

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

TIMOTHY WATSON, on behalf of himself
and all other similarly situated employees,

Plaintiff,

v.

Case No. _____

**FLOWERS FOODS, INC., and
FLOWERS BAKING CO. OF
KNOXVILLE, LLC,**

**FLSA OPT-IN COLLECTIVE ACTION
JURY DEMANDED**

Defendants.

COLLECTIVE ACTION COMPLAINT

Plaintiff, Timothy Watson, brings this action against Defendants Flowers Foods Inc., and Flowers Baking Co. of Knoxville, LLC (collectively “Defendants”) on behalf of himself and all others similarly situated as follows:

PRELIMINARY STATEMENT

1. This lawsuit is brought as a collective action under the Fair Labor Standards Act, 29 U.S.C. §201 *et seq.*, and as a Rule 23 class action to recover unpaid wages owed to Plaintiff and a class of other similarly situated hourly, non-exempt employees who worked at Defendant Flowers Baking Co. of Knoxville, LLC’s facility in Knoxville, Tennessee. Defendants’ policy and practice is to deny straight time pay and overtime pay to employees working at their Knoxville bakery. Defendants’ failure to pay employees their earned wages and overtime compensation violates the Fair Labor Standards Act 29 U.S.C. § 201 *et seq.* (“FLSA”) and the state laws of Tennessee.

2. The FLSA authorizes court actions by private parties to recover damages for violation of the FLSA's wage and hour provisions. This Court has original federal question subject matter jurisdiction under 28 U.S.C. § 1331 for the claims brought under the FLSA, 29 U.S.C. § 201, *et seq.*
3. This Court has subject matter jurisdiction over Plaintiff's state law claims pursuant to 28 U.S.C. § 1367 because the state claims are so related to the FLSA claims that they form part of the same case or controversy.
4. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b) because Plaintiff worked for Defendant Flowers Baking Co. of Knoxville, LLC in this district, Defendants conduct business in this district, and a substantial part of the unlawful conduct giving rise to the claims occurred in this district.

II. PARTIES

5. The foregoing paragraphs are incorporated herein as if set forth in their entirety.
6. Plaintiff Timothy Watson is a resident of Knoxville, Knox County, Tennessee, who worked for Defendants as an hourly-paid production employee from April 2014 until April 2016. Plaintiff held various positions and titles while working in Defendants' bakery including, Production Technician, Divider Operator, Break Man, Mixer Operator, Oven Operator, Bagger Operator and Trayer. Plaintiff worked six (6) to seven (7) shifts per week lasting approximately twelve (12) hours per shift. Plaintiff earned \$17.60 - \$19.10 per hour while working for Defendants. Plaintiff worked in a bakery facility located in Knoxville, owned and operated by Defendants Flowers Foods, Inc. and Flowers Baking Co. of Knoxville, LLC. Plaintiff Watson's Consent to Join this collective action is attached hereto as *Exhibit A*.
7. Defendant Flowers Foods, Inc. (herein "Defendant Flowers Foods") is a Georgia corporation

with its principal place of business located at 1919 Flowers Circle, Thomasville, Georgia 31757, and was Plaintiff's "employer" as that term is defined under the FLSA. In the alternative, Defendant Flowers Foods was Plaintiff's "joint employer" and/or "integrated employer" at all times mentioned herein. Defendant Flowers Foods Inc. may be served via its registered agent, Corporation Service Company, 40 Technology Pkwy S, Suite 300, Norcross, Georgia 30092.

8. Defendant Flowers Baking Co. of Knoxville, LLC is a Tennessee corporation, registered in Tennessee and is a wholly owned subsidiary of Flowers Foods, Inc., and was Plaintiff's "employer" as that term is defined under the FLSA. In the alternative, Defendant Flowers Baking Co. of Knoxville, LLC was Plaintiff's "joint employer" and/or "integrated employer" at all times mentioned herein. Defendant Flowers Baking Co. of Knoxville, LLC is a wholly owned subsidiary of Defendant Flowers Foods, Inc. Defendant Flowers Baking Co. of Knoxville, LLC may be served via its registered agent, Corporation Service Company, 3908 Poston Avenue, Nashville, Tennessee 37203.
9. Defendants, Flowers Foods Inc., Flowers Baking Co. of Knoxville, LLC were Plaintiff's "joint employer" at all relevant times.
10. In addition to the Named Plaintiff Timothy Watson, Defendants have also employed, and currently employ, other similarly situated individuals that comprise the putative class within the last three (3) years.
11. Plaintiff and the putative class members are hourly-paid production employees of Defendants that physically produce, make, bake and package bread and snack products for Defendants in their bakery facility located in Knoxville, Tennessee.
12. Upon information and belief, at all times, the wage and hour and all related employee

compensation policies of Defendants are and were centrally and collectively dictated, controlled, and ratified.

