

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

**JOHN SHIPP, MICHAEL SEALS and
CHRISTINA LAFAYE HOLIFIELD,**
Individually, and on behalf of themselves and other
similarly situated current and former employees,

Plaintiffs,

v.

CASE NO. _____

FLSA Opt-In Collective Action

HUDDLE HOUSE, INC.,
a Georgia Corporation,

JURY DEMANDED

Defendant,

COLLECTIVE ACTION COMPLAINT

Plaintiffs John Shipp, Michael Seals and Christina LaFaye Holifield, individually, and on behalf of themselves and all others similarly situated, hereby file their Collective Action Complaint against Defendant Huddle House, Inc., and allege as follows:

I.

INTRODUCTION

1. Plaintiffs John Shipp, Michael Seals and Christina LaFaye Holifield (collectively "Plaintiffs") were employed by Defendant Huddle House, Inc. ("Defendant") at various Huddle House restaurants in this district during all times relevant to this Collective Action Complaint.

2. Plaintiff John Shipp has been a resident of this district and, employed by Defendant in this district, during times relevant to this lawsuit. (Plaintiff Shipp's Consent to Join this collective action is attached as Exhibit A.)
3. Plaintiff Michael Seals has been a resident of this district and, employed by defendant in this district, during times relevant to this lawsuit. (Plaintiff Seal's Consent to Join this collective action is attached as Exhibit B.)
4. Plaintiff Christina LaFaye Holifield has been a resident of this district and, employed by Defendant in this district, during times relevant to this lawsuit. (Plaintiff Holifield's Consent to Join this collective action is attached as Exhibit C.)
5. This lawsuit is brought against Defendant Huddle House, Inc. as a collective action under the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201, *et seq.*, to recover unpaid overtime compensation for Plaintiffs and other similarly situated current and former employees of Defendant who are members of a class as defined herein.
6. At all times material to this Collective Action Complaint, Plaintiffs' primary duty was non-managerial in nature and their principal work consisted of performing the same type of duties as that of hourly-paid employees, such as cooking, cleaning, cashiering, washing dishes and utensils, sweeping and mopping floors, serving food, expediting food, unloading food trucks, stocking food and supplies and, performing other such non-managerial types of job duties.
7. During relevant weekly pay periods, Plaintiffs had such limited management duties that hourly-paid employees performed such duties when Plaintiffs were not present at their assigned restaurants.

8. Plaintiffs were provided few Assistant Managers to their assigned restaurants and, if so provided, only for short periods of time, during all times material to this action.
9. During such relevant periods of time when no Assistant Managers were provided to their assigned restaurants, Plaintiffs were required to spend at least thirty (30) hours during each weekly pay period cooking and, additional time cleaning, washing dishes and utensils, sweeping and mopping floors, serving food, expediting food, cashiering, unloading trucks, stocking food and supplies and, performing other such non-managerial job duties.
10. During relevant weekly pay periods, Plaintiffs were induced, expected, forced, and, suffered and permitted, to work as many overtime hours as necessary to meet Defendant's "budgeted labor" for their assigned Huddle House restaurant, requiring them to work at least 50 hours per week during such periods and typically many more such hours. (It was not unusual for Plaintiffs to work 75 hours per week during such relevant periods, the exact number of weekly overtime hours having been recorded in Defendant's payroll and time keeping system.)
11. At all times material to this Collective Action, Plaintiffs did not possess the necessary authority to terminate employees on their own, nor was particular weight given to their suggestions to terminate employees. (Of the employees suggested by Plaintiffs for Defendant to fire, numerous ones were not fired and, if fired, reinstated and/or transferred to another Huddle House restaurant.)
12. At all times material to this Collective Action, Plaintiffs did not possess the necessary authority to hire applicants on their own, nor was particular weight given to their

suggestions to hire applicants. (Of the applicants suggested by Plaintiffs for Defendant to hire, numerous ones were not hired.)

13. At all times material to this Collective Action, Plaintiffs did not possess the necessary authority to discipline employees on their own and, without approval of Defendant, nor was particular weight given their suggestions to discipline employees. (Of the employees suggested by Plaintiffs for Defendant to discipline, numerous ones were not disciplined.)
14. Based on the information preliminarily available, and subject to discovery in this cause, Plaintiffs were not exempt from receiving overtime compensation under the Fair Labor Standards Act, nor were Plaintiffs and those similarly situated compensated for all hours worked in excess of forty (40) within weekly pay periods during times relevant to this Collective Action Complaint, as required by the FLSA.

