

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

ASHLEY WILLIAMS, *Individually, and on behalf of
herself and others similarly situated,*

Plaintiff,

vs.

Case No. _____

**AMERICA’S COLLECTIBLES NETWORK,
INC.**, *d/b/a JTV*

FLSA Collective Action
JURY DEMANDED

Defendant.

ORIGINAL COLLECTIVE ACTION COMPLAINT

Plaintiff, Ashley Williams (“Plaintiff”), individually, and on behalf of herself and those similarly situated as a class, sues the Defendant, America’s Collectibles Network, Inc., *d/b/a JTV* (“Defendant”) and alleges as follows:

I. INTRODUCTION

1. During all times material to this action, Defendant employed Plaintiff as an hourly-paid sales agent. Plaintiff brings this action for unpaid overtime wages, liquidated damages, reasonable attorneys’ fees, costs, declaratory relief, and other relief under the Fair Labor Standards Act, as amended, 29 U.S.C. § 216(b) (“FLSA”).
2. Defendant operates Jewelry TV, *dba JTV*, a company that sells jewelry via TV shows and advertising across the United States.
3. This action is intended to include each and every similarly situated hourly-paid sales agent who has worked for Defendant anywhere in the United States at any time within the past three (3) years.

II. COVERAGE

4. Defendant is and/or has been the “employer” of Plaintiff and those similarly situated within the meaning of 29 U.S.C. § 203(d) of the FLSA.
5. During Plaintiff’s employment with Defendant, it earned more than \$500,000.00 per year in gross sales.
6. During Plaintiff’s employment with Defendant, it employed two (2) or more employees who handled goods, materials and supplies that travelled in interstate commerce.
7. Thus, Defendant is an enterprise covered by the FLSA, and as defined by 29 U.S.C. §203(r) and 203(s).

III. JURISDICTION AND VENUE

8. This Court has original jurisdiction over this action under 29 U.S.C. §§ 201, *et seq.*, 29 U.S.C. § 216(b) and 28 U.S.C. § 1331.
9. Venue is proper in this district pursuant to 28 U.S.C. § 1391 because Plaintiff was employed by Defendant to perform work in this district and has conducted business within this district at all relevant time periods to this action. In addition, a substantial part of the events, commissions, inactions, and omissions giving rise to these claims and this action occurred within this District.

IV. PARTIES

10. Defendant is a Tennessee Corporation with its principal offices located at 9600 Parkside Drive, Knoxville 37922-2201. According to the Tennessee Secretary of State, Defendant may be served through Registered Agent: Robert F. Hall 9600 Parkside Drive, Knoxville, Tennessee 37922-2201 or wherever it may be found.
11. Plaintiff Ashley Williams is an adult citizen of the United States and was employed as an

hourly-paid sales agent by Defendant in this district during all times relevant to this action. Plaintiff Williams' "Consent to Join" is attached as *Exhibit A*.

V. FACTUAL ALLEGATIONS

12. Plaintiff and those similarly situated were employed by, and worked for, Defendant as hourly-paid sales agents during the relevant statutory period.
13. Defendant employed Plaintiff and many other similarly situated hourly-paid sales agents throughout the United states who similarly were not paid for all their compensable work time as required by the FLSA.
14. Plaintiff and those similarly situated routinely worked for Defendant forty (40) or more hours per week within weekly pay periods during all times material to this action when including "edited-out" and "off-the-clock" work time, as specified hereinafter.
15. Plaintiff was paid on an hourly rate basis plus commissions, but her commissions did not exceed her wages within weekly pay periods during all times material. Neither did those similarly situated receive commissions in excess of their hourly wages within weekly pay periods during all times material to this collective action, per the class description set forth hereinafter.
16. Plaintiff regularly worked an eight and one-half hour (8.5) shift, five (5) days per week within weekly pay periods during all times material to this action, and also worked in excess of eight and one-half hour (8.5) shifts when having a prospective or regular customer on a telephone call at the end of her regular eight and one-half (8.5) shift.
17. Plaintiff and those similarly situated used their personal telephones to call Defendant to "clock-in" for their scheduled shifts each work day. However, Defendant "clocked-out" Plaintiff and those similarly situated at the end of their scheduled shifts each work day.

