

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

EDUARDO A. SAENZ, *on behalf of  
himself and all others similarly  
situated,*

Plaintiffs,

v.

OLD DOMINION FREIGHT LINE,  
INC.,

Defendant

Civil Action No.

FLSA COLLECTIVE ACTION

JURY TRIAL DEMANDED

**COLLECTIVE ACTION COMPLAINT**

1.

Named Plaintiff Eduardo A. Saenz brings this action, on behalf of himself and all others similarly situated, to obtain full and complete relief for Defendant's failure to pay overtime wages as required by the Fair Labor Standards Act, 29 U.S.C. § 201 et seq., ("FLSA").

**JURISDICTION AND VENUE**

2.

The jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1331.

3.

Pursuant to 28 U.S.C. § 1391 and Local Rule 3.1(B)(1)(a), venue is proper in this Court because the unlawful employment practices described herein were

committed within the Atlanta Division of the United States District Court for the Northern District of Georgia.

**PARTIES**

4.

Named Plaintiff is a citizen of the United States of America and a resident of the State of Georgia.

5.

Defendant is a corporation with a principal office address at 500 Old Dominion Way, Thomasville, North Carolina 27360.

6.

Defendant conducts business throughout the United States, including within the Atlanta Division in Georgia, and the issues that gave rise to this action occurred throughout the United States, including within the Atlanta Division.

7.

Defendant may be served with process by delivering a copy of the summons and Complaint to its registered agent, CT Corporation System, at 289 S. Culver Street, Lawrenceville, GA 30046.

8.

Defendant is governed by and subject to 29 U.S.C § 206 and § 207.

9.

At all relevant times, Defendant was an enterprise engaged in interstate commerce.

10.

Defendant ordered machinery, equipment, goods or materials from out of state, and employed two or more employees who drove across state lines or who worked on or handled materials that have been moved through interstate commerce.

11.

Defendant is a less-than-truckload (“LTL”) national freight and global transportation company. See Defendant’s website at [www.odfl.com](http://www.odfl.com).

12.

As of December 31, 2017, Defendant had more than 18,000 employees and operated approximately 228 service centers across the United States, including (but not limited to) centers in California, Florida, Georgia, Illinois, Indiana, Louisiana, Memphis, North Carolina, Pennsylvania, Tennessee, Texas, and Utah. See Defendant’s 2017 10-K report, available on Defendant’s website at [www.odfl.com](http://www.odfl.com).

13.

At all relevant times, Defendant had at least \$500,000.00 in annual gross volume of sales made or business done.

14.

Defendant is a publicly traded company with total annual revenues exceeding three (3) billion dollars in 2017. See Defendant's 2017 10-K report, available on Defendant's website at [www.odfl.com](http://www.odfl.com).

15.

At all relevant times, Defendant acted as an "employer" as defined by the FLSA with respect to Named Plaintiff and all others similarly situated. Defendant determined the terms of conditions of their employment, including (but not limited to) their employment status, compensation, work hours, benefits, non-exempt/exempt classification, etc.

16.

At all relevant times, Named Plaintiff and all others similarly situated were Defendant's "employees" as defined by the FLSA.

17.

At all relevant times, Named Plaintiff and all others similarly situated performed non-exempt work.

18.

Named Plaintiff and all others similarly situated operated tractors to move trailers to designated loading/unloading sites within Defendant's yard.

19.



Named Plaintiff and all others similarly situated were typically referred to as “switchers” or “yard switchers.”<sup>1</sup>

20.

Named Plaintiff and all others similarly situated did not drive trucks or move the trailers on public roads.

21.

Named Plaintiff and all others similarly situated did not load or unload trailers.

22.

Named Plaintiff and all others similarly situated worked more than forty (40) hours in a week.

23.

Named Plaintiff and all others similarly situated were paid hourly.

24.

Named Plaintiff and all others similarly situated were paid straight time (i.e., their regular hourly rates) when they worked over forty (40) hours in a week.

25.

Named Plaintiff and all others similarly situated were not paid overtime (i.e., time and one-half their regular hourly rates) for all hours worked over 40 in a week.

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<sup>1</sup> A “switcher” or “yard switcher” is also referred to as a “hostler” or “yard jockey” within the trucking industry.

26.

Named Plaintiff and all others similarly situated have worked for Defendant during the three years preceding the filing of this action and/or currently work for Defendant.

27.

Named Plaintiff has consented in writing to be a party to this action pursuant to 29 U.S.C. § 216(b). A true and correct copy of Named Plaintiff's signed consent form is attached hereto as Exhibit "A."

**COLLECTIVE ACTION FACTUAL ALLEGATIONS**

28.

Named Plaintiff brings this collective action on behalf of himself and all others similarly situated pursuant to 29 U.S.C. § 216(b).

29.

Named Plaintiff and the similarly situated individuals are persons who: (1) currently work or have worked for Defendant on or after the date that is three years preceding the filing of this Complaint; (2) were given job titles such as, but not limited to, "switchers" or "yard switchers"; (3) were primarily engaged in moving trailers to designated loading/unloading sites within the yard; (4) were paid on an hourly basis; (5) worked more than 40 hours in a week; and (6) were not paid time

and one-half their regular hourly rates of pay for all hours worked over 40 in a week (the “Collective Class”).