II.

JURISDICTION AND VENUE

15. The FLSA authorizes court actions by private parties to recover damages for violations of the FLSA's wage and hour provisions. Jurisdiction over Plaintiffs' FLSA claims are based on 29 U.S.C. § 216(b) and 28 U.S.C. § 1331.
16. Venue in this district is proper pursuant to 28 U.S.C. § 1391(b) and (c) because Plaintiffs resided in this district and performed work for Defendant in this district, Defendant regularly conducted business in this district and its wage and hour plans, policies and practices were administered in this district during all times relevant.

III.

CLASS DESCRIPTION

17. Plaintiffs bring this action on behalf of themselves and the following similarly situated persons:

All current and former employees of Huddle House, Inc. who were classified as exempt General Managers and who work (or have worked) at any of Defendant's Huddle House restaurants within the United States at any time during the applicable limitations' period covered by this Collective Action Complaint (*i.e.* two years for FLSA violations, three years for willful FLSA violations, up to and including the date of final judgment in this matter, and who is the Named Plaintiff and those who elect to opt-in to this action pursuant to the FLSA, 29 U.S.C. § 216(b). (Collectively, “the class”).¹

IV.

PARTIES

18. Huddle House Inc., is a Georgia corporation with its corporate headquarters located at 5901B Peachtree Dunwoody Road NE, Suite 450, Sandy Springs, Georgia 30328. Huddle House, Inc., Inc. has been an “employer” of Plaintiffs and similarly situated workers, as that term is defined in the FLSA, 29 U.S.C. §203(d), during the relevant period to this action. According to the Mississippi Secretary of State, Huddle House Inc. may be served through its registered agent for service of process, Corporation Service Company, 5760 I-55 North, Suite 150, Jackson, Mississippi 39211.

¹ Plaintiffs reserve the right to amend the Class Description upon the discovery of additional facts.

19. Plaintiff John Shipp was employed by Huddle House, Inc. as a General Manager at one or more of its Huddle House restaurants within this district during the relevant period herein. (Plaintiff Shipp's Consent to Join this collective action is attached hereto as Exhibit A.)
20. Plaintiff Michael Seals was employed by Huddle House, Inc. as a General Manager at one or more of its Huddle House restaurants within this district during the relevant period herein. (Plaintiff Seals' Consent to Join this collective action is attached hereto as Exhibit B.)
21. Plaintiff Christina LaFaye Holifield was employed by Huddle House, Inc. as a General Manager at one or more of its Huddle House restaurants within this district during the relevant period herein. (Plaintiff Holifield's Consent To Join this collective action is attached hereto as Exhibit C.)

V.

ALLEGATIONS

22. Huddle House, Inc. owns and operates, as well as franchises, Huddle House restaurants throughout the United States.
23. The primary function of Huddle House, Inc. is to sell food and drink items to its customers.
24. Huddle House, Inc. is and/or has been the “employer” of the Plaintiffs and those similarly situated within the meaning of 29 U.S.C. § 203(d), during all times material to this Collective Action Complaint.
25. Plaintiffs and all other similarly situated persons are/were classified by Defendant as General Managers at its Huddle House restaurants at all times relevant to this action.

26. Defendant employed Plaintiffs and those similarly situated during all times material to this Collective Action Complaint.
27. Defendant established and administered pay policies and practices, including pay classifications and overtime pay rates for Plaintiffs and other members of the class during all times relevant herein.
28. Defendant has had a centralized, unified and common plan, policy and practice (scheme) of establishing and administering pay practices for its employees classified as General Managers.
29. At all times material to this action, Plaintiffs and other members of the class have been “employees” of Defendant as defined by Section 203(e)(1) of the FLSA.
30. Plaintiffs and those similarly situated have worked for Defendant as General Managers at its Huddle House restaurants located within the territory of the United States within three (3) years preceding the filing of this lawsuit.
31. At all times material to this action, Defendant has been an enterprise engaged in commerce or in the production of goods for commerce as defined by Section 203(s)(1) of the FLSA, with annual revenue in excess of \$500,000.00.
32. Defendant has been subject to the pay requirements of the FLSA because it is an enterprise in interstate commerce and its employees are engaged in interstate commerce, including Plaintiffs and other members of the class, at all times relevant herein.
33. Defendant employs individuals classified as General Managers whose primary duties are non-managerial in nature and whose principal duties have consisted of performing the same type of duties as that of hourly-paid employees, such as cooking, cleaning, washing dishes and utensils, sweeping and mopping floors, serving food, expediting

food, cashiering, unloading food trucks, stocking food and supplies and, performing other such non-managerial duties, during all times material.