18. Plaintiff and those similarly situated were not paid for their entire eight and one-half (8.5) hour shifts during their “workdays” for the following reasons.
19. First, Defendant had a common plan, policy and practice of “editing-out” two (2), fifteen (15) minute rest breaks on a daily basis of Plaintiff and those similarly situated during their respective shifts and within their respective “workdays,” although such short rest breaks are compensable under the FLSA/ These two (2), fifteen (15) minute rest breaks were deducted from their pay regardless of whether Plaintiff and those similarly situated performed work during such short rest breaks, and irrespective of whether they “clocked-out” during such fifteen (15) minute rest breaks.
20. Thus, Plaintiff and those similarly situated were not compensated for the two (2), fifteen (15) minute rest breaks per shift within their weekly pay periods during all times material to this collective action.
21. The two (2), fifteen (15) minute rest breaks rest breaks per day, five (5) days per week, during the regular weekly pay periods of Plaintiff and those similarly situated brought their total compensable hours to forty (40) per week during all times material.
22. Second, Defendant also had a common plan, policy and practice of “editing-out” thirty (30) minute meal periods on a daily basis of Plaintiff and those similarly situated during their respective shifts, whether they performed work duties during such shifts and/or whether they were not otherwise fully relieved of their job duties during such shifts – irrespective of whether they “clocked-out” of their computers during such thirty (30) minute unpaid meal periods.
23. Plaintiff and those similarly situated did perform job duties and/or, were not otherwise fully relieved of their job duties, during such thirty (30) minute unpaid meal periods within weekly pay periods during all times material to this action – and for which they were not compensated

for such thirty (30) minute meal periods at the applicable FLSA overtime rates of pay.

24. Third, Defendant also had a plan, policy and practice of “editing-out” the compensable time of Plaintiff and those similarly situated occurring after the beginning of their workdays when they were unable to “clock-in” because of the Defendant’s computer system being down as well as “editing-out” compensable time of Plaintiff and those similarly situated during other times during their “workdays” when Defendant’s computer system was down, preventing them from making and receiving communications to and from prospective and regular customers.

25. The compensable time of Plaintiff and those similarly situated was also “edited-out” during the time Defendant’s computer system was down. As a consequence, they were not paid for such “edited-out” time within weekly pay periods during all times material at the applicable FLSA overtime rates of pay.

26. Fourth, Defendant also had a common plan, policy and practice of requiring, inducing, expecting, encouraging and/or, suffering and permitting, Plaintiff and those similarly situated to continue communicating with prospective and regular customers past the end of their regular shifts, as well as to perform other “off-the-clock” work duties past the end of their regular shifts, without compensating them for such “off-the-clock” work time at the applicable FLSA overtime rates of pay within weekly pay periods during all times relevant to this collective action lawsuit.

27. Plaintiff and those similarly situated did continue communicating with regular and prospective customers as well as performed other “off-the-clock” work past the end off their regular shifts within weekly pay periods during all times material to this action, without being compensated for such “off-the-clock” work time at the applicable FLSA overtime rates of pay.

28. Defendant knew, and was aware at all relevant times, it was not compensating Plaintiff and

those similarly situated for all their aforementioned “edited-out” and “off-the-clock” work time at the applicable FLSA overtime compensation rates of pay within weekly pay periods during all times material to this action.

29. Defendant willfully, and with reckless disregard to established FLSA requirements, failed to pay Plaintiff and those similarly situated the applicable overtime compensation rates of pay within weekly pay periods during the relevant statutory period for all the aforementioned “edited-out” and “off-the-clock” work time.
30. Defendant failed to pay Plaintiff and those similarly situated the applicable overtime compensation rates of pay within weekly pay periods during the relevant statutory period for all the aforementioned “edited-out” and “off-the-clock” work time – without a good faith basis for such failure.
31. The unpaid “edited-out” and “off-the-clock” wage claims of Plaintiff and those similarly situated are unified through common theories of Defendant’s FLSA violations.
32. As a result of Defendant’s bad faith and willful failure to pay Plaintiff and those similarly situated in compliance with the requirements of the FLSA, they have suffered lost wages in terms of lost overtime compensation, as well as having suffered other damages.
33. Defendant’s common plan, policy and practice of failing to compensate Plaintiff and those similarly situated for all their aforementioned “edited-out” and “off-the-clock” work time was a means to save payroll costs and payroll taxes, all for which it has unjustly enriched itself and enjoyed ill gained profits at their expense.

