

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
BOWLING GREEN DIVISION

ROBERT LANDERS,  
Individually and on behalf of all others  
similarly situated

*Plaintiff,*

v.

CWI, INC.,

*Defendant.*

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Civil Action No. 1:18-cv-102-GNS

**JURY TRIAL DEMANDED**

**COLLECTIVE ACTION  
PURSUANT TO 29 U.S.C. § 216(b)**

**ORIGINAL COLLECTIVE ACTION COMPLAINT**

Robert Landers brings this action individually and on behalf of all others similarly situated (hereinafter “Plaintiff and the Putative Class Members”) who have worked for Defendant CWI, Inc. (hereinafter “Defendant” or “CWI”) at any time from August 2, 2015 through the final disposition of this matter, to recover compensation, liquidated damages, attorneys’ fees, and costs, pursuant to the provisions of Section 216(b) of the Fair Labor Standards Act of 1938, as amended 29 U.S.C. § 216(b).

**I.  
OVERVIEW**

1. This is a collective action to recover overtime wages brought pursuant to the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201 *et. seq.*

2. Plaintiff and the Putative Class Members are those persons who have worked for CWI during the relevant time period and have not been paid according to the provisions of the FLSA.

3. Specifically, CWI has intentionally deducted hours from Plaintiff and the Putative Class Members’ time records and has required Plaintiff and the Putative Class Members to perform work off the clock.

4. In addition, CWI has improperly accounted for commissions in its calculations of Plaintiff and the Putative Class Members' regular rate(s), thereby creating a miscalculation of Plaintiff and the Putative Class Members' regular rate(s) of pay for purposes of calculating their overtime compensation each workweek.

5. Plaintiff and the Putative Class Members routinely work (and worked) in excess of forty (40) hours per workweek.

6. Plaintiff and the Putative Class Members have not been paid for all hours worked, and have not been paid the correct amount of overtime for all hours worked in excess of forty (40) hours per workweek.

7. The decision by CWI not to pay all compensation due to Plaintiff and the Putative Class Members has neither been reasonable nor in good faith.

8. CWI has knowingly and deliberately failed to compensate Plaintiff and the Putative Class Members for all hours worked, and the correct amount of overtime for all hours they have worked over forty (40) hours per workweek.

9. Plaintiff and the Putative Class Members did not and currently do not perform work that meets the definition of exempt work under the FLSA.

10. Plaintiff and the Putative Class Members therefore seek to recover all unpaid overtime and other damages owed under the FLSA as a collective action pursuant to 29 U.S.C. § 216(b).

11. Plaintiff also prays that all similarly situated workers (Putative Class Members) be notified of the pendency of this action to apprise them of their rights and provide them an opportunity to opt-in to this lawsuit.

## II. THE PARTIES

12. Plaintiff Robert Landers (“Landers”) worked for CWI within the relevant time period. Plaintiff Landers has not been paid for all hours worked nor has he received the proper amount of overtime compensation for all hours worked in excess of forty (40) hours per workweek.<sup>1</sup>

13. The Putative Class Members are those current and former employees who have worked for CWI at any time from August 2, 2015 and have been subjected to the same illegal pay system under which Plaintiff Landers works and was (and continues to be) paid.

14. Defendant CWI, Inc. (“CWI”) is a Kentucky for-profit corporation and may be served through its registered agent for service, **Brent Moody, 650 Three Springs Road, Bowling Green, Kentucky 42104.**

## III. JURISDICTION & VENUE

15. This Court has subject matter jurisdiction over this case pursuant to 28 U.S.C. § 1331 as this is an action arising under 29 U.S.C. § 201 *et. seq.*

16. This Court has personal jurisdiction over CWI because the cause of action arose within this District as a result of CWT’s conduct within this District and Division.

17. Venue is proper in the Western District of Kentucky because this is a judicial district where a substantial part of the events or omissions giving rise to the claim occurred.

18. Specifically, CWI is headquartered in Bowling Green, Kentucky, which is located in this District and Division.

19. Venue is therefore proper in this Court pursuant to 28 U.S.C. § 1391(b).

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<sup>1</sup> The written consent of Robert Landers is attached hereto as Exhibit A.

