarly
situated,

Plaintiffs,

v.

ATLANTA SUPERSOURCE, INC.
and TIM MARTIN,

Defendants.

Civil Action File No.

JURY TRIAL DEMANDED

COLLECTIVE ACTION COMPLAINT

COME NOW Plaintiffs James Corey Eaton and Steven Paul Smith (hereinafter “Plaintiffs”) in the above-styled matter and file this Collective Action Complaint against Defendants Atlanta SuperSource, Inc. (hereinafter “SuperSource”) and Tim Martin (hereinafter “Martin”) (collectively “Defendants”) and respectfully show the Court as follows:

INTRODUCTION

1.

This is an action under the Fair Labor Standards Act (FLSA), 29 U.S.C. 201 *et seq.*, as amended, for SuperSource’s failure to pay regular wages and overtime

wages to Plaintiffs and similarly situated employees for any hours worked over forty (40) hours per week.

PARTIES, JURISDICTION, AND VENUE

2.

Plaintiff James “Jim” Corey Eaton is a resident of Cobb County, Georgia, who resides at 2660 Lake Park Bend, Acworth, Georgia 30101.

3.

Plaintiff Steven Paul Smith is a resident of Fulton County, Georgia, who resides at 415 Morgan Falls Road, Apt 9302, Atlanta, Georgia 30350.

4.

Defendant SuperSource is a domestic corporation registered and licensed to do business in the State of Georgia. SuperSource may be served through its registered agent: Sheldon Friedman, 5555 Glenridge Connector NE, Suite 925, Atlanta, Georgia 30342.

5.

Defendant Tim Martin is the Vice President of Service for SuperSource who may be served at SuperSource’s principal place of business, 3544 Kennesaw 75 Parkway, Suite 100, Kennesaw, Georgia 30144.

6.

This court has jurisdiction over this matter under 28 U.S.C. § 1331. Federal question jurisdiction arises pursuant to the Fair Labor Standards Act (FLSA), 29 U.S.C. § 201 *et seq.*, as amended.

7.

This Court has personal jurisdiction over the Defendants because they transact business and/or reside in the Northern District of Georgia.

8.

Venue in this Court is proper pursuant to 28 U.S.C. §1391(b) and (c) because Defendants are subject to personal jurisdiction in the Northern District of Georgia.

STATEMENT OF FACTS

9.

Plaintiff Eaton began working for SuperSource on September 28, 2015.

10.

Plaintiff Smith began working for SuperSource on or around July 25, 2017.

11.

Plaintiffs were employed as Service Technicians by SuperSource.

12.

Plaintiffs' job duties consisted of performing maintenance and repair work on dish washers and laundry equipment for clients of SuperSource, including restaurants, golf clubs, hotels, and other businesses within Georgia.

13.

During the time that Plaintiffs were employed by SuperSource, SuperSource was an "enterprise engaged in commerce" as defined in 29 U.S.C. §§ 203(s) and 207(a)(1).

14.

During the time that Plaintiffs were employed by SuperSource, SuperSource had two or more "employees engaged in commerce" as defined by 29 U.S.C. § 203(s)(1)(A).

15.

During the time that Plaintiffs were employed by SuperSource, SuperSource had two or more "employees handling, selling, or otherwise working on goods or materials that have been moved in or produced for commerce by any person," as defined in 29 U.S.C. § 203(s)(1)(A).

16.

During the time that Plaintiffs were employed by SuperSource, SuperSource's annual dollar volume of sales of business transactions exceeded \$500,000.00 per year.

17.

During the time that Plaintiffs were employed by SuperSource, SuperSource vested Defendant Tim Martin with supervisory authority over Plaintiffs.

18.

During the time that Plaintiffs were employed by SuperSource, Defendant Martin exercised supervisory authority over Plaintiffs.

19.