34. At all times material to this action, Defendant has had a centralized, unified and common plan, policy and practice, to induce, force, expect, encourage, require, and suffer or permit, Plaintiffs and other class members to work however many overtime hours necessary (principally in non-managerial jobs) to stay within Defendant's "budgeted labor" cost for the respective restaurant assigned to them.
35. Pursuant to such centralized, unified and common plan, policy and practice, Plaintiff and class members have had to work far in excess of forty (40) hours within weekly pay periods to stay within Defendants "budgeted labor" cost at their assigned restaurant(s), during all times relevant to this action.
36. At all times material to this action, Defendant has had a centralized timekeeping system in which work hours of its employees are recorded.
37. Upon information and belief, the overtime hours (hours in excess of forty (40) per week) of Plaintiffs and members of the class have been recorded in Defendant's centralized time keeping system during all times material to this action.
38. However, Defendant has failed to pay Plaintiffs and other class members the applicable FLSA overtime rate of pay for all their recorded hours in excess of forty (40) within weekly pay periods of the statutory limitations' period (at one and one-half times their regular hourly rate of pay), as required by the FLSA.
39. Plaintiffs and other class members, classified as General Managers, who have not been paid overtime compensation for all hours worked in excess of forty (40) hours per week

within weekly pay periods, during the relevant statutory limitations' period, are entitled to receive all such overtime compensation due to them from Defendant.

40. The net effect of Defendant's centralized, unified and common plan, policy and practice of failing to pay Plaintiff and other similarly situated employees overtime compensation for all hours worked in excess of forty (40) hours per week within weekly pay periods, was a scheme to save payroll costs and payroll taxes for which Defendant has unjustly enriched itself and enjoyed ill gained profits at the expense of Plaintiffs and other members of the class.
41. Defendant unlawfully classified and treated Plaintiffs and other class members as exempt from overtime compensation, in violation of the FLSA.
42. Yet, Defendant is unable to bear its burden of showing that Plaintiffs and other class members fall within any of the FLSA overtime exemptions, including but not limited to those announced in 29 C.F.R. §§ 541.300, 541.301, 541.302, 541.303, or 541.304.
43. Although at this stage, Plaintiffs are unable to state the exact amount of unpaid overtime compensation owed them and other members of the class, they believe such information will become available during the course of discovery via Defendant's payroll and timekeeping records. However, when an employer fails to keep complete and accurate time records, employees may establish the hours worked solely by their testimony and the burden of proof of overcoming such testimony shifts to the employer.

VI.

COLLECTIVE ACTION ALLEGATIONS

44. The preceding paragraphs are incorporated by reference as if they were fully set forth herein.

45. Plaintiffs bring this collective action on behalf of themselves and all other persons similarly situated pursuant to the FLSA, 29 U.S.C. §§ 206, 207, and 216(b), previously referenced as "the class."
46. Plaintiffs believe the definition of the class could be further refined following discovery of Defendants' books and records.
47. The claims under the FLSA may be pursued by those who opt-in to this case under 29 U.S.C. § 216(b).
48. The members of the class are so numerous that joinder of all other members of the class is impracticable. While the exact number of the other members of the class is unknown to Plaintiffs at this time and, can only be ascertained through applicable discovery, they believe there are more than 100 individuals in the putative class.
49. The claims of Plaintiffs are typical of the claims of the class. Plaintiffs and the other members of the class who work or have worked for Defendant at one or more of its Huddle House restaurants were subjected to the same operational, compensation and timekeeping plans, policies and practices, including the failure of Defendant to pay Plaintiffs and other employees classified as General Managers overtime compensation under the FLSA for all hours worked in excess of forty (40) hours per week within weekly pay periods during the relevant statutory limitations' period.
50. Common questions of law and fact exist as to the class which predominate over any questions only affecting other members of the class individually and include, but are not limited to, the following:
 - Whether Plaintiffs and other members of the class were misclassified as exempt from the overtime requirements of the FLSA;

