

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
NEWNAN DIVISION

**JERONE MIMS, on behalf of himself  
and all others similarly situated,**

**Plaintiff,**

**-against-**

**WTR ENTERPRISES, INC.,**

**Defendant.**

Case No. 3:17-cv-84-TCB

**COLLECTIVE ACTION  
COMPLAINT**

Plaintiff JERONE MIMS, individually and on behalf of all others similarly situated, by his attorneys, Head Law Firm, LLC, Shavitz Law Group, P.A., Outten & Golden LLP, Werman Salas, P.C., Landskroner Grieco Merriman LLC, Foote, Mielke, Chavez & O’Neil, LLC, Myron M. Cherry & Associates, LLC, and Klafter Olsen & Lesser LLP, upon personal knowledge as to himself, and upon information and belief as to other matters, alleges as follows:

**NATURE OF THE ACTION**

1. This action seeks to recover unpaid overtime compensation under the Fair Labor Standards Act (“FLSA”) for Plaintiff in his Assistant Manager or Assistant Store Manager position and other current and former Assistant Managers or Assistant Store Managers (collectively, “ASMs”), who worked more than 40

hours in any workweek at any Jimmy John's store owned by Defendant, as defined herein, in the United States between the period beginning three years preceding the filing date of this Complaint, and ending on the date of judgment in this matter, who elect to opt into this action pursuant to 29 U.S.C. § 216(b) of the FLSA.

### **THE PARTIES**

2. Plaintiff Jerone Mims ("Plaintiff") is a resident of Georgia.

3. According to its corporate filings with the Georgia Secretary of State, Defendant WTR Enterprises, Inc. ("Defendant") is a Georgia company whose principal place of business is located at 105 Horton Creek Tr., Brooks, GA, 30205, within this judicial district.

4. Defendant owns and operates Jimmy John's franchised locations under one or more franchise agreements with Jimmy John's Franchise, LLC.

5. Plaintiff worked for Defendant (and any other joint employer) as an ASM from approximately 2011 until his promotion in or about July 2014 in Columbus, Georgia, and upon information and belief received one or more paychecks within the period which he worked over 40 hours in a workweek as an ASM that did not contain overtime premiums.

6. Plaintiff is a covered employee under the FLSA.

7. Defendant (and any other joint employer) was Plaintiff's employer

under the FLSA.

### **JURISDICTION & VENUE**

8. This Court has jurisdiction over Plaintiff's FLSA claims pursuant to 29 U.S.C. § 216(b) and 28 U.S.C. § 1331.

9. According to a website purportedly for new employees of WTR Enterprises, Inc. (<http://ellisoncpa.net/links-2.shtml>), Defendant operates Jimmy John's franchised locations located at or in "Peachtree City, Newnan, Carrollton, Woodruff Rd., [and] Macon Rd" which includes locations within this judicial district.

10. According to corporate filings with the Georgia Secretary of State, Defendant's Registered Agent is Jennifer Ellison, CPA, located and headquartered within this judicial district.

11. Jennifer Ellison, CPA, located within this judicial district, operates a website purportedly for new employees of WTR Enterprises, Inc. (<http://ellisoncpa.net/links-2.shtml>) that includes an employee payroll portal ("JJ Payroll Portal"), and receives from new employees "request[s for] a new employee package to be e-mailed to you directly."

12. Venue is proper in the Northern District of Georgia because Defendant is headquartered within this judicial district, Defendant conducts

business in this district, certain of Defendant's employment and payroll records are maintained or managed within this judicial district, and a substantial part of the events giving rise to the claims occurred in this district.

13. Defendant is subject to personal jurisdiction in this district.

**FLSA COLLECTIVE ACTION ALLEGATIONS**

14. Pursuant to 29 U.S.C. § 216(b), Plaintiff seeks to prosecute his FLSA claims as a collective action on behalf of all persons who are or were formerly employed by Defendant as ASMs at any time from the period beginning three years preceding the filing date of this Complaint, and ending on the date of entry of judgment in this case (the "Collective Action Period") (collectively, the "Collective Action Members").