**IV.  
ADDITIONAL FACTS**

20. CWI sells Recreational Vehicles (“RVs”), Campers, and related accessories across the United States. CWI also provides maintenance and repair services for RVs and Campers.<sup>2</sup>

21. To provide these services, CWI employed numerous individuals—Plaintiff and the Putative Class Members—to provide services to CWI’s clients and to sell CWI’s goods.

22. Plaintiff Landers worked for CWI from approximately July 2016 until July 2018.

23. CWI has paid Plaintiff and the Putative Class Members by the hour plus commissions.

24. Specifically, Plaintiff Landers was paid twelve dollars (\$12.00) per hour, in addition to commissions on his sales.

25. Plaintiff and the Putative Class Members have regularly worked in excess of forty (40) hours per week.

26. Specifically, Plaintiff and the Putative Class Members have worked at least fifty-five (55) hours a week for Defendant.

27. Plaintiff and the Putative Class Members have been required to perform work “off the clock” and without pay. That is, CWI has required Plaintiff and the Putative Class Members to perform work at the beginning of their respective shifts and before clocking in and has also required Plaintiff and Putative Class Members to perform work at the end of their shift, after they have clocked out.

28. CWI has denied Plaintiff and the Putative Class Members their lawful wages as a result of a widely applicable, illegal pay practice.

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<sup>2</sup> <https://www.campingworld.com>.

29. Plaintiff and the Putative Class Members have not been paid for all hours worked and ultimately have not been paid the correct amount of overtime at time and one half for all hours worked over forty in each workweek.

30. The FLSA mandates that overtime be paid at one and one-half times an employee's regular rate of pay for all hours worked.

31. In addition, pursuant to 29 C.F.R. § 778.117, Defendant has been required to include any and all commissions in Plaintiff and the Putative Class Members' regular rates of pay before any and all overtime multipliers have been applied.

32. Accordingly, CWI's pay policies and practices violated (and continue to violate) the FLSA.

**V.**  
**CAUSE OF ACTION**  
**(Collective Action Alleging FLSA Violations)**

**A. FLSA COVERAGE**

33. All previous paragraphs are incorporated as though fully set forth herein.

34. The FLSA Collective is defined as:

**ALL HOURLY EMPLOYEES WHO HAVE WORKED FOR CWI, INC. AT ANY TIME FROM AUGUST 2, 2015 THROUGH THE FINAL DISPOSITION OF THIS MATTER, AND (A) HAVE NOT BEEN PAID FOR ALL HOURS WORKED AND/OR (B) HAVE NOT RECEIVED THE PROPER AMOUNT OF OVERTIME FOR ALL HOURS WORKED OVER FORTY IN ANY WORKWEEK ("FLSA Collective" or "FLSA Collective Members").**

35. At all times hereinafter mentioned, CWI has been an employer within the meaning of Section 3(r) of the FLSA, 29 U.S.C. § 203(r).

36. At all times hereinafter mentioned, CWI has 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), in that said enterprise has 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, or in any closely related process or occupation directly essential to the production thereof, and in that the enterprise has had, and has, an annual gross volume of sales made or business done of not less than \$500,000.00 (exclusive of excise taxes at the retail level which are separately stated).

37. During the respective periods of Plaintiff and the Putative Class Members' employment by CWI, these individuals have provided services for CWI that have involved interstate commerce.

38. In performing the operations hereinabove described, Plaintiff and the Putative Class Members have been engaged in commerce or in the production of goods for commerce within the meaning of §§ 203(b), 203(i), 203(j), 206(a), and 207(a) of the FLSA. 29 U.S.C. §§ 203(b), 203(i), 203(j), 206(a), 207(a).

39. Specifically, Plaintiff and the Putative Class Members are (or were) ***non-exempt*** employees of CWI who are (or were) employees responsible for selling goods and materials that have been moved in or produced for commerce. 29 U.S.C. § 203(j).

40. At all times hereinafter mentioned, Plaintiff and the Putative Class Members are (or were) individual employees who have been engaged in commerce or in the production of goods for commerce as required by 29 U.S.C. §§ 206–07.