GENERAL ALLEGATIONS

13. Each workday when Plaintiff arrived at Defendant Flowers Baking Co. of Knoxville, LLC's facility to begin his shift, he had to enter a key code provided by the company to access the facility's employee parking area. Entering this key code did not clock Plaintiff into work.
14. To enter the building, Plaintiff was required enter his employee code and swipe his employee badge into a bar code reader. The swiping of the badge and entering of the code to enter the facility did not clock Plaintiff into work.
15. Plaintiff performed work after the time he entered his employee code and swiped his badge to enter Defendant Flowers Baking Co. of Knoxville, LLC facility and before the time he was permitted to officially clock in for his scheduled shift. Plaintiff was not paid for this work time, which was a significant portion of "off the clock" working time.
16. The work duties Plaintiff performed during this time included, but were not limited to: picking up and putting on a hair net and hard hat; picking up and putting in ear plugs; entering an initial locker room to pick up clothing designated and required to be worn by Defendants and consisted of khaki pants and a snap shirt; walking into a second locker room to removes his own clothes and shoes and to put on the clothes required by Defendants, including slip resistant shoes that he was required to wear; entering a combination and opening a locker to store his own clothes, shoes, and personal effects; closing and locking the locker; picking up and putting on a helmet; and walking from the second locker room to the middle of the plant, where he was finally allowed to clock in for his scheduled shift. These duties are required by Defendants and Plaintiff was not permitted

to perform these duties prior to arriving at the facility.

17. Plaintiff performed additional duties after clocking out, for which he was not paid.
18. The work duties Plaintiff performed after clocking out of the Defendants' time keeping system included, but were not limited to: walking from the time clock back to the second locker room; removing his hard hat and placing it where it belongs in the locker room; entering a combination and opening his locker holding his own clothes, shoes, and personal effects; removing the shoes and clothes that Defendants required be worn and putting his own clothes and shoes back on to exit the facility; walking back through the initial locker room and placing the clothes that Defendants required be worn in a bin for cleaning; and walking back out of the building entrance and to the parking lot on the south side of the facility. Defendants' policy did not allow for Plaintiff to leave the facility without changing his clothes.
19. The work activities for which Plaintiff was not paid were integral and indispensable to his principal job duties and/or are themselves principal duties, and also fall within the "continuous workday."
20. The walking time for which Plaintiff was not paid occurred after the beginning of his first principal activity and before the end of his last principal activity.
21. The sanitary and protective work uniforms and safety equipment that Plaintiff was required to wear, and the donning and doffing for which Plaintiff was not paid, were required by Defendants. Plaintiff's job involved food preparation and therefore necessitates sanitary working conditions. The circumstances of Plaintiff's job, including vital considerations of health and hygiene, required him to wear the protective work uniforms and protective safety equipment. Plaintiff was required to don and doff the protective and sanitary gear on

Defendants' premises and was not allowed to do so from home.

22. These donning, doffing, and walking duties that occurred during the continuous workday all add up to a significant amount of time of "off the clock" work for which Plaintiff and the classes were not paid.

23. In addition to the "off the clock" time associated with the above Defendants automatically deducted fifteen (15) minutes from Plaintiff's recorded time daily. This designated deduction was for a meal break period.

24. Plaintiff contends that the fifteen (15) minutes automatically deducted from his time on a daily basis was compensable and that he has been deprived of said wages.

COLLECTIVE AND CLASS ACTION ALLEGATIONS

25. Plaintiff brings Count I, the FLSA claim, as an "opt-in" collective action pursuant to 29 U.S.C. § 216(b) on behalf of himself and the following classes of persons (the "FLSA donning and doffing class" or "donning and doffing opt-in class" and the "FLSA automatic time deduction class" or "automatic time deduction opt-in class"):

FLSA Donning and Doffing Class Description:

All current and former hourly employees of Defendants Flowers Foods, Inc. and Flowers Baking Co. of Knoxville, LLC who were not covered by the terms of a Collective Bargaining Agreement ("CBA") at any time in the last three years who were required to perform, but not paid for the time they spent performing donning, doffing, and walking activities.

FLSA Automatic Time Deduction Class Description:

All current and former hourly employees of Defendants Flowers Foods, Inc. and Flowers Baking Co. of Knoxville, LLC who were not covered by the terms of a Collective Bargaining Agreement ("CBA") at any time in the last three years who had time automatically deducted from their

recorded time.

