

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE**

**GREGORY PHIPPS and BRIAN
MENSING, INDIVIDUALLY AND ON
BEHALF OF ALL OTHERS
SIMILARLY SITUATED,**

Plaintiff,

vs.

Case No: 3:17-CV-97

**CHARIOTS OF HIRE, INC. and JOHN
MARK PARSONS.**

Defendants.

COLLECTIVE ACTION COMPLAINT

Come now the Plaintiffs, GREGORY PHIPPS and BRIAN MENSING, individually and on behalf of all others similarly situated, and for cause of action state as follows:

NATURE OF SUIT

1. This action is brought under the Fair Labor Standards Act of 1938, 29 U.S.C. §§ 201 *et seq.* (hereinafter the "Fair Labor Standards Act" or "FLSA").

2. The Fair Labor Standards Act was passed by Congress in 1938 in an attempt to eliminate low wages and long hours and to correct conditions that were detrimental to the health and well-being of workers. To achieve its humanitarian goals, the FLSA "limits to 40 a week the number of hours that an employer may employ any of his employees subject to the Act, unless the employee receives compensation for his employment in excess of 40 hours at a rate not less than one and a one-half times the regular rate at which

he is employed.” *Walling v. Helmerich & Payne*, 323 U.S. 37, 40 (1944)(discussing the requirements of 29 U.S.C. § 207 (a)).

3. Defendants violated the FLSA by failing to pay the Plaintiffs and those similarly situated one and one-half times their regular rates of pay for all hours worked within a workweek in excess of forty hours.

4. Plaintiffs seek payment for unpaid overtime and liquidated damages on behalf of themselves and all those similarly situated.

JURISDICTION and VENUE

5. This Court has jurisdiction over this action pursuant to 29 U.S.C. § 216(b) and 28 U.S.C. §1331 (federal question).

6. Venue is proper in this court pursuant to 28 U.S.C. § 1391 because Defendants operate in this district, Plaintiffs worked in this district for Defendants, and a substantial part of the events or omissions giving rise to the claims occurred in this district.

PARTIES

7. Plaintiffs, GREGORY PHIPPS and BRIAN MENSING (collectively “Plaintiffs”) are former employees of CHARIOTS OF HIRE, INC. and JOHN MARK PARSONS (“Defendants”).

8. Plaintiffs were employees within the meaning of the Fair Labor Standards Act, 29 U.S.C. § 203(e)(1). Their written consents are attached as Collective Exhibit A.

9. The Defendant, CHARIOTS OF HIRE, INC. is an employer within the meaning of 29 U.S.C. § 203(d) of the Fair Labor Standards Act.

10. Defendant, JOHN MARK PARSONS, is the owner and acting president of Defendant CHARIOTS OF HIRE, INC. who exercises control over the hours worked, manner in which work is performed, and compensation paid to Plaintiffs and others similarly situated.

11. Defendant, JOHN MARK PARSONS, as owner and president, acts directly and/or indirectly in the interest of and on behalf of Defendant CHARIOTS OF HIRE, INC. with regard to Plaintiffs and others similarly situated.

12. Defendant, JOHN MARK PARSONS, is responsible in whole or in part for the violations of the FLSA discussed herein.

13. Defendant, JOHN MARK PARSONS, is an employer within the meaning of 29 U.S.C. § 203(d) of the Fair Labor Standards Act.

14. Defendants provide both intrastate and interstate ground transportation to their clients.

15. Defendants comprise an enterprise engaged in commerce within the meaning of the Fair Labor Standards Act 29 U.S.C. § 203(e)(1).

16. Defendants have done in excess of \$500,000.00 in annual dollar volume of business in each of the past three years.

17. Plaintiffs and those similarly situated were engaged in interstate commerce, the production of goods for interstate commerce, or an activity which is closely related and directly essential to the production of such goods in each workweek of their employ with Defendant.

18. The violations of the Fair Labor Standards Act complained of herein occurred within two years of the filing of this complaint.