41. In violating the FLSA, CWI has acted willfully, without a good faith basis and with reckless disregard of applicable federal law.

42. The proposed collective of similarly situated employees, i.e. putative collective members sought to be certified pursuant to 29 U.S.C. § 216(b), is defined in Paragraph 34.

43. The precise size and identity of the proposed class should be ascertainable from the business records, tax records, and/or employee or personnel records of CWI.

**B. FAILURE TO PAY WAGES IN ACCORDANCE WITH THE FLSA**

44. All previous paragraphs are incorporated as though fully set forth herein.

45. CWI has violated provisions of Sections 6, 7 and 15 of the FLSA, 29 U.S.C. §§ 206, 207, and 215(a)(2) by employing individuals in an enterprise engaged in commerce or in the production of goods for commerce within the meaning of the FLSA for workweeks longer than forty (40) hours without compensating such employees for all hours worked, including time worked in excess of forty (40) hours per week at rates at least one and one-half times the regular rates for which they were employed.

46. Plaintiff and the FLSA Collective Members have suffered damages and continue to suffer damages as a result of CWI's acts or omissions as described herein; though CWI is in possession and control of necessary documents and information from which Plaintiff would be able to precisely calculate damages.

47. Moreover, CWI knowingly, willfully and in reckless disregard has carried out its illegal pattern of failing to pay Plaintiff and other similarly situated employees for all hours worked and the correct amount of overtime compensation. 29 U.S.C. § 255(a).

48. CWI has known or should have known its pay practices were in violation of the FLSA.

49. CWI is a sophisticated party and employer, and therefore has known (or should have known) its policies were in violation of the FLSA.

50. Plaintiff and the Putative Class Members, on the other hand, are (and were) unsophisticated laborers who have trusted CWI to pay according to the law.

51. The decision and practice by CWI to not pay for all hours worked and the proper amount of overtime for all hours worked has neither been reasonable nor has been in good faith.

52. Accordingly, Plaintiff and the Putative Class Members are entitled to overtime wages for all hours worked pursuant to the FLSA in an amount equal to one-and-a-half times their regular rate of pay, plus liquidated damages, attorneys' fees and costs.

**C. FLSA COLLECTIVE ACTION ALLEGATIONS**

53. All previous paragraphs are incorporated as though fully set forth herein.

54. Pursuant to 29 U.S.C. § 216(b), this is a collective action filed on behalf of all those who are (or were) similarly situated to Plaintiff.

55. Other similarly situated employees have been victimized by CWT's patterns, practices, and policies, which are in willful violation of the FLSA.

56. The Putative Class Members are defined in Paragraph 34.

57. CWT's failure to pay wages for all hours worked and overtime compensation at the rates required by the FLSA results from generally applicable policies and practices, and does not depend on the personal circumstances of the Putative Class Members.

58. Thus, Plaintiff's experiences are typical of the experiences of the Putative Class Members.

59. The specific job titles or precise job requirements of the various Putative Class Members does not prevent collective treatment.

60. All of the Putative Class Members—regardless of their specific job titles, precise job requirements, rates of pay, or job locations—have been entitled to be properly compensated for all hours worked and at the correct overtime rate for all hours that have been worked in excess of forty (40) hours per workweek.

61. Although the issues of damages may be individual in character, there is no detraction from the common nucleus of liability facts.



62. Absent a collective action, many members of the proposed FLSA class likely will not obtain redress of their injuries and CWI will retain the proceeds of its rampant violations of federal wage and hour laws.

63. Moreover, individual litigation would be unduly burdensome to the judicial system. Concentrating the litigation in one forum will promote judicial economy and parity among the claims of the individual members of the classes and provide for judicial consistency.

64. Accordingly, the FLSA collective of similarly situated plaintiffs should be certified as defined as in Paragraph 34 and notice should be promptly sent.