30.

At all relevant times, Named Plaintiff and the Collective Class have had substantially similar job duties and have been subject to Defendant’s decision, policy, plan, programs, practices, procedures, protocols, and rules of knowingly and purposefully refusing to pay them overtime for all hours worked over 40 in a week.

31.

At all relevant times, Named Plaintiff and the Collective Class worked more than 40 hours in a week.

32.

At all relevant times, Named Plaintiff and the Collective Class were not paid time and one-half their regular hourly rates of pay for all hours worked over 40 in a week.

33.

When several members of the Collective Class complained to management about Defendant’s failure to pay overtime, management responded by blaming the “corporate office” and stating “that’s just how it is.”

34.

The Collective Class is so numerous that joinder of all members is impracticable.

35.

Defendant employs hundreds of people who work in the capacity of a “switcher” or “yard switcher.”

36.

There are questions of law or fact common to the Collective Class, and a collective action is superior to other available methods for the fair and efficient adjudication of the controversy.

37.

The claims or defenses of the Named Plaintiff are typical of the claims or defenses of the Collective Class.

38.

The Named Plaintiff will fairly and adequately protect the interests of the Collective Class.

**COUNT ONE**  
**Failure to Pay Overtime Under the FLSA**

39.

Named Plaintiff reasserts and incorporates by reference paragraphs 4 through 38 of this Complaint as if fully set forth herein.

40.

Named Plaintiff and the Collective Class were typically referred to as “switchers” or “yard switchers.”

41.

Named Plaintiff and the Collective Class performed non-exempt work.

42.

Named Plaintiff and the Collective Class operated tractors to move trailers to designated loading/unloading sites on Defendant’s premises.

43.

Named Plaintiff and the Collective Class did not drive trucks or move trailers on public roads.

44.

Named Plaintiff and the Collective Class did not load and unload trailers.

45.

Named Plaintiff and the Collective Class were paid on an hourly basis.

46.

Defendant suffered and permitted Named Plaintiff and the Collective Class to work more than 40 hours in a week.

47.

During the three years preceding the filing of this Complaint, Defendant violated the FLSA by failing to pay Named Plaintiff and the Collective Class

overtime (i.e., time and one-half their regular hourly rates of pay) for all hours worked over 40 in a week.

48.

During the three years preceding the filing of this Complaint, Defendant operated under a decision, policy and plan, programs, practices, procedures, protocols, and rules of knowingly and purposefully refusing to pay Named Plaintiff and the Collective Class overtime for all hours worked over 40 in a week.

49.

Named Plaintiff and the Collective Class complained about Defendant's failure to pay them overtime for all hours worked over 40 in a week.

50.

Defendant willfully disregarded its obligation under the FLSA to pay overtime to Named Plaintiff and the Collective Class.

51.

As the direct and proximate result of Defendant's refusal to pay overtime, Named Plaintiff and the Collective Class have suffered harm, including, but not limited to, lost wages.

### **PRAYER FOR RELIEF**

**WHEREFORE**, Named Plaintiff, on behalf of himself and all others similarly situated, pray for the following relief as against Defendant:

- A. Certification of this action as a collective action under the FLSA, and prompt issuance of notice pursuant to 29 U.S.C. § 216(b) to all similarly situated persons of the FLSA opt-in class, apprising them of the pendency of this action, and permitting them to assert timely FLSA claims by filing individual Consent to Join forms pursuant to 29 U.S.C. § 216(b);
- B. Designation of Named Plaintiff as the Representative of the FLSA Collective Class;
- C. A judgment in favor of Named Plaintiff and all others similarly situated for unpaid wages, liquidated damages, and reasonable attorneys' fees and costs in accordance with the FLSA, 29 U.S.C. § 216;
- D. Judgment against Defendant that Defendant's violations were willful; and
- E. Such other and further relief as this Court may deem just and proper.

Date: October 11, 2018

Respectfully submitted,

SMITH LAW, LLC

By: /s/Louise N. Smith  
Louise N. Smith  
Georgia Bar No. 131876  
louise@smithlaw-llc.com  
William J. Smith  
Georgia Bar No. 710280  
william@smithlaw-llc.com  
*Attorneys for Named Plaintiff and the  
Collective Class*

3611 Braselton Highway  
Suite 202  
Dacula, GA 30019  
T: (678) 889-2898  
F: (844) 828-5615



**DEMAND FOR JURY TRIAL**

Pursuant to Fed.R.Civ.P. 38(b), Named Plaintiff, on behalf of himself and others similarly situated, demands a trial by jury.

By: /s/Louise N. Smith  
Louise N. Smith  
Georgia Bar No. 131876  
[louise@smithlaw-llc.com](mailto:louise@smithlaw-llc.com)

**FONT AND POINT CERTIFICATION**

The undersigned counsel for Named Plaintiff hereby certifies that the within and foregoing COLLECTIVE ACTION COMPLAINT was prepared using Times New Roman, 14-point font in accordance with LR 5.1(B).