26. In addition to his individual claims, Plaintiff brings Count II and III for Tennessee state law violations for breach of contract and unjust enrichment claims under the common law of Tennessee as a class action pursuant to Fed. R. Civ. P. 23, on behalf of himself and as a representative of the following class:

All current and former hourly employees of Defendants Flowers Foods, Inc. and Flowers Baking Co. of Knoxville, LLC who were not covered by the terms of a Collective Bargaining Agreement (“CBA”) at any time in the last three years who were required to perform, but not paid for the time they spent performing donning, doffing, and walking activities and/or had time automatically deducted from their recorded time.

27. The FLSA claims may be pursued by those who opt-in to this case, pursuant to 29 U.S.C. § 216(b).

28. Plaintiff, individually and on behalf of other similarly-situated employees, seeks relief on a collective basis challenging, among other FLSA violations, Defendants’ practice of failing to accurately record all hours worked and failing to pay employees for all hours worked, including overtime compensation.

29. The number and identity of other Plaintiffs yet to opt-in and consent to be party Plaintiffs may be determined from the records of Defendants, and potential class members may easily and quickly be notified of the pendency of this action.

30. The state law claims, if certified for class-wide treatment, may be pursued by all similarly-situated persons who do not opt-out of the class. Plaintiff’s state law claims satisfy the numerosity, commonality, typicality, adequacy and superiority requirements of a class action.

31. The classes satisfy the numerosity standards. The class is believed to number in the hundreds. As a result, joinder of all class members in a single action is impracticable.

32. There are questions of fact and law common to the classes that predominate over any questions affecting only individual members. The questions of law and fact common to the classes arising from Defendants' actions include, but are not limited to, the following:

- a. Whether Plaintiff and the putative class are compensated for time spent donning and doffing clothing and protective gear and walking to and from their job posts;
- b. Whether the donning and doffing of certain sanitary and protective gear constitutes an integral and indispensable activity;
- c. Whether the donning and doffing of certain sanitary and protective gear begins the continuous workday;
- d. Whether Defendants have failed to keep accurate records of the actual time Plaintiff and the putative class spend performing compensable activities;
- e. Whether Defendants automatically deducted compensable time from the Plaintiff and the putative class' recorded time;
- f. Whether Defendants' pay policies and practices compensate Plaintiff and the putative class for all of the time they spend working during the continuous workday;
- g. Whether Defendants' compensation policy and practices account for the time Plaintiff and the putative class are actually working; and
- h. Whether Defendants' violations were willful.

33. The questions set forth above, among others, predominate over any questions affecting only individual persons, and a class action is superior with respect to considerations of consistency, economy, efficiency, fairness and equity, to other available methods for the fair

and efficient adjudication of the state law claims.

34. Plaintiff's claims are typical of those of the putative class in that class members have been employed in similar positions as Plaintiff and were subject to the same or similar unlawful practices of Defendants that Plaintiff was.
35. A collective action is the appropriate method for the fair and efficient adjudication of this controversy. Defendants have acted or refused to act on grounds generally applicable to the class. The presentation of separate actions by individual class members could create a risk of inconsistent and varying adjudications, establish incompatible standards of conduct for Defendants, and/or substantially impair or impede the ability of class members to protect their interests.
36. Plaintiff is an adequate representative of the class because he is a member of the class and his interests do not conflict with the interests of the class members he seeks to represent. The interests of the class members will be fairly and adequately protected by Plaintiff and undersigned counsel, who have extensive experience prosecuting complex wage and hour, Fair Labor Standards Act collective action lawsuits.
37. Maintenance of this action as a collective action is a fair and efficient method for the adjudication of this controversy. It would be impracticable and undesirable for each class member who suffered harm to bring a separate action. In addition, the maintenance of separate actions would place a substantial and unnecessary burden on the courts and could result in inconsistent adjudications, while a single collective action can determine the rights of all class members in conformity with the interests of efficiency and judicial economy.