During the time that Plaintiffs were employed by SuperSource, Defendant Martin scheduled Plaintiffs' working hours or supervised the scheduling of Plaintiffs' working hours.

20.

During the time that Plaintiffs were employed by SuperSource, Defendant Martin exercised authority and supervision over Plaintiffs' compensation and set or established compensation plans with respect to Plaintiffs.

21.

At all times that Plaintiffs were employed by SuperSource, Defendants were Plaintiffs' employers for the purposes of the FLSA.

22.

At all times relevant to this suit and while employed by SuperSource, Plaintiffs were not exempt from the maximum hour requirements of the FLSA by reason of any exemption set forth in 29 U.S.C. § 213.

23.

Plaintiff Eaton initially earned \$42,000 per year when hired.

24.

Based on his exceptional work, Plaintiff Eaton was awarded a raise from \$42,000 per year to \$45,000 per year on September 28, 2016.

25.

Plaintiff Eaton was set to receive another raise in or around October 2017 from \$45,000 to \$52,000, but this raise was never implemented.

26.

Plaintiff Eaton resigned from SuperSource on or around November 13, 2017.

27.

Plaintiff Smith was hired at a salary of \$40,000 per year and did not receive any raises before he resigned on or around February 4, 2018.

28.

Prior to April 16, 2017, SuperSource required Plaintiffs to work one (1) week on-call and one (1) week as “backup” followed by one (1) week off as “compensatory time” on a rolling basis.

29.

Plaintiffs and similarly situated employees worked more than forty (40) hours per week almost every week while employed by SuperSource.

30.

Plaintiffs and similarly situated employees regularly had to drive several hours to client’s locations for service calls.

31.

During weeks Plaintiffs and similarly situated employees were on-call, they regularly worked sixty-five (65) to eighty (80) hours per week.

32.

During weeks Plaintiffs worked as backup, they regularly worked fifty (50) hours per week.

33.

Prior to April 2017, SuperSource failed to pay Plaintiff Eaton and similarly situated employees any regular wages or overtime wages for any hours worked over forty (40) hours per week.

34.

Instead of regular wages and overtime wages, SuperSource offered Plaintiff Eaton and similarly situated employees a week off as “comp time” in lieu of pay.

35.

The use of compensatory time off is limited to state and government employees and is not allowed for private employers. 29 C.F.R. §§ 553.20 et seq.

36.

From September 28, 2015 to September 28, 2016, Plaintiff Eaton’s effective hourly rate was \$20.19.

37.

Thus, from September 28, 2015 to September 28, 2016, Plaintiff Eaton’s overtime rate should have been \$30.29 for any hours worked over forty (40) hours per week.

38.

From September 28, 2016 to October 2017, Plaintiff Eaton's effective hourly rate was \$22.60.

39.

Thus, from September 28, 2016 to October 2017, Plaintiff Eaton's effective overtime rate should have been \$33.90 for any hours worked over forty (40) hours per week.

40.

Plaintiff Eaton and similarly situated employees were not paid regular wages or overtime wages for any hours over forty (40) hours per week prior to April 16, 2017.

41.

Accordingly, based on his effective hourly rate of \$20.19 with corresponding overtime rate of \$30.29 from September 28, 2015 to September 28, 2016, Plaintiff Eaton should have been paid approximately \$757.25 to \$1,211.60 for each week he was on-call based on the twenty-five (25) to forty (40) hours of overtime worked over forty (40) hours each week.

42.

From September 28, 2016 to approximately April 16, 2017, based on an effective hourly rate of \$22.60 with a corresponding overtime rate of \$33.89, Plaintiff Eaton should have been paid approximately \$847.25 to \$1,355.60 for each week he was on-call based on an the twenty-five (25) to forty (40) hours of overtime worked over forty (40) hours each week.

43.

