

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

**AEYISHA LEWIS, on behalf of himself
and all similarly situated employees,**

Plaintiff,

v.

GALLATIN CHICKEN LLC,

Defendant.

Case No. _____

COLLECTIVE ACTION

JURY DEMAND

COLLECTIVE ACTION COMPLAINT

For her Collective Action Complaint (“Complaint”) under the Fair Labor Standards Act of 1938 (“FLSA”), 29 U.S.C. §§ 201–19, against Defendant Gallatin Chicken LLC (“Defendant” or “Gallatin Chicken”) and her individual Complaint under the FLSA and Tennessee common law, Plaintiff Aeyisha Lewis (“Crowell”) states as follows:

INTRODUCTION

1. Lewis files this collective action, on behalf of herself and all similarly situated employees, to remedy violations of the FLSA by Gallatin Chicken.

2. This collective action seeks to recover unpaid minimum wages for Lewis, as well as for all similarly situated current and former employees who worked for Gallatin Chicken within 3 years of the filing of this Complaint.

3. Gallatin Chicken failed to pay the final week or weeks of wages to its separated employees, which violates the minimum-wage provision of the FLSA, *id.* § 206.

4. Gallatin Chicken retaliated against Lewis by insisting that she engage in FLSA–violating wage practices or lose her job and when it contacted Lewis’s subsequent employer to interfere with Lewis’s post–Gallatin Chicken employment.

5. Gallatin Chicken also violated Tennessee common law when it intentionally interfered with Lewis's post-Gallatin Chicken employment by lying about Lewis to her subsequent employer.

JURISDICTION AND VENUE

6. This Court has subject-matter jurisdiction. Lewis's claims either arise under the laws of the United States, namely the FLSA, 28 U.S.C. § 1331, or are "so related to [the federal] claims . . . that they form part of the same case or controversy under Article III of the United States Constitution," *id.* § 1367(a).

7. This Court has personal jurisdiction over Gallatin Chicken; Defendant does business in Nashville, Tennessee.

8. Venue is proper in this Court. A substantial part of the events giving rise to this action occurred within this District, and Defendant does business in this District, *id.* § 1391(b).

PARTIES

9. Lewis is an individual; she resides in Tuscaloosa, Alabama.

10. Gallatin Chicken is a for-profit company, organized under the laws of Tennessee and registered to do business in Tennessee.

11. Gallatin Chicken operates a Popeyes fried chicken franchise in Nashville, located at 3022 Gallatin Pike.

12. Defendant's registered agent for service of process is Mohsin Daud, 1830 Spring Branch Drive, Madison, Tennessee 37115.

13. At all relevant times, Lewis was an employee of Defendant under the FLSA. *Id.* § 203(e)(1).

14. At all relevant times, Defendant was Lewis's employer under the FLSA. *Id.*

§ 203(d).

15. Defendant's annual gross volume of business exceeds \$500,000. *Id.*

§ 203(s)(A)(ii).

COLLECTIVE ACTION ALLEGATIONS

16. Lewis brings this collective action under 29 U.S.C. § 216(b) on behalf of herself and all similarly situated current and former employees of Defendant.

17. There are dozens of current and former employees who are similarly situated to Lewis and who Defendant denied minimum wages.

18. Defendant unlawfully denied Lewis and similarly situated separated employees their last week or weeks of wages.

19. Crowell seeks to proceed collectively under § 216(b) on behalf of herself and the following collective of persons: **All current and former employees who worked for Defendant and ended their employment between July 23, 2018, and the present** ("Putative Collective").

20. Defendant was aware or should have been aware that federal law requires it to pay Lewis and the Putative Collective members at least the applicable minimum wage for all hours worked.

21. Defendant applied the same unlawful policies and practices to all their employees.

22. The Putative Collective is readily identifiable and locatable within Defendant's business records.

23. The Putative Collective should be notified of and allowed to join this collective action under § 216(b).

24. Unless the Court promptly issues notice to the Putative Collective, its members will not be able to secure the compensation to which they are entitled.