FACTUAL ALLEGATIONS

19. Plaintiff Gregory Phipps has been employed by Defendants as a limousine driver since May 2015.

20. Plaintiff Brian Mensing was employed by Defendants as a limousine driver from September 2015 until September 2016.

21. The job duties of Plaintiffs' and those similarly situated consisted of providing both intrastate and interstate ground transportation to clients of Defendants.

22. All vehicles driven by the Plaintiffs on behalf of Defendants weighed less than 10,000 lbs.

23. Plaintiffs were paid at the rate of \$15.40 per hour and a gratuity charged for each trip.

24. At the beginning of each shift, Plaintiffs and those similarly situated were required to be at the office one hour before the first scheduled pickup or one hour before the scheduled depart time.

25. Plaintiffs and those similarly situated were not compensated for this time whatsoever.

26. Plaintiffs and those similarly situated were not paid for the time it took to drive to the customer's location.

27. Plaintiffs were only compensated for the time the customer was actually in the vehicle.

28. After the customer would leave the vehicle, Plaintiffs and those similarly situated were required to drive the vehicle back to the offices of the Defendants or to their next pick-up.

29. Plaintiffs and those similarly situated were not compensated for this “drive time” back to the office or to the next destination.

30. Upon return, Plaintiffs and those similarly situated would be required to clean the vehicles which would take anywhere from 15 minutes up to one hour.

31. Plaintiffs and those similarly situated were not compensated for the time spent cleaning the vehicles.

32. When Plaintiffs and those similarly situated had gaps between scheduled pickups, they once again were required to be at the office of the Defendants one hour before the scheduled pickup or wait at the next destination and were not paid for this time.

33. In short, Plaintiffs and those similarly situated were not paid for time when passengers were not in the vehicles despite the fact they were required to be at work waiting to engage.

34. This often resulted in Plaintiffs and those similarly situated receiving less than the applicable minimum wage.

35. Further, the uncompensated hours worked by Plaintiffs and those similarly situated were often in addition to 40 hours per week.

36. Plaintiffs and those similarly situated never received 1.5 times their standard hourly rate for the time spent working more than 40 hours per week.

37. Plaintiffs and those similarly situated never worked a single work week in which they did not make the majority of their scheduled pickups in vehicles weighing less than 10,000 lbs.

38. As such, the FLSA applies to Plaintiffs.

39. Plaintiffs and those similarly situated performed job duties integral to the Defendants' business of providing intrastate and interstate ground transportation.

40. Plaintiffs and those similarly situated performed work specifically directed to them by the Defendants and in the manner Defendants directed them to do so.

41. The pay rates and hours of Plaintiffs and those similarly situated were set by the Defendants.

42. Plaintiffs and those similarly situated were paid an hourly wage for work performed.

43. Plaintiffs and those similarly situated received paychecks weekly for their work.

44. Plaintiffs and those similarly situated were required to work a standard work week of at least forty-five (45) hours per week.

45. The exact records of hours worked are in the possession of the Defendants.

46. Plaintiffs and those similarly situated were not paid at least the federal minimum wage for all hours worked in a standard work week.

47. Plaintiffs and those similarly situated were not paid at the proper overtime rate of one and one-half (1.5) times their standard hourly rate for all hours worked in excess of forty (40) hours in a standard work week.

48. Throughout their employment with Defendants, Plaintiffs and those similarly situated did not supervise any other employees.

49. Throughout their employment with Defendants, Plaintiffs and those similarly situated did not have the authority to hire other employees.

50. Throughout their employment with Defendants, Plaintiffs and those similarly situated did not have the authority to terminate the employment of other employees.

51. Throughout their employment with Defendants, Plaintiffs and those similarly situated did not have the authority to delegate any of their duties to other employees.

52. Throughout their employment with Defendants, Plaintiffs and those similarly situated did not have the authority to handle any employee grievances or complaints.

53. Throughout their employment with Defendants, Plaintiffs and those similarly situated did not have the authority to interpret, implement, or enforce company policies.