15. Defendant is liable under the FLSA for, *inter alia*, failing to properly compensate Plaintiff and other ASMs.

16. There are many similarly-situated current and former ASMs who have been underpaid in violation of the FLSA and who would benefit from the issuance of a court-supervised notice of this lawsuit and the opportunity to join it. Thus, notice should be sent to the Collective Action Members pursuant to 29 U.S.C. § 216(b).

17. The similarly situated employees are known to Defendant, are readily-identifiable, and can be located through Defendant's records.

**STATEMENT OF FACTS**

18. Defendant (and any other joint employer) employed Plaintiff and the Collective Action Members as ASMs.

19. Defendant (and any other joint employer) maintained control, oversight, and discretion over the operation of all of its restaurants, including its employment practices with respect to the ASMs.

20. Plaintiff's and the ASMs' work was performed in the normal course of Defendant's (and any other joint employer's) business and was integrated into it.

21. Consistent with the Defendant's (and any other joint employer's) policy, pattern and/or practice, Plaintiff and ASMs worked over 40 hours in one or more workweeks within the period beginning three years preceding the filing date of this Complaint, but ASMs (and upon information and belief, Plaintiff) did not receive overtime premiums on one or more regularly scheduled pay dates within the period beginning three years preceding the filing date of this Complaint for hours worked as Assistant Manager or Assistant Store Manager in excess of 40 in those workweeks.

22. All of the work that the ASMs performed was assigned by Defendant (and any other joint employer), and/or Defendant (and any other joint employer) was aware of all of the work that they have performed.

23. The work that ASMs performed as part of their primary duty required little skill and no capital investment.

24. The work that ASMs performed as part of their primary duty did not include managerial responsibilities or the exercise of meaningful independent judgment and discretion.

25. Regardless of the store at which they worked, ASMs' primary job duties included:

- a. preparing food;
- b. helping customers;
- c. bussing tables;
- d. cleaning the restaurant;
- e. checking to make sure that supplies were properly shelved; and
- f. checking inventory.

26. Regardless of the store at which they worked, ASMs' primary job duties did not include:

- a. hiring;
- b. firing;
- c. disciplining other employees;
- d. scheduling;
- e. supervising and delegating; or
- f. exercising meaningful independent judgment and discretion.

27. ASMs' primary duties were manual in nature. The performance of manual labor duties occupied the majority of their working hours.

28. Pursuant to a centralized, company-wide policy, pattern and/or practice, Defendant (and any other joint employer) has classified all ASMs as exempt from coverage of the overtime provisions of the FLSA.

29. Upon information and belief, Defendant (and any other joint employer) did not perform a person-by-person analysis of the ASMs' job duties when making the decision to classify them (and other similarly-situated current and former employees holding comparable positions but different titles) as exempt from the overtime provisions of the FLSA.

30. Defendant's (and any other joint employer's) unlawful conduct was willful and/or in reckless disregard of the applicable wage and hour laws and was undertaken pursuant to Defendant's (and any other joint employer's) centralized, company-wide policy, pattern, and/or practice of attempting to minimize labor costs by violating the FLSA. Defendant (and any other joint employer) knew that ASMs were not performing activities that complied with any FLSA exemption and, inasmuch as Defendant's close affiliation with substantial corporate entities make it aware of its obligations under the FLSA, it acted willfully or recklessly in failing to classify Plaintiff in his Assistant Manager or Assistant Store Manager

position and other ASMs as non-exempt employees.

31. Defendant (and any other joint employer) was aware or should have been aware, through its management-level employees, that Plaintiff in his Assistant Manager or Assistant Store Manager position and ASMs were primarily performing non-exempt duties. Defendant (and any other joint employer) knew or recklessly disregarded the fact that the FLSA required it to pay employees primarily performing non-exempt duties an overtime premium for hours worked in excess of 40 per workweek.

32. Accordingly, Defendant's (and any other joint employer's) unlawful conduct was willful and/or in reckless disregard of the applicable wage and hour laws and undertaken pursuant to Defendant's (and any other joint employer's) centralized, company-wide policy, pattern, and/or practice of attempting to minimize labor costs by violating the FLSA.