For weeks Plaintiff Eaton worked as backup between November 2015 to October 2016, Plaintiff Eaton should have been paid approximately \$302.90 in additional wages and overtime for the approximate ten (10) hours of overtime worked over forty (40) hours per week based on his effective hourly rate of \$20.19 with a corresponding overtime rate of \$30.29.

44.

For weeks Plaintiff Eaton worked as backup between September 28, 2016 to approximately April 16, 2017, Plaintiff Eaton should have been paid approximately \$338.90 in additional wages and overtime for the approximate ten (10) hours of overtime worked over forty (40) hours per week based on his effective hourly rate of \$22.60 with a corresponding overtime rate of \$33.89.

45.

On or around April 16, 2017, SuperSource changed its compensation policy and began paying overtime wages for any hours over forty-five (45) hours per week.

46.

The FLSA requires payment of overtime for any hours worked over forty (40) hours for non-exempt employees. 29 U.S.C. § 207.

47.

Therefore, Plaintiffs Eaton and Smith and similarly situated employees should have been paid additional regular and overtime wages for any hours between forty (40) and forty-five (45).

48.

Plaintiff Eaton should have been paid an additional \$169.45 per week from April 16, 2017 to November 13, 2017, based on his effective hourly rate of \$22.60 with corresponding overtime rate of \$33.89.

49.

Plaintiff Smith should have been paid an additional \$144.25 per week from July 25, 2017 to February 4, 2018, based on his effective hourly rate of \$19.23 with corresponding overtime rate of \$28.85.

50.

Furthermore, Defendants did not pay Plaintiffs and similarly situated employees for all overtime for hours worked over forty-five (45) hours per week after April 16, 2017.

51.

The above calculations are based on documents and information available to Plaintiffs at this time. The full extent of the SuperSource's violation of federal law will be revealed throughout the course of discovery in this lawsuit.

52.

Defendant Martin, Vice President of Service for SuperSource, knew that Plaintiffs were owed overtime wages and knowingly failed to pay the same.

53.

After an investigation by the United States Department of Labor, SuperSource began paying overtime for any hours worked over forty (40) hours per week in or around March 2018.

54.

Additionally, Plaintiff Eaton had one (1) week of PTO/vacation remaining that he has not been paid for by SuperSource.

55.

Accordingly, Plaintiff Eaton is owed \$903.85 in unpaid, accrued PTO/vacation pay.

COUNT ONE – VIOLATION OF THE
FAIR LABOR STANDARDS ACT (FLSA), 29 U.S.C. § 207

56.

Plaintiffs re-allege and incorporate by reference Paragraphs 1 through 55.

57.

Plaintiffs regularly worked in excess of forty (40) hours in a standard work week.

58.

Defendants were aware of, permitted, and required Plaintiffs' overtime work.

59.

For every hour worked in excess of forty (40) hours, Plaintiffs were entitled to one and one-half times the regular rate at which each Plaintiff was employed, pursuant to 29 U.S.C. § 207(a)(2).

60.

Defendant SuperSource willfully failed to pay Plaintiffs at one and one-half times their regular rate of pay for hours worked in excess of forty (40) per week from prior to April 16, 2017.

61.

After April 16, 2017, Defendant SuperSource failed to pay Plaintiffs one and one-half times their regular rates of pay for hours worked between forty (40) and forty-five (45) hours per week.

62.

After April 16, 2017, Defendant SuperSource failed to pay Plaintiffs for additional hours worked beyond forty (40) hours per week.

63.

Defendant Tim Martin, Vice President of Service for SuperSource, knew that Plaintiffs were owed overtime and knowingly failed to pay Plaintiffs overtime in accordance with Federal law.

64.

Defendant Martin acted directly in the interest of SuperSource in relation to Plaintiffs' compensation and means or methods of compensation.

65.

Defendants SuperSource and Martin are each liable, severally and jointly, to Plaintiffs for the failure to pay Plaintiffs overtime pursuant to the Fair Labor Standards Act.

66.