FACTS

25. Plaintiff Lewis worked for Defendant as the General Manager at the Gallatin Pike Popeyes from approximately December 2018 until January 2019.

26. Lewis worked approximately 60 hours each week for Defendants.

27. In her role as General Manager, Gallatin Chicken required Lewis to pay overtime hours to non-exempt employees at their straight time pay rates and not to pay separated employees' final week or weeks of wages; both policies violate the FLSA.

28. During her employment, Lewis complained to Gallatin Chicken management that Defendant's pay practices were unlawful. Lewis's complaints are protected activity under the FLSA.

29. Rather than correct its unlawful pay practices, Gallatin Chicken required Lewis either to violate the law or to lose her job.

30. By forcing Lewis to choose between acting within the law or losing her job, Defendant retaliated against her for FLSA-protected activities.

31. Gallatin Chicken failed to pay Lewis for her last 2 weeks of work.

32. After Lewis left her job at Gallatin Chicken, Defendant contacted her subsequent employer, JRN Inc., to interfere with Lewis's post-Gallatin Chicken employment opportunities.

33. Specifically, Gallatin Chicken lied to JRN Inc. by claiming that Lewis was "unreliable" and not to hire her.

34. Gallatin Chicken really wanted to retaliate against Lewis for her complaints about Defendant's pay practices.

COUNT I
Failure to Pay Minimum Wages
29 U.S.C. § 206

35. Lewis incorporates by reference all prior allegations in this Complaint.

36. Lewis and the Putative Collective members are entitled to be paid at least the applicable minimum wage for all hours worked in a workweek.

37. Defendant employed Lewis and the Putative Collective members and failed to compensate them for all time worked.

38. Defendant's violations of the FLSA were willful because it knew or should have known that their pay practices violate the FLSA.

39. Defendant's willful FLSA violations extend the statute of limitations from two years to three years.

40. Defendant has failed to make a good-faith effort to comply with the FLSA regarding payment of minimum wages to Lewis and the Putative Collective members.

41. As a result of Defendant's violations of the FLSA, Lewis and the Putative Collective members suffered and continue to suffer damages, namely failing to receive all the minimum wages earned during their employment.

42. Specifically, Defendant failed to pay Lewis \$870 in minimum wages for her last two weeks of work.

43. In addition to unpaid wages, Defendant owes Lewis and the Putative Collective members liquidated damages in an amount equal to their unpaid minimum wages.

44. Lewis and the Putative Collective members are entitled to recovery of their attorneys' fees and costs.

COUNT II
Retaliation
29 U.S.C. § 215(a)(3)

45. Lewis incorporates by reference all prior allegations in this Complaint.

46. Lewis engaged in FLSA-protected activities by, among other things, complaining to Gallatin Chicken that its practices of not paying overtime compensation and withholding the last week or weeks of wages from separated employees violated the FLSA.

47. Defendant at all relevant times knew about Lewis's FLSA-protected activities.

48. Gallatin Chicken took adverse actions against Lewis after learning that she had engaged in FLSA-protected activities by, among other things, requiring Lewis to violate the law to keep her job with Defendant and interfering with Lewis's post-Gallatin Chicken employment opportunities at JRN Inc.

49. There is a causal connection between Lewis's FLSA-protected activities and the adverse employment actions that Defendant took against her.

50. Gallatin Chicken's retaliation caused Lewis damages, including compensatory damages, back pay, front pay, interest, costs, and attorneys' fees.

COUNT III
Intentional Interference with Business Relationship
Tennessee Common Law

51. Lewis incorporates by reference all prior allegations in this Complaint.

52. At all relevant times, Lewis had an existing or prospective business relationship with JRN Inc.

53. At all relevant times, Gallatin Chicken know about Lewis's existing or prospective business relationship with JRN Inc.

54. Gallatin Chicken acted with intent to cause the breach or termination of Lewis's

business relationship with JRN Inc.

55. Gallatin Chicken had an improper motive and/or used an improper means to intentionally interfere with Lewis's business relationship with JRN Inc.