## **VI. RELIEF SOUGHT**

65. Plaintiff respectfully prays for judgment against CWI as follows:

a. For an Order recognizing this proceeding as a collective action pursuant to Section 216(b) of the FLSA and requiring CWI to provide the names, addresses, e-mail addresses, telephone numbers, and social security numbers of all putative collective action members;

b. For an Order approving the form and content of a notice to be sent to all putative collective action members advising them of the pendency of this litigation and of their rights with respect thereto;

c. For an Order awarding Plaintiff (and those who have joined in the suit) back wages that have been improperly withheld;

d. For an Order pursuant to Section 16(b) of the FLSA finding CWI liable for unpaid back wages due to Plaintiff (and those who have joined in the suit), and for liquidated damages equal in amount to the unpaid compensation found due to Plaintiff (and those who have joined in the suit);

e. For an Order awarding Plaintiff (and those who have joined in the suit) the costs of this action;

- f. For an Order awarding Plaintiff (and those who have joined in the suit) attorneys' fees;
  - g. For an Order awarding Plaintiff (and those who have joined in the suit) pre-judgment and post-judgment interest at the highest rates allowed by law;
  - h. For an Order awarding Plaintiff a service award as permitted by law;
  - i. For an Order compelling the accounting of the books and records of CWI;
- and
- j. For an Order granting such other and further relief as may be necessary and appropriate.

Date: August 2, 2018

Respectfully submitted,

**BARKAN MEIZLISH HANDELMAN GOODIN DEROSE  
WENTZ, LLP**

By: /s/ Trent Taylor  
**Trent R. Taylor**  
[ttaylor@barkanmeizlish.com](mailto:ttaylor@barkanmeizlish.com)  
**Robert E. DeRose** (*Pro Hac Vice Anticipated*)  
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**ANDERSON ALEXANDER, PLLC**

By: /s/ Clif Alexander  
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Corpus Christi, Texas 78401  
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Facsimile: (361) 452-1284

***Attorneys for Plaintiff and the Putative Class Members***

# Exhibit A

CONSENT TO JOIN WAGE CLAIM

Print Name: Robert J Landers

1. I hereby consent to participate in a collective action lawsuit against **CWI, INC.** to pursue my claims of unpaid overtime during the time that I worked with the company.
2. I understand that this lawsuit is brought under the Fair Labor Standards Act, and consent to be bound by the Court's decision.
3. I designate the law firm and attorneys at ANDERSON ALEXANDER, PLLC as my attorneys to prosecute my wage claims.
4. I intend to pursue my claim individually, unless and until the Court certifies this case as a collective action. I agree to serve as the Class Representative if the Court so approves. If someone else serves as the Class Representative, then I designate the Class Representative(s) as my agents to make decisions on my behalf concerning the litigation, the method and manner of conducting the litigation, the entering of an agreement with the Plaintiffs' counsel concerning attorneys' fees and costs, and all other matters pertaining to this lawsuit.
5. I authorize the law firm and attorneys at ANDERSON ALEXANDER, PLLC to use this consent to file my claim in a separate lawsuit, class/collective action, or arbitration against the company.

Signature:   
Robert J Landers (Jul 3, 2018)

Date: Jul 3, 2018

**CIVIL COVER SHEET** 1:18-cv-102-GNS

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**

Robert Landers, Individually and on behalf of all others similarly situated

(b) County of Residence of First Listed Plaintiff \_\_\_\_\_  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)  
Trent R. Taylor, Esq., Barkan, Meizlish, Handelman Goodin DeRose  
Wentz, LLP, 250 E. Broad Street, 10th Floor, Columbus, Ohio 43215  
Telephone: (800) 274-5297; Fax: (614) 744-2300

**DEFENDANTS**

CWI, Inc.

County of Residence of First Listed Defendant Warren  
(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	<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 <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 <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

**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. §201, et seq., and 29 U.S.C. §216(b)

Brief description of cause:

Non-payment of employees overtime wages as required by FLSA, 29 U.S.C. §201 et seq.

**VII. REQUESTED IN COMPLAINT:**

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

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

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE \_\_\_\_\_

DOCKET NUMBER \_\_\_\_\_

DATE 08/02/2018 SIGNATURE OF ATTORNEY OF RECORD

Trent R. Taylor, Esq.

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 (Page 2)

Civil Action No. 1:18-cv-102-GNS

**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: [CWI Facing Allegations of Unlawful Pay Practices in Lawsuit](#)

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