33. As part of its regular business practice, Defendant (and any other joint employer) has intentionally, willfully, and repeatedly engaged in a pattern, practice and/or policy of violating the FLSA with respect to ASMs. This policy and pattern or practice includes but it is not limited to:

- a. willfully misclassifying Plaintiff and the Collective Action Members as exempt from the requirements of the FLSA;



- b. willfully failing to pay Plaintiff and the Collective Action Members overtime wages for hours that they worked in excess of 40 hours per week; and
- c. willfully failing to provide enough money in its restaurant-level labor budgets for its non-exempt employees to perform their duties and responsibilities, forcing its exempt ASMs to perform such non-exempt tasks.

34. Defendant's (and any other joint employer's) willful violations of the FLSA are further demonstrated by the fact that during the course of the Collective Action Period and continuing to the present, Defendant (and any other joint employer) failed to maintain accurate and sufficient time records for Plaintiff and the Collective Action Members. Defendant (and any other joint employer) acted recklessly or in willful disregard of the FLSA by instituting a policy and/or practice that did not allow Plaintiff and the Collective Action Members to record all hours worked.

**FIRST CAUSE OF ACTION**

**Fair Labor Standard Act – Unpaid Overtime Wages  
On Behalf of Plaintiff and the FLSA Collective**

35. At all relevant times, Defendant (and any other joint employer) has been, and continues to be, an employer engaged in interstate commerce and/or the

production of goods for commerce, within the meaning of the FLSA, 29 U.S.C. §§ 206(a) and 207(a).

36. At all relevant times, Defendant (and any other joint employer) employed Plaintiff, and employed or continues to employ each of the Collective Action Members, within the meaning of the FLSA.

37. Defendant (and any other joint employer) has engaged in a widespread pattern and practice of violating the FLSA, as detailed in this Complaint.

38. Plaintiff consented in writing to be a party to this action, pursuant to 29 U.S.C. § 216(b), as reflected in the attached consent filed contemporaneously herewith.

39. The overtime wage provisions set forth in 29 U.S.C. § 201 *et seq.*, apply to Defendant (and any other joint employer).

40. At all relevant times and continuing to the present time, Defendant (and any other joint employer) had a policy and practice of refusing to pay overtime compensation to its ASMs and similarly-situated employees in comparable positions but holding different titles, for hours worked in excess of 40 hours per workweek.

41. As a result of Defendant's (and any other joint employer's) willful failure to compensate its employees, including Plaintiff and the Collective Action

members, at a rate not less than one and one-half times the regular rate of pay for work performed in excess of 40 hours in a workweek, Defendant (and any other joint employer) has violated and continues to violate the FLSA, 29 U.S.C. § 201 *et seq.*, including 29 U.S.C. §§ 207(a)(1) and 215(a).

42. As a result of Defendant's (and any other joint employer's) willful failure to record, report, credit and/or compensate its employees, including Plaintiff and the Collective Action Members, Defendant (and any other joint employer) has failed to make, keep and preserve records with respect to each of its employees sufficient to determine the wages, hours, and other conditions and practices of employment in violation of the FLSA, 29 U.S.C. § 201 *et seq.*, including 29 U.S.C. §§ 211(c) and 215(a).

43. As a result of Defendant's (and any other joint employer's) policy and practice of minimizing labor costs by underfunding the labor budgets for its restaurants, Defendant (and any other joint employer) knew or recklessly disregarded the fact that Plaintiff and the Collective Action Members were primarily performing manual labor and non-exempt tasks.

44. Due to Defendant's (and any other joint employer's) failure to provide enough labor budget funds, failure to take into account the impact of the underfunded labor budgets on the job duties of Plaintiff and the Collective Action

Members, Defendant's (and any other joint employer's) actual knowledge through its managerial employees/agents that the primary duties of the Plaintiff and the Collective Action Members was manual labor and included other non-exempt tasks, Defendant's (and any other joint employer's) failure to perform a person-by-person analysis of Plaintiff's and the Collective Action Members' job duties to ensure that they were performing exempt job duties, and Defendant's (and any other joint employer's) instituting a policy and practice that did not allow Plaintiff and Collective Action Members to record all hours worked, Defendant (and any other joint employer) knew and/or showed reckless disregard that its conduct was prohibited by the FLSA. 29 U.S.C. § 255(a).