VI. CLASS DESCRIPTION

34. Plaintiff brings this action on behalf of the following similarly situated persons:

All individuals who were employed by America’s Collectibles Network, Inc. as

hourly-paid sales agents and whose commissions did not exceed their hourly wages within weekly pay periods, and who performed such sales work for Defendant anywhere in the United States at any time during the applicable statutory period covered by this Collective Action Complaint (i.e. two years for FLSA violations, and 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”).

VII. COLLECTIVE ACTION ALLEGATIONS

35. The preceding paragraphs are incorporated by reference as if the same were fully set forth herein.
36. Plaintiff brings this action on behalf of herself and the class as a collective action pursuant to the FLSA, 29 U.S.C. §§ 206, 207, and 216(b).
37. The claims under the FLSA may be pursued by those who opt-in to this case under 29 U.S.C. § 216(b).
38. 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 Plaintiff at this time, and can only be ascertained through applicable discovery, Plaintiff believes there are more than several hundred individuals within the class.
39. The claims of Plaintiff are typical of the claims of the class.
40. Plaintiff and other members of the class who worked for Defendant were subjected to the same compensation plans, policies, and practices, including the failure of Defendant to pay Plaintiff and class members for all their aforementioned “edited-out” and “off-the-clock” work time within weekly pay periods at the applicable FLSA overtime rates of pay, during all times material to this collective action.
41. 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 Defendant required Plaintiff and other members of the class to work hours in excess of forty (40) per week within weekly pay periods of the limitations' period, without being compensated at one and one-half times their regular hourly rate of pay for all such overtime hours;
- Whether Defendant failed to pay Plaintiff and other members of the class all applicable overtime wages for all hours worked in excess of forty (40) hours per week within weekly pay periods during all times relevant to this action;
- The correct statutes of limitations for Plaintiff's claims and the claims of the other members of the class;
- Whether Plaintiff 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' fees and costs.

42. Plaintiff will fairly and adequately protect the interests of the class as her interests are aligned with those of the other members of the class. Plaintiff has no interests adverse to the class, and Plaintiff has retained competent counsel who are experienced in collective action litigation.

43. The 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 members of the class in a collective action are relatively small in comparison to the expenses, costs, and burden of the litigation of individual actions, making it virtually impossible for other members of the class to individually seek redress for the wrongs done to them.

44. Plaintiff and other members of the class have suffered and will continue to suffer irreparable

damage from the unlawful pay policies, practices, and procedures implemented and administered by Defendant.

45. The aforementioned unpaid “edited-out” and “off-the-clock” wage claims of Plaintiff and class members are unified through common theories of Defendant’s FLSA violations.

COUNT I
RECOVERY OF OVERTIME COMPENSATION

46. The preceding paragraphs are incorporated by reference as if the same were fully set forth herein.

47. During their employment with Defendant, Plaintiff and other similarly situated hourly-paid sales agents worked more than forty (40) hours per week within weekly pay periods but were not paid overtime compensation for such work time as required by the FLSA.

48. Defendant’s failure to pay Plaintiff and class members one and one-half times the proper regular hourly rate of pay for all their hours worked in excess of forty (40) per week within weekly pay periods during all times material was willful, with reckless disregard to FLSA’s overtime requirements, and without a good faith basis for such failure.

49. As a result of Defendant’s intentional, willful, and unlawful acts in failing to pay Plaintiff and other class members complete overtime compensation, Plaintiff and class members have suffered lost wages and other recoverable damages, plus reasonable attorneys’ fees and costs.

50. The unpaid overtime claims of Plaintiff and class members are unified through common theories of Defendant’s FLSA violations.