56. Gallatin Chicken's intentional interference with Lewis's business relationship with JRN Inc. caused Lewis damages, including but not limited to compensatory damages, punitive damages, interest, costs, and attorneys' fees.

COUNT IV
Breach of Contract
Tennessee Common Law

57. Lewis incorporates by reference all prior allegations in this Complaint.

58. Lewis and Gallatin Chicken mutually agreed that Gallatin Chicken would pay Lewis a salary of \$46,000 per year.

59. Alternatively, Lewis and Gallatin Chicken mutually agreed that Gallatin Chicken would pay Lewis at least the minimum wage for all hours worked.

60. Adequate consideration supported each agreement.

61. Gallatin Chicken breached its agreements with Lewis when it failed to pay her for her last two weeks of work.

62. Gallatin Chicken's breaches of its agreements with Lewis caused her damages.

63. Specifically, Gallatin Chicken failed to pay Lewis \$884.62 in salary for her last two weeks of work.

64. Alternatively, Gallatin Chicken failed to pay Lewis \$870 in minimum wages for 120 hours worked during her final two weeks.

PRAYER FOR RELIEF

Based on the foregoing, Lewis prays for the following relief from this Court:

- A. Issuing process against Defendant and requiring it to answer within the period provided by law;
- B. Requiring Defendant to provide Lewis and her counsel the names, addresses, phone numbers, and email addresses for the Putative Collective members;
- C. Permitting Lewis and her counsel to issue notice of this collective action to the Putative Collective members;
- D. Giving the Putative Collective members the opportunity to join this collective action by filing written consents;
- E. Awarding damages to Lewis in the amount of her unpaid minimum wages, plus an equal amount of liquidated damages;
- F. Awarding damages to all Putative Collective members who join this collective action in the amount of their unpaid minimum wages, plus an equal amount of liquidated damages;
- G. Awarding Lewis any damages she is due on her additional claims;
- H. Requiring Defendant to pay all attorneys' fees Lewis and the Putative Collective members incur to bring and to maintain this collective action;
- I. Requiring Defendant to pay the costs and expenses of this action;
- J. Requiring Defendant to pay any applicable pre-judgment and post-judgment interest; and
- K. Granting Lewis and the Putative Collective members such other, further, and general relief to which they may be entitled.

JURY DEMAND

Lewis demands a jury trial.

Dated: July 23, 2021

Respectfully submitted,

/s/ Charles P. Yezbak, III

Charles P. Yezbak, III (#018965)

/s/ N. Chase Teeples

N. Chase Teeples (#032400)

YEZBAK LAW OFFICES PLLC

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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

Aeyisha Lewis, on behalf of herself and all similarly situated employees,

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

(c) Attorneys (Firm Name, Address, and Telephone Number)
Yezbak Law Offices
2021 Richard Jones Rd., Ste. 310A
Nashville, TN 37215 (615) 250-2000

DEFENDANTS

Gallatin Chicken LLC.

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)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <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 PERSONAL PROPERTY <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 LABOR <input checked="" type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<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			
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

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

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

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
29 USC 206, 216(b)

Brief description of cause:
Collective action for failure to pay minimum wages & FLSA retaliation

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 07/23/2021 SIGNATURE OF ATTORNEY OF RECORD _____

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFF _____ 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 the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- 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.

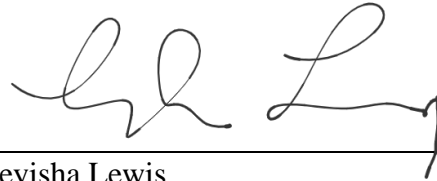
Date and Attorney Signature. Date and sign the civil cover sheet.

CONSENT TO SUE

I hereby consent to sue Gallatin Chicken LLC under 29 U.S.C. § 216(b), as well as any other entities or individuals who may qualify as employers under the Fair Labor Standards Act (“FLSA”), for any violations of the FLSA during the time that I worked for Gallatin Chicken.

07/23/2021

Date



Aeyisha Lewis

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Nashville Popeyes Restaurant Hit with Lawsuit Over Alleged Labor Law Violations](#)
