

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF PENNSYLVANIA

**Tiffany Williams and Doreen Walker**,  
individually, and on behalf of herself and all  
other persons similarly situated, known and  
unknown,

Plaintiffs,

vs.

**Bob Evans Restaurants, LLC**, a  
Pennsylvania corporation; and **Bob Evans  
Farms, Inc.**, a Pennsylvania corporation

Defendants.

No. \_\_\_\_\_

**COMPLAINT - - COLLECTIVE ACTION**

Plaintiffs, Tiffany Williams and Doreen Walker (“Plaintiffs”), on behalf of themselves and all other persons similarly situated who are current or former servers of Defendants (“Collective Members”) and by and through the undersigned attorney(s), sue the Defendants, Bob Evans Restaurants, LLC (“Defendant Bob Evans Restaurants”) and Bob Evans Farms, Inc. (“Defendant Bob Evans Farms”) (collectively “Defendants” or “Bob Evans”) and alleges as follows:

**PRELIMINARY STATEMENT**

1. This lawsuit arises under the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201, *et seq.*, for Defendants’ failure to pay Plaintiff and other similarly-situated employees all earned minimum wages.

2. Defendants own and operate over 500 Bob Evans restaurants, which are the subject of this lawsuit.

3. Bob Evans Restaurants is a chain of family style restaurants founded and headquartered in Columbus, Ohio, which owns and operates all of its restaurants, which are located primarily in the Midwest, Mid-Atlantic and Southeast regions of the United States.<sup>1</sup>

4. Defendants have a policy or practice of paying their employee servers sub-minimum hourly wages under the tip-credit provisions of the FLSA.

5. Under the tip-credit provisions of the FLSA, an employer of tipped employees may, under certain circumstances, pay those employees less than the minimum hourly wage and take a “tip credit” against its minimum wage obligations. But an employer is *not* permitted to take a tip credit against its minimum wage obligations (1) when it requires its tipped employees to perform non-tipped work that is *unrelated* to the employees’ tipped occupation (i.e., “dual jobs”) or (2) when it requires its tipped employees to perform non-tipped work that, although related to the employees’ tipped occupation, exceeds 20 percent of the employees’ time worked during a workweek. *See, e.g., Marsh v. J. Alexander’s LLC*, --- F.3d ----, 2018 WL 4440364 (9th Cir. 2018) (concluding that the plaintiff stated two claims for relief under the FLSA—“first, that he is entitled to the full hourly minimum wage for the substantial time he spent completing related but untipped tasks, defined as more than 20% of his workweek; and second, that he is entitled to the same for time he spent on unrelated tasks”); *Driver v. Apple Illinois, LLC*, 739 F.3d 1073, 1075 (7th Cir. 2014) (explaining that when tipped employees perform “non-tipped duties” that “are unrelated to their tipped duties ... such as, in the case of restaurant servers, washing dishes, preparing food, mopping the floor, or cleaning bathrooms, they are entitled to the full minimum wage for the time they spend at that work”); *Fast v. Applebee’s Int’l, Inc.*, 638 F.3d 872, 880 (8th Cir. 2011) (“employees who spend ‘substantial time’ (defined as more than

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<sup>1</sup> <https://www.bobevans.com/aboutus/our-company> (last accessed October 4, 2017)

20 percent) performing related but nontipped duties should be paid at the full minimum wage for that time”).

6. Defendants violated the FLSA by enforcing a policy or practice of paying servers sub-minimum, tip-credit wages even when they required those employees to perform non-tipped work that is *unrelated* to their tipped occupation (i.e., “dual jobs”).

7. Defendants violated the FLSA by enforcing a policy or practice of requiring servers to perform non-tipped work that, even if it was related to their tipped occupation, exceeded 20 percent of their time worked in one or more individual workweeks.

### **JURISDICTION AND VENUE**

8. Plaintiffs reallege and incorporate by reference all allegations in all preceding paragraphs.

9. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 and 29 U.S.C. § 201, *et seq.* because this civil action arises under the laws of the United States.

10. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b)(ii) because acts giving rise to the claims of Plaintiffs and Collective Members occurred within the Western District of Pennsylvania, and Defendants regularly conduct business in and have engaged in the wrongful conduct alleged herein – and, thus, are subject to personal jurisdiction in – this judicial district.

### **PARTIES**

11. Plaintiffs reallege and incorporate by reference all allegations in all preceding paragraphs.

12. Plaintiffs are individuals residing in Allegheny County, Pennsylvania, and are former employees of Defendants.

13. Plaintiff Tiffany Williams was employed as a server at Defendants' Bob Evans' restaurant located at 3737 William Penn Highway, Monroeville, Pennsylvania 15146 from approximately October 1, 2017 through approximately February 28, 2018.

14. At all material times, Plaintiff Tiffany Williams was paid by Defendants at an hourly rate less than the full minimum wage as a tipped employee subject to the FLSA.

15. Defendants employed Plaintiff Tiffany Williams to perform various tipped and non-tipped duties, including, but not limited to, serving drinks and food to customers, cleaning the restaurant, busing tables, washing dishes, preparing food and other side work.

16. At all material times, Plaintiff Tiffany Williams was an employee of Defendants as defined in 29 U.S.C. § 203(e)(1) and was a non-exempt employee under 29 U.S.C. § 213(a)(1).

17. Plaintiff Doreen Walker was employed as a server at Defendants' Bob Evans' restaurant located at 2210 Lebanon Church Road, West Mifflin, Pennsylvania 15122 from 2002 through 2017.

18. At all material times, Plaintiff Doreen Walker was paid by Defendants at an hourly rate less than the full minimum wage as a tipped employee subject to the FLSA.

19. Defendants employed Plaintiff Doreen Walker to perform various tipped and non-tipped duties, including, but not limited to, serving drinks and food to customers, cleaning the restaurant, busing tables, washing dishes, preparing food and other side work.

20. At all material times, Plaintiff Doreen Walker was an employee of Defendants as defined in 29 U.S.C. § 203(e)(1) and was a non-exempt employee under 29 U.S.C. § 213(a)(1).

21. Plaintiffs have given their written consent to be Representative Plaintiffs in this action pursuant to 29 U.S.C. § 216(b), true and accurate copies of which are appended hereto as Exhibit A.

22. Opt-in Plaintiff, Loretta Beckhardt (“Ms. Beckhardt”), has given her consent to join the Collective Members in this action. A true and accurate copy of her executed Consent to Join form is appended hereto as Exhibit B.

23. Ms. Beckhardt is a server employed at Defendants’ Bob Evans restaurant located at 681 W. Main Street, Uniontown, Pennsylvania 15401, and has worked at this location from approximately June 1, 2014 to the present. Ms. Beckhardt was also employed by Defendants at the Bob Evans restaurant located at 400 W. Padonia Road, Lutherville, Maryland 21093 from approximately 2006 through approximately 2009 and the Bob Evans restaurant located at 4110 Wholesale Club Drive, Baltimore, Maryland 21236 from approximately 2003 through 2006.

24. At all material times, Ms. Beckhardt was paid by Defendants at an hourly rate less than the full minimum wage as a tipped employee subject to the FLSA.

25. Defendants employed Ms. Beckhardt to perform various tipped and non-tipped duties, including, but not limited to, serving drinks and food to customers, cleaning the restaurant, busing tables, washing dishes, preparing food and other side work.

26. At all material times, Ms. Beckhardt was an employee of Defendants as defined in 29 U.S.C. § 203(e)(1) and was a non-exempt employee under 29 U.S.C. § 213(a)(1).

27. Opt-In Plaintiff, Paula Biebel (“Ms. Biebel”), has given her consent to join the Collective Members in this action. A true and accurate copy of her executed Consent to Join form is appended hereto as Exhibit C.

28. Ms. Biebel is a server employed at Defendants' Bob Evans restaurant located at 32701 Concord Drive, Madison Heights, Michigan 48071, and has worked at this location from approximately April 1, 2008 to the present.