45. As a result of Defendant's (and any other joint employer's) FLSA violations, Plaintiff, on behalf of himself and the Collective Action Members, is entitled (a) to recover from Defendant (and any other joint employer) unpaid overtime wages, (b) to recover an additional, equal amount as liquidated damages for Defendant's (and any other joint employer's) willful violations of the FLSA, and (c) to recover their unreasonably delayed payment of wages, reasonable attorneys' fees, costs and disbursements of this action, and all allowable interest, pursuant to 29 U.S.C. § 216(b) and the federal rules.

46. Because Defendant's (and any other joint employer's) violations of the

FLSA have been willful, a three-year statute of limitations applies pursuant to 29 U.S.C. § 255.

**PRAYER FOR RELIEF**

Therefore, Plaintiff seeks a judgment finding liability under the FLSA and entering the following relief on behalf of himself and all others similarly-situated:

- A. Designation of this action as an FLSA collective action on behalf of the Collective Action Members and prompt issuance of notice to all similarly-situated persons, apprising them of the pendency of this action, permitting them to join this action pursuant to 29 U.S.C. § 216(b), and tolling of the statute of limitations;
- B. An award of unpaid wages for all hours worked in excess of 40 in a workweek at a rate of one and one-half times the regular rate of pay in a manner consistent with the methodology utilized in the jury verdict affirmed by the Eleventh Circuit in *Lamonica v. Safe Hurricane Shutters, Inc.*, 711 F.3d 1299 (11<sup>th</sup> Cir. 2013);
- C. Equitable tolling of the FLSA statute of limitations;
- D. An award of liquidated damages as a result of Defendant's (and any other joint employer's) willful failure to pay for all hours worked in

excess of 40 in a workweek at a rate of time and one-half of the regular rate of pay pursuant to 29 U.S.C. § 216;

- E. An award of damages representing the employer's share of FICA, FUTA, state unemployment insurance, and any other required employment taxes;
- F. An award of all allowable interest;
- G. An award of costs and expenses of this action together with reasonable attorney's fees and an award of a service payment to the Plaintiff; and
- H. Such other and further relief as this Court deems just and proper.

**JURY DEMAND**

Plaintiff demands a trial by jury on all issues so triable.

Dated: June 19, 2017

Respectfully submitted,

/s/ C. Andrew Head

C. Andrew Head, GA Bar No. 341472

Donna L. Johnson, GA Bar No. 086989

Attorneys for Plaintiff

**HEAD LAW FIRM, LLC**

White Provision, Suite 305

1170 Howell Mill Road NW

Atlanta, GA 30318

T: (404) 924-4151

F: (404) 796-7338

E: [ahead@headlawfirm.com](mailto:ahead@headlawfirm.com)  
[djohnson@headlawfirm.com](mailto:djohnson@headlawfirm.com)

**SHAVITZ LAW GROUP, P.A.**

Gregg I. Shavitz (to seek *pro hac vice* admission)

Alan Quiles (to seek *pro hac vice* admission)

1515 S. Federal Highway

Boca Raton, Florida 33432

Telephone: (561) 447-8888

Facsimile: (561) 447-8831

**OUTTEN & GOLDEN LLP**

Justin M. Swartz (to seek *pro hac vice* admission)

Michael N. Litrownik (to seek *pro hac vice* admission)

3 Park Avenue, 29th Floor

New York, New York 10016

Telephone: (212) 245-1000

Facsimile: (212) 977-4005

**WERMAN SALAS P.C.**

Douglas M. Werman (to seek *pro hac vice* admission)

77 West Washington Street

Suite 1402

Chicago, IL 60602

Telephone: (312) 419-1008

Facsimile: (312) 419-1025

**LANDSKRONER GRIECO**

**MERRIMAN LLC**

Drew Legando (to seek *pro hac vice* admission)

Jack Landskroner (to seek *pro hac vice* admission)