Such failure to pay overtime wages in violation of the Fair Labor Standards Act damaged Plaintiffs in an amount to be proven at trial on this matter, and Plaintiffs are entitled to Liquidated Damages, attorneys' fees, and expenses in accordance with 29 U.S. Code § 216(b).

COUNT TWO – LIQUIDATED DAMAGES/PUNITIVE DAMAGES

67.

Plaintiffs re-allege and incorporate by reference Paragraphs 1 through 66.

68.

Pursuant to 29 U.S.C. § 216(b), Plaintiffs are entitled to Liquidated Damages in an amount double the unpaid overtime wages to be proven at trial in accordance with the Fair Labor Standards Act.

69.

Pursuant to O.C.G.A. § 51-12-5.1, Punitive Damages are appropriate in this action so as to penalize and punish Defendants for their willful misconduct, malice,

fraud, wantonness, oppression, or that entire want of care which would raise the presumption of conscious indifference to consequences. Further, Plaintiffs are entitled to an award of punitive damages to deter Defendants from any such further conduct.

COUNT THREE – ATTORNEYS’ FEES

70.

Plaintiffs re-allege and incorporate by reference Paragraphs 1 through 69.

71.

Pursuant to 29 U.S. Code § 216(b), Plaintiffs are entitled to collection of their attorneys’ fees and expenses of litigation for all claims brought herein.

WHEREFORE, Plaintiffs demand the following:

- (a) That process issue and the Defendants be served according to law;
- (b) That a judgment be entered declaring this action to be a collective action properly maintained under 29 U.S.C. § 216(b), that the Representative Plaintiffs be designated as representatives of the FLSA Class, and that their counsel of record be designated as the FLSA Class Counsel;
- (c) That Representative Plaintiffs be granted a trial by jury;
- (d) That Defendants be found to have willfully and intentionally violated the Fair Labor Standards Act;

- (e) That judgment be entered in favor of the Representative Plaintiffs and the FLSA Class for three (3) years of Representative Plaintiffs' back-owed regular and overtime wages;
- (f) That Representative Plaintiffs be awarded pre-judgment interest;
- (g) That liquidated damages be awarded to Representative Plaintiffs for three (3) years of unpaid overtime in accordance with the Fair Labor Standards Act;
- (h) That Representative Plaintiffs recover their attorneys' fees, costs, and expenses of litigation pursuant to 29 U.S. Code § 216(b);
- (i) Such other and further relief as this Court deems just and proper.

Respectfully submitted, this 25th day of April, 2018.¹

PARKS, CHESIN & WALBERT, P.C.
75 Fourteenth Street, 26th Floor
Atlanta, GA 30309
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Counsel for Plaintiffs

/s/ M. Travis Foust
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¹ Pursuant to Local Rule 7.1(D), undersigned counsel certifies that this filing has been prepared with one of the font and point selections approved by the Court in Local Rule 5.1(B).

CIVIL COVER SHEET

The JS44 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 is required for the use of the Clerk of Court for the purpose of initiating the civil docket record. (SEE INSTRUCTIONS ATTACHED)

I. (a) PLAINTIFF(S)

JAMES COREY EATON
2660 LAKE PARK BEND
ACWORTH, GA 30101

STEVEN PAUL SMITH
415 MORGAN FALLS ROAD, APT. 9203
ATLANTA, GA 30350

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF COBB
(EXCEPT IN U.S. PLAINTIFF CASES)

DEFENDANT(S)

ATLANTA SUPERSOURCE, INC.
SHELDON FRIEDMAN, REGISTERED AGENT
5555 GLENRIDGE CONNECTOR NE, STE. 925
ATLANTA, GA 30342

TIM MARTIN, VICE PRESIDENT
3544 KENNESAW 75 PARKWAY, STE. 100
KENNESAW, GA 30144

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT FULTON
(IN U.S. PLAINTIFF CASES ONLY)