COUNT I
Violations of the Fair Labor Standards Act

38. Plaintiff re-alleges the allegations as set forth above.

39. At all times material herein, Plaintiff has been entitled to the rights, protections, and benefits provided under the FLSA, 29 U.S.C. §§ 201, *et seq.*
40. The FLSA regulates, among other things, record keeping and the payment of minimum wages and overtime pay by employers whose employees are engaged in commerce, or engaged in the production of goods for commerce, or employed in an enterprise engaged in commerce or in the production of goods for commerce. 29 U.S.C. § 207(a)(1).
41. Defendants were, and are, subject to the minimum wage and overtime pay requirements of the FLSA because they are an enterprise engaged in commerce and their employees are engaged in commerce.
42. The FLSA requires employers, such as Defendants, to provide all non-exempt employees overtime compensation, at a rate of not less than one-and-one-half times their regular rate of pay, for work performed in excess of forty (40) hours in a work week.
43. At all relevant times, Defendants have been, and continue to be an “employer” within the meaning of the FLSA, 29 U.S.C. § 203.
44. At all relevant times, Plaintiff was an “employee” of Defendant Flowers Baking Co. of Knoxville, LLC. At all relevant times, Defendants employed numerous other individuals who had the same job duties and compensation structure as Plaintiff. These individuals are “employees” similarly situated to Plaintiff.
45. Plaintiff and all similarly situated employees are not exempt from the right to receive the Federal minimum wage and overtime pay under the FLSA and are not exempt from the requirement that their employer pay them minimum wage and/or overtime compensation under the FLSA.
46. Plaintiff and all similarly situated employees have substantially similar job requirements

and pay provisions, and are subject to Defendants' common policy and practice of refusing to keep accurate records or to correctly pay minimum wages and overtime wages in violation of the FLSA.

47. Defendants violated the FLSA by failing to pay their workers for all time worked, including overtime. In the course of perpetrating these unlawful practices, Defendants have also willfully failed to keep accurate records of all hours worked by employees.

48. Plaintiff and all similarly situated employees are victims of uniform policies and practices at Defendants' facilities. These uniform policies and practices, in violation of the FLSA, have been applied to Plaintiff and all similarly situated employees.

49. Plaintiff and all similarly situated employees are entitled to damages equal to the mandated overtime premium pay within the three years preceding the filing of this Complaint, plus periods of equitable and agreed-upon tolling, because Defendants acted willfully and knew, or showed reckless disregard of whether, their conduct was prohibited by the FLSA.

50. Defendants have not acted in good faith nor with reasonable grounds to believe their actions and omissions were not a violation of the FLSA, and as a result thereof, Plaintiff and other similarly situated employees are entitled to recover an award of liquidated damages in an amount equal to the amount of unpaid overtime pay described above pursuant to Section 16(b) of the FLSA, 29 U.S.C. § 216(b). Alternatively, should the Court find Defendants did not act willfully in failing to pay overtime wages, Plaintiff and all similarly situated employees are entitled to an award of prejudgment interest at the applicable legal rate.

51. As a result of the aforesaid willful violations of the FLSA's overtime provisions, overtime compensation has been unlawfully withheld by Defendants from Plaintiff, for which Defendants are liable pursuant to 29 U.S.C. § 216(b), together with an additional equal

amount as liquidated damages, pre-judgment and post-judgment interest, reasonable attorneys' fees and costs of this action.

COUNT II
Breach of Contract

52. All previous paragraphs are incorporated as though fully set forth herein.

53. Plaintiff brings this claim on behalf of himself, individually, and on behalf of all members of the Tennessee Class of which they are members.

54. Plaintiff, and the Tennessee putative class members, entered into employment agreements with Defendants whereby they agreed to perform work for Defendant in exchange for being compensated for all hours worked as hourly-paid employees.

55. The agreements were made between parties capable of contracting and contained mutual obligations and valid consideration.

56. Plaintiff, and the Tennessee putative class members, have performed all conditions precedent required of them under these agreements.

57. Defendants have refused and failed to perform its obligations in accordance with the terms and conditions of this agreement by failing to pay Plaintiff and the Tennessee putative class members for all time worked on behalf of them.

COUNT III
Unjust Enrichment

58. Plaintiff re-alleges the allegations as set forth above.

59. Plaintiff and all similarly situated employees conferred a benefit upon Defendants by working on their behalf without compensation.

60. Defendants had an appreciation or knowledge of the benefit conferred by Plaintiff and similarly situated employees.

61. Defendants accepted and retained the benefit under such circumstances as to make it inequitable for Defendants to retain the benefit without payment of its value.
62. Defendants have been and are being enriched by making deficient payments for work performed by Plaintiff and other similarly situated employees. Defendants have been and are being enriched at the expense of Plaintiff and other similarly situated employees because Plaintiff and others were not properly compensated for their work.
63. Defendants intentionally refused to pay Plaintiff and other similarly situated employees at the proper rate for all hours worked. Defendants know or should know the proper rate of pay for Plaintiff and other similarly situated employees. Such wrongful conduct demonstrates bad faith on the part of Defendants.
64. It is unjust for Defendants to retain the benefits from the unpaid work performed by Plaintiff and other similarly situated employees.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff and all similarly situated employees of the putative class demand judgment against Defendants and pray that this Court:

- a. Issue notice to all similarly situated employees of Defendants informing them of their right to file consents to join the FLSA collective action portion of this action;
- b. Issue notice to a class of similarly situated employees to pursue Tennessee claims as a class action pursuant to Rule 23 of the Federal Rules of Civil Procedure;
- c. Award Plaintiff and all similarly situated employees compensatory and liquidated damages under 29 U.S.C. § 216(b); Award Plaintiff and all similarly

- situated employees pre-judgment and post-judgment interest as provided by law;
- d. Award Plaintiff and all similarly situated employees attorneys' fees and costs as allowed by Section 216(b) of the FLSA;
 - e. Issue a declaration that Defendants have violated state and federal law; and
 - f. Award Plaintiff and all similarly situated employees such other relief as the Court deems fair and equitable.
 - g. Plaintiff requests a TRIAL BY JURY on all of his claims and the class' claims.

Dated: June 15, 2018

Respectfully submitted,

s/ Gordon Jackson

Gordon E. Jackson (TN BPR #8323)

James L. Holt, JR. (TN BPR #12123)

J. Russ Bryant (TN BPR #33830)

Paula R. Jackson (TN BPR #20149)

JACKSON, SHIELDS, YEISER & HOLT

Attorneys at Law

262 German Oak Drive

Memphis, Tennessee 38018

Telephone: (901) 754-8001

Facsimile: (901) 754-8524

gjackson@jsyc.com

jholt@jsyc.com

rbryant@jsyc.com

pjackson@jsyc.com

*Counsel for Plaintiff and similarly situated current
and former employees*

CERTIFICATE OF SERVICE

This is the Original Collective Action Complaint. Service of this Complaint will be made on Defendants with summonses to be issued by the clerk per the Federal Rules of Civil Procedure.

/s/ Gordon E. Jackson

Gordon E. Jackson

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

TIMOTHY WATSON, on behalf of himself
and all other similarly situated employees,

Plaintiff,

v.

Case No. _____

**FLOWERS FOODS, INC., and
FLOWERS BAKING CO. OF
KNOXVILLE, LLC,**

**FLSA OPT-IN COLLECTIVE ACTION
JURY DEMANDED**

Defendants.

CONSENT TO JOIN AS NAMED REPRESENTATIVE PLAINTIFF

1. I have been employed by Defendants, Flowers Foods, Inc. and Flowers Baking Co. of Knoxville, LLC, as an hourly paid employee during the past three years.
2. I hereby consent to join this or any subsequent action against the Defendant as a Named Representative Plaintiff to assert claims for violations of the FLSA 29 U.S.C. § 201, *et seq.*, including the non-payment of minimum wage compensation as specified in the Collective Action 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 to join and opt-in and authorize the prosecution of the above-styled action to recover unpaid wages in my name and on my behalf as an above named representative Plaintiff. I agree to keep counsel for Plaintiffs informed as to my correct mailing address and telephone number.
4. I agree to be represented by the law firm of Jackson, Shields, Yeiser & Holt and Attorneys Gordon E. Jackson and J. Russ Bryant, as well as any other attorneys with whom they may associate.
5. I understand that the personal information provided on this form will not be used for purposes other than these legal claims. Please fill this form out completely.



You can mail this form to JSYH, 262 German Oak Drive, Memphis, TN 38018 or Fax to (901) 754-8524 or Email to rbryant@jsyc.com

Timothy Watson

Signature

6-14-2018

Date

Timothy RYAN Watson

Full Legal Name

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

TIMOTHY WATSON, et al.

DEFENDANTS

Flowers Foods, inc., et al.

(b) County of Residence of First Listed Plaintiff Knox (Tennessee)

(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant _____

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

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

Jackson Shields Yeiser & Holt, 262 German Oak Drive, Memphis, Tennessee 38018 (901)754-8001

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 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"/> 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)) 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"/> 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			

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 216(b) of the Fair Labor Standards Act for the recovery of unpaid overtime 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

06/15/2018

SIGNATURE OF ATTORNEY OF RECORD

s/Gordon E. Jackson

FOR OFFICE USE ONLY

RECEIPT # _____

AMOUNT _____

APPLYING IFP _____

JUDGE _____

MAG. JUDGE _____

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: [Lawsuit Claims Flower Foods Bakery Workers Owed Wages for 'Donning and Doffing' Time](#)