1360 West 9th Street, Suite 200  
Cleveland, Ohio 44113  
Telephone: (216) 522-9000  
Facsimile: (216) 522-9007

**FOOTE, MIELKE, CHAVEZ &  
O'NEIL, LLC**

Kathleen Currie Chavez (to seek *pro hac vice* admission)  
10 West State St., Suite #200  
Geneva, IL 60134  
Tel: (630) 232-7450

**MYRON M. CHERRY & ASSOCIATES,  
LLC**

Myron M. Cherry (to seek *pro hac vice* admission)  
30 North LaSalle Street, Suite 2300  
Chicago, IL 60602  
Telephone: (312) 372-2100  
Facsimile: (312) 853-0279

**KLAFTER OLSEN & LESSER LLP**

Seth R. Lesser (to seek *pro hac vice* admission)  
Fran L. Rudich (to seek *pro hac vice* admission)  
Jason Conway (to seek *pro hac vice* admission)  
Christopher M. Timmel (to seek *pro hac vice* admission)  
Two International Drive, Suite 350  
Rye Brook, NY 10573  
Telephone: (914) 934-9200  
Facsimile: (914) 934-9220

*Attorneys for Plaintiff and the Putative  
Collective*




### CONSENT TO JOIN FORM

1. I consent to be a party plaintiff in a lawsuit against Defendant(s), Jerone Mims, and/or related entities and individuals in order to seek redress for violations of the Fair Labor Standards Act, pursuant to 29 U.S.C. § 216(b).

2. I hereby designate the Shavitz Law Group, P.A. , Landskroner Grieco Merriman, LLC; Klafter Olsen & Lesser LLP; Outten & Golden LLP; and other attorneys with whom they associate (“Your Lawyers”) to represent me in bringing such claim, and to make decisions on my behalf concerning the litigation and settlement. I agree to be bound by any adjudication of this action by the Court, whether it is favorable or unfavorable.

3. I also consent to join any other related action against Defendant(s) or other potentially responsible parties to assert my claim and for this Consent Form to be filed in any such action.

DocuSigned by:  
  
9837C42FC448477...

Jerone Mims  
\_\_\_\_\_  
Print Name

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)

Jerone Mims, individually and on behalf of all others similarly situated

DEFENDANT(S)

WTR Enterprises, Inc.

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

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

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

Head Law Firm, LLC
1170 Howell Mill Rd NW, Ste 305
Atlanta, GA 30318
(404)924-4151
ahead@headlawfirm.com; djohnson@headlawfirm.com

ATTORNEYS (IF KNOWN)

II. BASIS OF JURISDICTION (PLACE AN "X" IN ONE BOX ONLY)

- 1 U.S. GOVERNMENT PLAINTIFF
2 U.S. GOVERNMENT DEFENDANT
3 FEDERAL QUESTION (U.S. GOVERNMENT NOT A PARTY)
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
1 1 CITIZEN OF THIS STATE 4 4 INCORPORATED OR PRINCIPAL PLACE OF BUSINESS IN THIS STATE
2 2 CITIZEN OF ANOTHER STATE 5 5 INCORPORATED AND PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE
3 3 CITIZEN OR SUBJECT OF A FOREIGN COUNTRY 6 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)

Fair Labor Standards Act, 29 U.S.C. § 201, et seq.

(IF COMPLEX, CHECK REASON BELOW)

- 1. Unusually large number of parties.
2. Unusually large number of claims or defenses.
3. Factual issues are exceptionally complex.
4. Greater than normal volume of evidence.
5. Extended discovery period is needed.
6. Problems locating or preserving evidence.
7. Pending parallel investigations or actions by government.
8. Multiple use of experts.
9. Need for discovery outside United States boundaries.
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 EML. 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 (ANDA) - a/k/a Hatch-Waxman cases

SOCIAL SECURITY - "0" MONTHS DISCOVERY TRACK

- 861 HIA (1395f)
- 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 Charles P. Kocoras DOCKET NO. 1:14-cv-05509 (N.D. Ill.)

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.

/s/ C. Andrew Head

June 19, 2017

SIGNATURE OF ATTORNEY OF RECORD

DATE

# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Jimmy John's Owner Plunked with FLSA Class Action](#)

---