

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

ELENI PACKARD, *on behalf of herself
and others similarly-situated,*

Plaintiffs,

v.

STEAKHOUSE EXPRESS, INC., PIG-
N-CHIK EXPRESS, INC., PNC
ENTERPRISES, INC., RICHARD W.
MARRACK, and JAMES H. GRADDY,

Defendants.

Civil Action File No.:

COMPLAINT

The above-named plaintiff, Eleni Packard (“Ms. Packard”), states her complaint against the above-named Defendants as follows.

1. This is a complaint for unpaid overtime under the Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.* (the “FLSA”).
2. Ms. Packard files this complaint as a collective action pursuant to 29 U.S.C. § 216(b) on behalf of herself and other similarly-situated individuals. Ms. Packard’s Consent to Join form is filed contemporaneously with this complaint.
3. This Court has jurisdiction over this case, and venue is proper in this Court.

4. Defendant Steakhouse Express, Inc. (“Steakhouse Express”) is a Georgia corporation that operates one of three “Pig-N-Chik” barbeque restaurants in the Atlanta, Georgia area.
5. Defendant Pig-N-Chik Express, Inc. (“Pig-N-Chik Express”) is a Georgia corporation that operates one of three “Pig-N-Chik” barbeque restaurants in the Atlanta, Georgia area.
6. Defendant PNC Enterprises, Inc. (“PNC Enterprises”) is a Georgia corporation that operates one of three “Pig-N-Chik” barbeque restaurants in the Atlanta, Georgia area.
7. Defendants Richard W. Marrack (“Marrack”) and James H. Graddy (“Graddy”) own and operate Steakhouse Express, Pig-N-Chik Express, and PNC Enterprises.
8. While Steakhouse Express, Pig-N-Chik Express, and PNC Enterprises own different locations of Pig-N-Chik restaurants, they share employees, supervisors, and managers.
9. The weekly schedule for all employees of Steakhouse Express, Pig-N-Chik Express, and PNC Enterprises is maintained on a single document.
10. Steakhouse Express, Pig-N-Chik Express, and PNC Enterprises share common owners and officers.

11. Steakhouse Express, Pig-N-Chik Express, and PNC Enterprises present publicly as a single enterprise. For example, all three Pig-N-Chik restaurants use the same name, logo, menu, and advertising media. Additionally, all three locations maintain a single website at www.pignchik.net. This website identifies the location of the three Pig-N-Chik restaurants at <http://www.pignchik.net/locations.html>.
12. Steakhouse Express, Pig-N-Chik Express, and PNC Enterprises operate as a common enterprise for purposes of the FLSA.
13. As owners of Steakhouse Express, Pig-N-Chik Express, and PNC Enterprises, Marrack and Graddy have complete control over the daily operations of the three Pig-N-Chik barbeque restaurants owned by these entities, including the hiring and firing of employees and determining the method of compensating employees.
14. During each of the three years preceding the filing of this complaint, the gross annual sales for Steakhouse Express, Pig-N-Chik Express, and PNC Enterprises exceeded \$500,000.
15. During each of the three years preceding the filing of this complaint, Steakhouse Express, Pig-N-Chik Express, and PNC Enterprises employed one or more individuals who engaged in interstate commerce.

16. Within the three-year period preceding the filing of this complaint, Steakhouse Express, Pig-N-Chik Express, PNC Enterprises, Marrack, and Graddy (collectively referred to as “Defendants”) jointly employed Ms. Packard as a “counter girl.”
17. Ms. Packard worked as a counter girl at each of Defendants’ three Pig-N-Chik restaurants.
18. Although Steakhouse Express, Pig-N-Chik Express, and PNC Enterprises operated as a common enterprise and jointly employed Ms. Packard, for each pay period during Ms. Packard’s employment, Defendants issued Ms. Packard a separate paycheck for each restaurant.
19. Defendants paid all their hourly employees in this manner, i.e., Defendants issued all hourly employees separate pay checks for each Pig-N-Chik restaurant.
20. Ms. Packard routinely worked more than 40 hours per week for Defendants.
21. However, due to Defendants’ practice of issuing separate pay checks for each Pig-N-Chik location, Defendants failed to pay Ms. Packard proper overtime compensation for her working hours over 40 per week.
22. COUNT 1 – As described above, Defendants violated the FLSA by failing to pay Ms. Packard and other hourly employees 1.5 times their regularly hourly

rate for working hours over 40 per week.

23. Defendants' violations of the FLSA described above were willful.

Based on the above facts, Ms. Packard requests a jury trial on all triable issues and asks the Court for the following relief for herself and other similarly-situated employees who choose to join this lawsuit: unpaid overtime wages, liquidated damages as permitted by the FLSA, prejudgment interest, litigation costs, attorneys' fees, and other relief deemed appropriate by the Court.

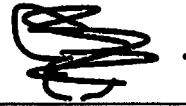
Respectfully submitted on September 29, 2017.

s/Regan Keebaugh
Regan Keebaugh
Georgia Bar No. 535500

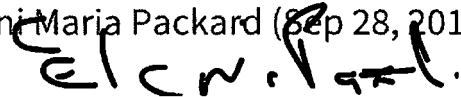
Radford & Keebaugh, LLC
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**CONSENT TO BE A PLAINTIFF IN AN ACTION BROUGHT UNDER
THE FAIR LABOR STANDARDS ACT (29 U.S.C. § 201, ET SEQ.)**

I am a current or former employee of Pig-N-Chik barbeque restaurants, which I understand are owned by Steakhouse Express, Inc., Pig-N-Chik Express, Inc., and PNC Enterprises, Inc. I consent to become a plaintiff in a lawsuit against these entities and their owners, Richard W. Marrack and James H. Graddy, to recover unpaid overtime compensation and any other benefits available to me under the Fair Labor Standards Act and other applicable laws.



Eleni Maria Packard (Sep 28, 2017)



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)

Eleni Packard

DEFENDANT(S)

Steakhouse Express, Inc.
Pig-N-Chik Express, Inc.
PNC Enterprises, Inc.
Richard W. Marrack
James H. Graddy

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF DeKalb (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)

Regan Keebaugh
Radford & Keebaugh LLC
315 W Ponce de Leon Ave Ste 1080
Decatur GA 30030
678-271-0301; regan@decaturlegal.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)

violation of the Fair Labor Standards Act, 29 USC Section 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 _____ 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

09/29/2017

DATE

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Proposed Class Action Claims Pig-N-Chik Restaurant Miscalculates Overtime Hours](#)