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

(c) ATTORNEYS (FIRM NAME, ADDRESS, TELEPHONE NUMBER, AND E-MAIL ADDRESS)

J. DANIEL COLE
PARKS, CHESIN, & WALBERT, P.C.
75 14TH STREET, 26TH FLOOR
ATLANTA, GA 30309
404-873-8000; dcole@pcwlawfirm.com

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)
(FOR DIVERSITY CASES ONLY)

- | PLF | DEF | | PLF | DEF | |
|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|---|
| <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | CITIZEN OF THIS STATE | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 | INCORPORATED OR PRINCIPAL PLACE OF BUSINESS IN THIS STATE |
| <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | CITIZEN OF ANOTHER STATE | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 | INCORPORATED AND PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE |
| <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | CITIZEN OR SUBJECT OF A FOREIGN COUNTRY | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 | FOREIGN NATION |

IV. 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 District) ☐ 6 MULTIDISTRICT LITIGATION - TRANSFER ☐ 7 APPEAL TO DISTRICT JUDGE FROM MAGISTRATE JUDGE JUDGMENT
☐ 8 MULTIDISTRICT LITIGATION - DIRECT FILE

V. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE - DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Collective action under Fair Labor Standards Act (FLSA), 29 U.S.C. 201 et seq., as amended.

(IF COMPLEX, CHECK REASON BELOW)

- | | |
|---|---|
| <input type="checkbox"/> 1. Unusually large number of parties. | <input type="checkbox"/> 6. Problems locating or preserving evidence |
| <input type="checkbox"/> 2. Unusually large number of claims or defenses. | <input type="checkbox"/> 7. Pending parallel investigations or actions by government. |
| <input type="checkbox"/> 3. Factual issues are exceptionally complex | <input type="checkbox"/> 8. Multiple use of experts. |
| <input type="checkbox"/> 4. Greater than normal volume of evidence. | <input type="checkbox"/> 9. Need for discovery outside United States boundaries. |
| <input type="checkbox"/> 5. Extended discovery period is needed. | <input type="checkbox"/> 10. Existence of highly technical issues and proof. |

CONTINUED ON REVERSE

FOR OFFICE USE ONLY

RECEIPT # _____	AMOUNT \$ _____	APPLYING IFP _____	MAG. JUDGE (IFP) _____
JUDGE _____	MAG. JUDGE _____ (Referral)	NATURE OF SUIT _____	CAUSE OF ACTION _____

VI. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)CONTRACT - "0" MONTHS DISCOVERY TRACK

- ☐ 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT
- ☐ 152 RECOVERY OF DEFAULTED STUDENT LOANS (Excl. Veterans)
- ☐ 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS

CONTRACT - "4" MONTHS DISCOVERY TRACK

- ☐ 110 INSURANCE
- ☐ 120 MARINE
- ☐ 130 MILLER ACT
- ☐ 140 NEGOTIABLE INSTRUMENT
- ☐ 151 MEDICARE ACT
- ☐ 160 STOCKHOLDERS' SUITS
- ☐ 190 OTHER CONTRACT
- ☐ 195 CONTRACT PRODUCT LIABILITY
- ☐ 196 FRANCHISE

REAL PROPERTY - "4" MONTHS DISCOVERY TRACK

- ☐ 210 LAND CONDEMNATION
- ☐ 220 FORECLOSURE
- ☐ 230 RENT LEASE & EJECTMENT
- ☐ 240 TORTS TO LAND
- ☐ 245 TORT PRODUCT LIABILITY
- ☐ 290 ALL OTHER REAL PROPERTY