- Whether Plaintiffs and other members of the class were induced, forced, expected, encouraged, required and/or suffered and permitted to work hours in excess of forty (40) per week, without being paid overtime compensation for such work, as required by the FLSA;
- Whether Defendant suffered and permitted Plaintiffs and other members of the class to work hours without compensation, including hours in excess of forty (40) per week within weekly pay periods during the relevant statutory limitations' period;
- Whether Defendant failed to pay Plaintiff and other members of the class all overtime compensation due them for all hours worked in excess of forty (40) hours per week within weekly pay period during the relevant statutory limitations' period;
- The correct statutes of limitations for Plaintiffs' claims and the claims of the other members of the class;
- Whether Plaintiffs and other members of the class are entitled to damages, including but not limited to liquidated damages, and the measure of the damages; and,
- Whether Defendant is liable for interest, attorneys' interest, fees, and costs to Plaintiffs and other class members.

51. Plaintiffs will fairly and adequately protect the interests of the class as their interests are aligned with those of the other members of the class. Plaintiffs have no interests adverse to the class and have retained competent counsel who are experienced in collective action litigation to represent them in this action.
52. Collective action mechanism is superior to the other available methods for a fair and efficient adjudication of the controversy. The expenses, costs, and burden of litigation suffered by individual other members of the class in a collective action are relatively small in comparison to the expenses, costs, and burden of litigation of individual actions, making it virtually impossible for other members of the class to individually seek address for the wrongs done to them.

53. Plaintiffs and other members of the class have suffered and will continue to suffer irreparable damage from the unlawful compensation policies, practices, and procedures implemented and administered by Defendant.

COUNT I

FLSA OVERTIME COMPENSATION CLASS CLAIMS

54. Plaintiffs, on behalf of themselves and the class, repeat and re-allege Paragraphs 1 through 53 above, as if they were fully set forth herein.
55. At all relevant times, Defendant has been and continues to be an employer engaged in interstate commerce within the meaning of the FLSA, 29 U.S.C. §§ 206(a) and 207(a). Plaintiffs and other class members also have engaged in interstate commerce during all relevant times to this action.
56. At all relevant times, Defendant has employed (and/or continues to employ) Plaintiffs and each of the other members of the class within the meaning of the FLSA.
57. Defendant has had a centralized, unified and common plan, policy and practice of misclassifying Plaintiffs and other class members as exempt from receiving the applicable FLSA overtime rate of pay for all hours worked in excess of forty (40) within weekly pay periods during all times material to this action.
58. Considering the aforementioned lack of required authority to fire and discipline employees or, hire applicant and, without particular weight given their to suggestions to "fire, hire or discipline," as well as performing non-managerial duties for a vast majority of time each work week of their employment, Plaintiffs and class members do not qualify to be exempt from receiving the applicable FLSA overtime rate of pay for all hours

worked in excess of forty (40) within weekly pay periods during all times material to this action.

59. Defendant is unable to bear its burden of showing that Plaintiffs and other class members fall within any of the FLSA overtime exemptions, including but not limited to those announced in 29 C.F.R. §§ 541.300, 541.301, 541.302, 541.303, or 541.304.
60. The misclassified claims of Plaintiffs and class members, resulting in Defendant's failure to pay them for all hours worked in excess of forty (40) at the applicable FLSA overtime rate of pay within weekly pay periods during all times relevant herein, are unified by a common theory of Defendant's FLSA statutory violations.
61. Plaintiffs and class members worked for Defendant far in excess of forty (40) hours within weekly pay periods of the statutory limitations' period without being compensated for such overtime hours at the applicable FLSA rate of pay, all of such overtime hours having been recorded in Defendant's payroll and time keeping system.
62. Plaintiffs and class members were induced, forced, expected, required and/or suffered and permitted, to work all overtime hours necessary within weekly pay periods during the statutory limitations' period to stay within Defendant's "budgeted labor" cost, in keeping with Defendant's centralized, unified and common "budgeted labor" plans, policies and practices.
63. Defendant has had a centralized, unified and common plan, policy and practice of willfully failing to pay the federal applicable overtime compensation to Plaintiffs and other members of the class for all hours worked in excess of forty (40) hours per week within weekly pay periods during the relevant statutory limitations' period.