PRAYER FOR RELIEF

Wherefore, Plaintiff, individually on behalf of herself and all other similarly situated members of the class, demand judgment, jointly and severally, against Defendant as well as to

request this Court to grant the following relief against said Defendant:

- A. Designation of this cause as a collective action on behalf of the class and promptly issue notice pursuant to 29 U.S.C. § 216(b), apprising class members of the pendency of this action and permitting other members of the class to assert timely FLSA claims in this action by filing individual Consents under 29 U.S.C. § 216(b);
- B. An award of compensation for unpaid overtime to Plaintiffs and other members of the class;
- C. An award of liquidated damages to Plaintiff and other members of the class;
- D. An award of prejudgment and post-judgment interest at the applicable legal rate to Plaintiff and other members of the class;
- E. An award of costs, expenses, and disbursements relating to this action together with reasonable attorneys' fees and expert fees to Plaintiff and other members of the class;
- F. A ruling that the three (3) year statutory period for willful violations under the FLSA shall apply in this action;
- G. A Declaration that Defendant willfully violated the FLSA;
- H. Award a reasonable incentive/assistance award for the Plaintiff to compensate her for the time and effort she has spent protecting the interests of other class members and the risks she has undertaken in doing so; and
- I. 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, Plaintiff demands a **TRIAL BY JURY** on all issues so triable.

Dated: October 2, 2020.

Respectfully Submitted,

s/ Gordon E. Jackson

Gordon E. Jackson (TN BPR #8323)

J. Russ Bryant (TN BPR #33830)

Robert E. Turner, IV (TN BPR #35364)

Nathaniel A. Bishop (TN BPR #35944)

JACKSON, SHIELDS, YEISER & HOLT

Attorneys at Law

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Memphis, Tennessee 38018

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ATTORNEYS FOR PLAINTIFF

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

ASHLEY WILLIAMS

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

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

JACKSON SHIELDS YEISER HOLT OWEN & BRYANT; 262 German Oak Drive; Memphis, TN 38018; (901) 754-8001

DEFENDANTS

AMERICA'S COLLECTIBLES NETWORK, INC., d/b/a JTJ

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	<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"/> 485 Telephone Consumer Protection Act <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	CIVIL RIGHTS	PRISONER PETITIONS	FEDERAL TAX SUITS	
<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	<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	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 type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	
			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 USC 201, et seq.

Brief description of cause:
Collective Action under the Fair Labor Standards Act for the recovery of 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

10/1/2020

SIGNATURE OF ATTORNEY OF RECORD

/s/ Gordon E. Jackson

FOR OFFICE USE ONLY

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If 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.

Exhibit A

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
NORTHERN DIVISION

ASHLEY WILLIAMS, *Individually, and on behalf of
herself and others similarly situated,*

Plaintiff,

vs.

Case No. _____

AMERICA'S COLLECTIBLES NETWORK,
INC., *d/b/a JTV*

FLSA Collective Action
JURY DEMANDED

Defendant.

CONSENT TO JOIN AS NAMED REPRESENTATIVE

1. I have been employed by Defendant as an hourly-paid sales agent during the past three years.
2. I hereby consent to join this or any subsequent action against the Defendant as a Named Representative Plaintiff or, as an Opt-In Plaintiff, to assert claims for violations of the FLSA 29 U.S.C. § 201, *et seq.*, including the non-payment of straight and overtime 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.
4. I agree to be represented by the law firm of Jackson, Shields, Yeiser, Holt, Owen and Bryant 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.
6. Please fill this form out completely.

Ashley Williams
Signature

9/30/20
Date

Ashley Louise Williams
Full Legal Name

UNITED STATES DISTRICT COURT

for the

Eastern District of Tennessee

ASHLEY WILLIAMS, Individually, and on behalf of herself and others similarly situated,

Plaintiff(s)

v.

AMERICA'S COLLECTIBLES NETWORK, INC., d/b/a JTV

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) AMERICA'S COLLECTIBLES NETWORK, INC. Reg. Agent: Robert F. Hall 9600 Parkside Drive Knoxville, Tennessee 37922-2201

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: JACKSON SHIELDS YEISER HOLT OWEN & BRYANT 262 German Oak Drive Memphis, TN 38018 (901) 754-8001

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

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____ .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Lawsuit: Jewelry TV Sales Agents Owed Unpaid Wages for Off-the-Clock Work, Missed Breaks](#)