TORTS - PERSONAL INJURY - "4" MONTHS DISCOVERY TRACK

- ☐ 310 AIRPLANE
- ☐ 315 AIRPLANE PRODUCT LIABILITY
- ☐ 320 ASSAULT, LIBEL & SLANDER
- ☐ 330 FEDERAL EMPLOYERS' LIABILITY
- ☐ 340 MARINE
- ☐ 345 MARINE PRODUCT LIABILITY
- ☐ 350 MOTOR VEHICLE
- ☐ 355 MOTOR VEHICLE PRODUCT LIABILITY
- ☐ 360 OTHER PERSONAL INJURY
- ☐ 362 PERSONAL INJURY - MEDICAL MALPRACTICE
- ☐ 365 PERSONAL INJURY - PRODUCT LIABILITY
- ☐ 367 PERSONAL INJURY - HEALTH CARE/ PHARMACEUTICAL PRODUCT LIABILITY
- ☐ 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY

TORTS - PERSONAL PROPERTY - "4" MONTHS DISCOVERY TRACK

- ☐ 370 OTHER FRAUD
- ☐ 371 TRUTH IN LENDING
- ☐ 380 OTHER PERSONAL PROPERTY DAMAGE
- ☐ 385 PROPERTY DAMAGE PRODUCT LIABILITY

BANKRUPTCY - "0" MONTHS DISCOVERY TRACK

- ☐ 422 APPEAL 28 USC 158
- ☐ 423 WITHDRAWAL 28 USC 157

CIVIL RIGHTS - "4" MONTHS DISCOVERY TRACK

- ☐ 440 OTHER CIVIL RIGHTS
- ☐ 441 VOTING
- ☐ 442 EMPLOYMENT
- ☐ 443 HOUSING/ ACCOMMODATIONS
- ☐ 445 AMERICANS with DISABILITIES - Employment
- ☐ 446 AMERICANS with DISABILITIES - Other
- ☐ 448 EDUCATION

IMMIGRATION - "0" MONTHS DISCOVERY TRACK

- ☐ 462 NATURALIZATION APPLICATION
- ☐ 465 OTHER IMMIGRATION ACTIONS

PRISONER PETITIONS - "0" MONTHS DISCOVERY TRACK

- ☐ 463 HABEAS CORPUS- Alien Detainee
- ☐ 510 MOTIONS TO VACATE SENTENCE
- ☐ 530 HABEAS CORPUS
- ☐ 535 HABEAS CORPUS DEATH PENALTY
- ☐ 540 MANDAMUS & OTHER
- ☐ 550 CIVIL RIGHTS - Filed Pro se
- ☐ 555 PRISON CONDITION(S) - Filed Pro se
- ☐ 560 CIVIL DETAINEE: CONDITIONS OF CONFINEMENT

PRISONER PETITIONS - "4" MONTHS DISCOVERY TRACK

- ☐ 550 CIVIL RIGHTS - Filed by Counsel
- ☐ 555 PRISON CONDITION(S) - Filed by Counsel

FORFEITURE/PENALTY - "4" MONTHS DISCOVERY TRACK

- ☐ 625 DRUG RELATED SEIZURE OF PROPERTY 21 USC 881
- ☐ 690 OTHER

LABOR - "4" MONTHS DISCOVERY TRACK

- ☒ 710 FAIR LABOR STANDARDS ACT
- ☐ 720 LABOR/MGMT. RELATIONS
- ☐ 740 RAILWAY LABOR ACT
- ☐ 751 FAMILY and MEDICAL LEAVE ACT
- ☐ 790 OTHER LABOR LITIGATION
- ☐ 791 EMPL. RET. INC. SECURITY ACT

PROPERTY RIGHTS - "4" MONTHS DISCOVERY TRACK

- ☐ 820 COPYRIGHTS
- ☐ 840 TRADEMARK

PROPERTY RIGHTS - "8" MONTHS DISCOVERY TRACK

- ☐ 830 PATENT
- ☐ 835 PATENT-ABBREVIATED NEW DRUG APPLICATIONS (ANDAs) - a/k/a Hatch-Waxman cases