64. At all times relevant, Defendant has had actual and/or constructive knowledge of willfully failing to pay the federal applicable overtime compensation to Plaintiffs and other members of the class for all hours worked in excess of forty (40) hours per week within weekly pay periods during the relevant statutory limitations' period.
65. Defendant did not have a good faith basis for its failure to pay the federal applicable overtime compensation to Plaintiffs and other members of the class for all hours worked in excess of forty (40) hours per week within weekly pay periods during the relevant statutory limitations' period.
66. As a result of Defendant's willful failure to pay Plaintiffs and other members of the class the applicable federal overtime compensation for all hours worked over forty (40) per week within weekly pay periods during the relevant statutory limitations' period, it has violated the FLSA, 29 U.S.C. §§ 201, *et seq.*
67. Defendant's aforementioned conduct constitutes a willful violation of the FLSA within the meaning of 29 U.S.C. § 255(a).
68. Due to Defendant's willful FLSA violations and, and its lack of a good faith basis, in its failure to pay Plaintiffs and other members of the class the applicable FLSA overtime compensation for all hours worked in excess of forty (40) hours per week within weekly pay periods during the relevant statutory limitations' period, Plaintiffs and the class are entitled to recover and, hereby seek to recover, from Defendant compensation for unpaid overtime wages, an additional equal amount as liquidated damages, as well as interest, reasonable attorneys' fees, costs, and disbursements relating to this action for the three-year statutory period under the FLSA, 29 U.S.C. § 216(b).

PRAYER FOR RELIEF

Wherefore, Plaintiffs, individually, and on behalf of themselves and all other similarly situated members of the class, demand judgment against Defendant Huddle House, Inc. as well as to request this Court to grant the following relief against said Defendant:

- A. An Order designating this action as an opt-in collective action on behalf of the class for claims under the FLSA and promptly issuing notice pursuant to 29 U.S.C. § 216 for the claims of the class, apprising class members of the pendency of this action and permitting other members of the class to assert timely FLSA claims resulting from the same policy or practice of misclassification by filing individual Consents under 29 U.S.C. § 216(b);
- B. An award of compensation for unpaid overtime wages to Plaintiffs and other members of the class;
- C. An award of liquidated damages to Plaintiffs and other members of the class;
- D. An award of prejudgment and post-judgment interest at the rate established by the Secretary of the Treasury, pursuant to 29 U.S.C. § 6221, from the date they became due until the date they are paid;
- E. An award of costs, expenses, and disbursements relating to this action together with reasonable attorneys' fees and expert fees to Plaintiffs and other members of the class;
- F. A ruling that the three-year statutory period for willful violations under the FLSA shall apply in this action;
- G. All applicable statutory and common law damages;
- H. A Declaration that Plaintiffs and other members of the class were misclassified as exempt from the payment of overtime compensation and, therefore, entitled to unpaid overtime damages and other common law or statutory damages to be proven at trial;

- I. A Declaration that Defendants have willfully violated the FLSA;
- J. An Order appointing Plaintiffs and their counsel to represent those individuals opting in to the collective action; and,
- K. Such other general and specific relief as this Court deems just and proper.

JURY TRIAL DEMAND

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiffs demand a **trial by jury** on all issues so triable.

Dated: September 27, 2017

Respectfully Submitted,

/s/ George B. Ready
George B. Ready (MS Bar #4674)
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175 East Commerce St.
P.O. Box 127
Hernando, MS 38632
662-429-7088
GBReady@georgegreedyatty.com

&

Gordon E. Jackson* (TN BPR #08323)
J. Russ Bryant* (TN BPR #33830)
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gjackson@jsyc.com
jholt@jsyc.com
rbryant@jsyc.com
pjackson@jsyc.com
**Admission Pro Hac Vice Anticipated*

Attorneys for the Named Plaintiff, on behalf of herself and all other similarly situated current and former employees

**IN THE UNITED STATES DISTRICT COURT
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HUDDLE HOUSE, INC. a Georgia Corporation.