54. Throughout their employment with Defendants, Plaintiffs and those similarly situated reported to work every day at their assigned location and did not perform work outside the confines of this location.

55. Throughout their employment with Defendants, Plaintiffs and those similarly situated did not make more than \$100,000.00 annually.

56. Throughout their employment with Defendants, Plaintiffs and those similarly situated did not have the right to control the conduct of their work.

57. Throughout their employment with Defendants, Plaintiffs and those similarly situated did not control the location of where the work was performed.

58. Throughout their employment with Defendants, Plaintiffs and those similarly situated assignments and the manner in which to complete the assignments were dictated by Defendants.

59. Throughout their employment with Defendants, Plaintiffs and those similarly situated did not have discretion as to what tasks to perform or the hours worked that particular day to complete those tasks.

60. Throughout their employment with Defendants, Plaintiffs and those similarly situated did not advertise their services through any other means and relied completely on Defendants for work assignments.

61. Throughout their employment with Defendants, all necessary equipment required for Plaintiffs and those similarly situated to perform their work was provided by Defendants.

62. Throughout their employment with Defendants, Plaintiffs and those similarly situated were not free to offer their services to other entities.

63. Throughout their employment with Defendants, Plaintiffs and those similarly situated were “non-exempt” employees under the Fair Labor Standards Act.

64. Plaintiffs’ job duties did not fit under any exception to the overtime pay provisions of the Fair Labor Standards Act, 29 USC § 201 *et seq.*

65. The Defendants willfully failed to comply with the maximum hour provisions of the Fair Labor Standards Act 29 U.S.C. § 207, by failing to pay Plaintiffs and those similarly situated one and one-half (1.5) times their standard hourly rate for all hours worked in excess of forty (40) hours.

66. Defendants know the FLSA is applicable to their employment practices yet still failed to pay proper overtime wages to their employees.

67. Accordingly, Defendants' pattern or practice of failing to pay these employees in accordance with the FLSA was and is in willful violation of the FLSA.

68. Moreover, Defendants did not act in good faith or have reasonable grounds for believing the FLSA was not applicable.

69. On or around July 2016, after conducting an audit, the Tennessee Department of Labor notified Defendants their drivers were misclassified as independent contractors and ordered them to reclassify drivers as employees.

COLLECTIVE ACTION ALLEGATIONS

70. Plaintiffs have actual knowledge that similarly situated employees (putative class members) have been paid in the same manner or scheme as set out above.

71. Throughout the last three years, Defendants have suffered, permitted, and/or required putative class members to work hours in which they failed to pay these employees the federal minimum wage.

72. Throughout the last three years, Defendants have suffered, permitted, and/or required putative class members to work in excess of forty hours per week and failed to pay these employees one and one half times their regular rate of pay.

73. Throughout the last three years, class members performed the same or similar work as did Plaintiffs on behalf of the Defendants.

74. Throughout the last three years, putative class members' work was controlled in the same manner and to the same degree by the Defendants as set out above.

75. As such, the putative class members are similar to Plaintiffs in terms of job duties, conditions of employment, and pay structure.

76. The putative class members are similar to Plaintiffs in that they were not paid minimum wage for all hours or overtime in violation of the FLSA.

77. Defendants' failure to pay minimum wage and overtime compensation to putative class members resulted from a single decision, policy, practice or plan, and does not depend on the personal circumstances of the Plaintiffs or individual class members.

78. The Plaintiffs' experiences while employed as drivers for Defendants are typical of the experiences of putative class members while they were employed as drivers for Defendants.

79. The specific job titles or precise job titles of each class member do not prevent collective action treatment because their actual job duties and conditions of employment were similar.

80. All class members are entitled to minimum wage for all hours worked and overtime compensation for hours worked in excess of forty during a workweek throughout the last three years while working for the Defendants.

81. As such, the class of similarly situated Plaintiffs is properly defined as follows:

All persons who performed work providing transportation for customers, both interstate and intrastate, regardless of classification by the Defendant, during the three-year period immediately preceding the filing of this Complaint.