SOCIAL SECURITY - "0" MONTHS DISCOVERY TRACK

- ☐ 861 HIA (1395ff)
- ☐ 862 BLACK LUNG (923)
- ☐ 863 DIWC (405(g))
- ☐ 863 DIWW (405(g))
- ☐ 864 SSID TITLE XVI
- ☐ 865 RSI (405(g))

FEDERAL TAX SUITS - "4" MONTHS DISCOVERY TRACK

- ☐ 870 TAXES (U.S. Plaintiff or Defendant)
- ☐ 871 IRS - THIRD PARTY 26 USC 7609

OTHER STATUTES - "4" MONTHS DISCOVERY TRACK

- ☐ 375 FALSE CLAIMS ACT
- ☐ 376 Qui Tam 31 USC 3729(a)
- ☐ 400 STATE REAPPORTIONMENT
- ☐ 430 BANKS AND BANKING
- ☐ 450 COMMERCE/ICC RATES/ETC.
- ☐ 460 DEPORTATION
- ☐ 470 RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS
- ☐ 480 CONSUMER CREDIT
- ☐ 490 CABLE/SATELLITE TV
- ☐ 890 OTHER STATUTORY ACTIONS
- ☐ 891 AGRICULTURAL ACTS
- ☐ 893 ENVIRONMENTAL MATTERS
- ☐ 895 FREEDOM OF INFORMATION ACT
- ☐ 899 ADMINISTRATIVE PROCEDURES ACT / REVIEW OR APPEAL OF AGENCY DECISION
- ☐ 950 CONSTITUTIONALITY OF STATE STATUTES

OTHER STATUTES - "8" MONTHS DISCOVERY TRACK

- ☐ 410 ANTI-TRUST
- ☐ 850 SECURITIES / COMMODITIES / EXCHANGE

OTHER STATUTES - "0" MONTHS DISCOVERY TRACK

- ☐ 896 ARBITRATION (Confirm / Vacate / Order / Modify)

*** PLEASE NOTE DISCOVERY TRACK FOR EACH CASE TYPE. SEE LOCAL RULE 26.3**

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF CLASS ACTION UNDER F.R.Civ.P. 23 DEMAND \$ _____

JURY DEMAND ☒ YES ☐ NO (CHECK YES ONLY IF DEMANDED IN COMPLAINT)

VIII. RELATED/REFILED CASE(S) IF ANY

JUDGE _____ DOCKET NO. _____

CIVIL CASES ARE DEEMED RELATED IF THE PENDING CASE INVOLVES: (CHECK APPROPRIATE BOX)

- ☐ 1. PROPERTY INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.
- ☐ 2. SAME ISSUE OF FACT OR ARISES OUT OF THE SAME EVENT OR TRANSACTION INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.
- ☐ 3. VALIDITY OR INFRINGEMENT OF THE SAME PATENT, COPYRIGHT OR TRADEMARK INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.
- ☐ 4. APPEALS ARISING OUT OF THE SAME BANKRUPTCY CASE AND ANY CASE RELATED THERETO WHICH HAVE BEEN DECIDED BY THE SAME BANKRUPTCY JUDGE.
- ☐ 5. REPETITIVE CASES FILED BY PRO SE LITIGANTS.
- ☐ 6. COMPANION OR RELATED CASE TO CASE(S) BEING SIMULTANEOUSLY FILED (INCLUDE ABBREVIATED STYLE OF OTHER CASE(S)):

- ☐ 7. EITHER SAME OR ALL OF THE PARTIES AND ISSUES IN THIS CASE WERE PREVIOUSLY INVOLVED IN CASE NO. _____, WHICH WAS DISMISSED. This case ☐ IS ☐ IS NOT (check one box) SUBSTANTIALLY THE SAME CASE.

SIGNATURE OF ATTORNEY OF RECORD

April 25, 2018

DATE

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Collective Action Picks at SuperSource Awarding 'Comp Time' in Lieu of OT Pay](#)