JURY DEMANDED

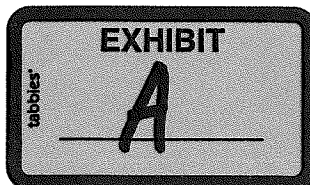
Defendant,

CONSENT TO JOIN

1. I have been employed by Huddle House, Inc.. as a General Manager at a one or more of its Huddle House restaurants within the past three (3) years.
2. I hereby consent to join this or any subsequent action against the Defendant as a Party-Plaintiff to assert claims for unpaid overtime compensation in violation of the FLSA 29 U.S.C. § 201, *et seq.*, as specified in the Complaint.
3. I understand this lawsuit is brought under the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. § 216(b), *et seq.* I hereby consent, agree, and opt-in to become a Party-Plaintiff in this action.
4. I agree to be represented by Jackson, Shields, Yeiser & Holt and Attorneys Gordon E. Jackson, James L. Holt, Jr., J. Russ Bryant, and Paula R. Jackson, counsel for the Named Plaintiff, as well as any other attorneys with whom they may associate.
5. If this case does not proceed collectively, I also consent to join any subsequent action to assert claims against the Defendant and any other related entities for unpaid overtime.

John T. Shipp 9-27-17
 Signature Date

John Thomas Shipp
 Full Legal Name



IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI

JOHN SHIPP, MICHAEL SEALS and
CHRISTINA LAFAYE HOLIFIELD,
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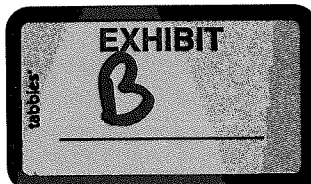
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3. I understand this lawsuit is brought under the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. § 216(b), *et seq.* I hereby consent, agree, and opt-in to become a Party-Plaintiff in this action.
4. I agree to be represented by Jackson, Shields, Yeiser & Holt and Attorneys Gordon E. Jackson, James L. Holt, Jr., J. Russ Bryant, and Paula R. Jackson, counsel for the Named Plaintiff, as well as any other attorneys with whom they may associate.
5. If this case does not proceed collectively, I also consent to join any subsequent action to assert claims against the Defendant and any other related entities for unpaid overtime.

M Le Seal 9-27-17
Signature Date

Michael Allen Seals
Full Legal Name



**IN THE UNITED STATES DISTRICT COURT
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**JOHN SHIPP, MICHAEL SEALS and
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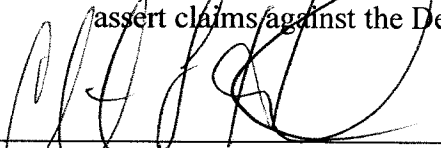
HUDDLE HOUSE, INC. a Georgia Corporation.

JURY DEMANDED

Defendant,

CONSENT TO JOIN

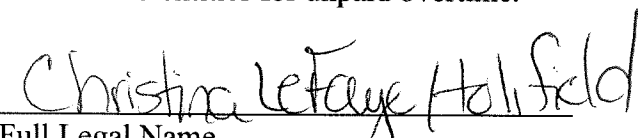
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4. I agree to be represented by Jackson, Shields, Yeiser & Holt and Attorneys Gordon E. Jackson, James L. Holt, Jr., J. Russ Bryant, and Paula R. Jackson, counsel for the Named Plaintiff, as well as any other attorneys with whom they may associate.
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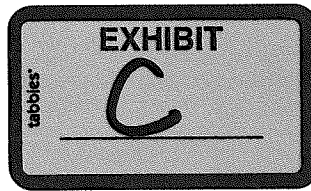
 Signature

9-27-17

 Date



 Full Legal Name



JS 44 (Rev. 06/17)

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
 JOHN SHIPP, et al.,

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

(c) Attorneys (Firm Name, Address, and Telephone Number)
 Law Office of George B. Ready
 175 East Commerce St.
 P.O. Box 127 662-429-7088

DEFENDANTS
 HUDDLE HOUSE, INC.

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)

Click here for: Nature of Suit Code Descriptions.

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	<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"/> 835 Patent - Abbreviated New Drug Application <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))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<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	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	
			LABOR <input 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		

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

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

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
29 U.S.C. 201, et seq.

Brief description of cause:
Collective action under the FLSA for unpaid wages.

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: 09/28/2017 SIGNATURE OF ATTORNEY OF RECORD: /s/George Ready

FOR OFFICE USE ONLY

RECEIPT # 1478691 AMOUNT \$400 APPLYING IFP _____ JUDGE MPM MAG. JUDGE RP

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 there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

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

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Huddle House Facing Managers' Wage and Hour Suit](#)