This 11th day of October 2018.

By: /s/Louise N. Smith  
Louise N. Smith  
Georgia Bar No. 131876  
[louise@smithlaw-llc.com](mailto:louise@smithlaw-llc.com)

**CERTIFICATE OF SERVICE**

I hereby certify that I have caused or will cause service to issue upon Defendants to this Action with the foregoing COLLECTIVE ACTION COMPLAINT by personal service pursuant to Fed. R. Civ. P. 4. within the time allowed by Fed. R. Civ. P. 4(m).

This 11th day of October 2018.

By: /s/Louise N. Smith  
Louise N. Smith  
Georgia Bar No. 131876  
[louise@smithlaw-llc.com](mailto:louise@smithlaw-llc.com)

# **EXHIBIT “A”**

**CONSENT TO JOIN COLLECTIVE ACTION**

I hereby consent to be a party plaintiff in the collective action brought against my current or former employer, Old Dominion Freight Line, Inc., to recover unpaid overtime wages owing to me and other similarly situated individuals under the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 201 et. seq.

I hereby authorize SMITH LAW, LLC to pursue my unpaid overtime claim as part of the Eduardo A. Saenz v. Old Dominion Freight Line, Inc. Collective Action, and I hereby consent, agree, and option to become a party plaintiff herein and to be bound by any settlement of this action, adjudication by the Court, or final determination in any other legal proceeding.

EDUARDO A SAENZ 10/19/18

Name (Print)

Date

Eduardo A Saenz

Signature

[REDACTED]  
Street Address

[REDACTED]  
City

[REDACTED]  
State

[REDACTED]  
Zip

[REDACTED]  
Telephone

[REDACTED]  
Email

From: 1/19/2001 — To: 9/25/18

Dates of my employment at Old Dominion Freight Line, Inc.

(ATL) 4271 BOWMAN INDUSTRIAL CT CONLEY GA 30288

Location(s) where I worked at Old Dominion Freight Line, Inc.

To join this collective action, you must complete this "Consent to Join" form and provide the completed form to Named Plaintiff's Counsel, SMITH LAW, by mail, fax, or email.

SMITH LAW, LLC  
3611 Braselton Highway, Suite 202  
Dacula, Georgia 30019  
Telephone: (678) 889-2898  
Fax: (844) 828-5615  
Email: [louise@smithlaw-llc.com](mailto:louise@smithlaw-llc.com)



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)**

Eduardo A. Saenz, on behalf of himself and all others similarly situated.

**DEFENDANT(S)**

Old Dominion Freight Line, Inc.

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

**COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT** Davidson, N.C.  
(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)

SMITH LAW, LLC  
3611 Braselton Hwy., Ste. 202, Dacula, GA 30019  
(678) 889-2898 (phone)  
(844) 828-5615 (facsimile)  
Louise N. Smith, Esq. (louise@smithlaw-llc.com)  
William J. Smith, Esq. (william@smithlaw-llc.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                                                           |
|----------------------------|-----------------------------------------|----------------------------|---------------------------------------------------------------|
| <input type="checkbox"/> 1 | <input type="checkbox"/> 1              | <input type="checkbox"/> 4 | <input type="checkbox"/> 4                                    |
|                            | CITIZEN OF THIS STATE                   |                            | INCORPORATED OR PRINCIPAL PLACE OF BUSINESS IN THIS STATE     |
| <input type="checkbox"/> 2 | <input type="checkbox"/> 2              | <input type="checkbox"/> 5 | <input type="checkbox"/> 5                                    |
|                            | CITIZEN OF ANOTHER STATE                |                            | INCORPORATED AND PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE |
| <input type="checkbox"/> 3 | <input type="checkbox"/> 3              | <input type="checkbox"/> 6 | <input type="checkbox"/> 6                                    |
|                            | CITIZEN OR SUBJECT OF A FOREIGN COUNTRY |                            | 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)

This is a collective action to recover unpaid overtime under the Fair Labor Standards Act ("FLSA"), 29 U.S.C. Sec. 207 and 216(b).

(IF COMPLEX, CHECK REASON BELOW)

- |                                                                           |                                                                                       |
|---------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> 1. Unusually large number of parties. | <input type="checkbox"/> 6. Problems locating or preserving evidence                  |
| <input type="checkbox"/> 2. Unusually large number of claims or defenses. | <input type="checkbox"/> 7. Pending parallel investigations or actions by government. |
| <input type="checkbox"/> 3. Factual issues are exceptionally complex      | <input type="checkbox"/> 8. Multiple use of experts.                                  |
| <input type="checkbox"/> 4. Greater than normal volume of evidence.       | <input type="checkbox"/> 9. Need for discovery outside United States boundaries.      |
| <input type="checkbox"/> 5. Extended discovery period is needed.          | <input type="checkbox"/> 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 EMPL. 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 (1395ff)
- ☐ 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 ANTITRUST
- ☐ 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.

*Loeasi N Smith*

SIGNATURE OF ATTORNEY OF RECORD

DATE

10-11-2018

# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Unpaid Overtime Suit Filed Against Old Dominion Freight Line](#)

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