CAUSE OF ACTION

COUNT I- VIOLATION OF THE FAIR LABOR STANDARDS ACT

29 U.S.C. 207

82. Plaintiffs re-allege and incorporate by reference the facts set forth above.

83. Defendants violated 29 U.S.C. §207(a) by failing to pay Plaintiffs and the putative class members minimum wage for all hours worked and one and one-half times their regular hourly rate for all hours worked in excess of 40 hours during a workweek throughout the last three years.

84. Plaintiffs and putative class members have been damaged by Defendants' violations of the Fair Labor Standards Act.

85. Defendants' violations of the Fair Labor Standards Act were repeated, willful and intentional.

86. In the alternative, Defendants' violations were "reckless" in that Defendants uniformly failed to pay the proper overtime rate without performing due diligence or taking the necessary steps to ensure compliance with the FLSA.

87. Pursuant to 29 U.S.C. §207(a) and §216(b), Defendants are liable to Plaintiffs and putative class members for the full amount of unpaid overtime compensation complained of herein and an additional equal amount in liquidated damages, plus reasonable attorney's fees and costs incurred in preparing and pursuing this action.

WHEREFORE, Plaintiffs request this court enter judgment in favor of the Plaintiffs, and those similarly situated, and against Defendants, for:

(1) all amounts of overtime wages Plaintiffs and those similarly situated should have received under the Fair Labor Standards Act but for Defendant's violations, plus an equal amount in liquidated damages; and

(2) all reasonable costs and attorney's fee pursuant to the Fair Labor Standards Act, 29 U.S.C. § 216(b) incurred in preparing and pursuing this action;

(3) any such other legal relief as may be appropriate or to which they may be entitled under federal or state law.

Respectfully Submitted,

**THE EMPLOYMENT & CONSUMER LAW
GROUP**

/s/ G. BRANDON HALL

JONATHAN A. STREET, BPR No. 021712

G. BRANDON HALL, BPR No. 34027

525 4th Avenue South

Nashville, TN 37210

(615) 850-0632

Attorneys for Plaintiffs and Class Members

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

Gregory Phipps and Brian Mensing, individually and on behalf of all others similarly situated

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

(c) Attorneys (Firm Name, Address, and Telephone Number)

The Employment & Consumer Law Group
525 4th Ave. South, Nashville, TN 37210
(615) 850-0632

DEFENDANTS

Chariots of Hire, Inc. and John Mark Parsons

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"/> 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

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

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.
Brief description of cause:
Failure to pay overtime

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: 03/17/2017 SIGNATURE OF ATTORNEY OF RECORD: /s/ G. Brandon Hall

FOR OFFICE USE ONLY

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 six 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. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- 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.

UNITED STATES DISTRICT COURT

for the

Eastern District of Tennessee

Gregory Phipps and Brian Mensing, individually and on behalf of all others similarly situated

Plaintiff

v.

Chariots of Hire, Inc. and John Mark Parsons

Defendant

Civil Action No. 3:17-CV-97

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Chariots of Hire, Inc. c/o Registered Agent: John Mark Parsons 1335 Trentham Circle Seymour, TN 37865-4523

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

G. Brandon Hall The Employment & Consumer Law Group 525 4th Ave. South Nashville, TN 37210 (615) 850-0632 bhall@eclaw.com

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. 3:17-CV-97

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:

UNITED STATES DISTRICT COURT

for the

Eastern District of Tennessee

Gregory Phipps and Brian Mensing, individually and on behalf of all others similarly situated

Plaintiff

v.

Chariots of Hire, Inc. and John Mark Parsons

Defendant

Civil Action No. 3:17-CV-97

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1335 Trentham Circle
Seymour, TN 37865-4523

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G. Brandon Hall
The Employment & Consumer Law Group
525 4th Ave. South
Nashville, TN 37210
(615) 850-0632
bhall@eclaw.com

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. 3:17-CV-97

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: [Chariots of Hire, Owner Facing Unpaid Overtime Collective Action](#)