29. At all material times, Ms. Biebel was paid by Defendants at an hourly rate less than the full minimum wage as a tipped employee subject to the FLSA.

30. Defendants employed Ms. Biebel to perform various tipped and non-tipped duties, including, but not limited to, serving drinks and food to customers, cleaning the restaurant, busing tables, washing dishes, preparing food and other side work.

31. At all material times, Ms. Biebel was an employee of Defendants as defined in 29 U.S.C. § 203(e)(1) and was a non-exempt employee under 29 U.S.C. § 213(a)(1).

32. Opt-In Plaintiff, Sara Cessna ("Ms. Cessna"), has given her consent to join the Collective Members in this action. A true and accurate copy of her executed Consent to Join form is appended hereto as Exhibit D.

33. Ms. Cessna was a server employed at Defendants' Bob Evans restaurant located at 490 Oak Spring Road, Washington, Pennsylvania 15301 from approximately April 1, 2017 to approximately September 30, 2017.

34. At all material times, Ms. Cessna was paid by Defendants at an hourly rate less than the full minimum wage as a tipped employee subject to the FLSA.

35. Defendants employed Ms. Cessna to perform various tipped and non-tipped duties, including, but not limited to, serving drinks and food to customers, cleaning the restaurant, busing tables, washing dishes, preparing food and other side work.

36. At all material times, Ms. Cessna was an employee of Defendants as defined in 29 U.S.C. § 203(e)(1) and was a non-exempt employee under 29 U.S.C. § 213(a)(1).

37. Opt-In Plaintiff, Constance Compton (“Ms. Compton”), has given her consent to join the Collective Members in this action. A true and accurate copy of her executed Consent to Join form is appended hereto as Exhibit E.

38. Ms. Compton is a server employed at Defendants’ Bob Evans restaurant located at 8020 U.S. 42, Florence, Kentucky 41042, and has worked at this location from approximately August 20, 2001 to present.

39. At all material times, Ms. Compton was paid by Defendants at an hourly rate less than the full minimum wage as a tipped employee subject to the FLSA.

40. Defendants employed Ms. Compton to perform various tipped and non-tipped duties, including, but not limited to, serving drinks and food to customers, cleaning the restaurant, busing tables, washing dishes, preparing food and other side work.

41. At all material times, Ms. Compton was an employee of Defendants as defined in 29 U.S.C. § 203(e)(1) and was a non-exempt employee under 29 U.S.C. § 213(a)(1).

42. Opt-In Plaintiff, Wilma Johnson (“Ms. Johnson”), has given her consent to join the Collective Members in this action. A true and accurate copy of her executed Consent to Join form is appended hereto as Exhibit F.

43. Ms. Johnson is a server employed at Defendants’ Bob Evans restaurant located at 8020 U.S. 42, Florence, Kentucky 41042, and has worked at this location from approximately July 1997 to present.

44. At all material times, Ms. Johnson was paid by Defendants at an hourly rate less than the full minimum wage as a tipped employee subject to the FLSA.

45. Defendants employed Ms. Johnson to perform various tipped and non-tipped duties, including, but not limited to, serving drinks and food to customers, cleaning the restaurant, busing tables, washing dishes, preparing food and other side work.

At all material times, Ms. Johnson was an employee of Defendants as defined in 29 U.S.C. § 203(e)(1) and was a non-exempt employee under 29 U.S.C. § 213(a)(1).

46. At material times as alleged in this Complaint, Bob Evans Restaurants, LLC was a corporation duly licensed to transact business in the Commonwealth of Pennsylvania.

47. Defendant Bob Evans Restaurants does business, has offices, and/or maintains agents for the transaction of its customary business in Allegheny County, Pennsylvania.

48. Defendant Bob Evans Restaurants is Plaintiff's and the Collective Members' "employer," as defined by the FLSA. 29 U.S.C. § 203(d). The FLSA defines "employer" as any person who acts directly or indirectly in the interest of an employer in relation to an employee. At material times as alleged in this Complaint, Defendant Bob Evans Restaurants had the authority to hire and fire employees, supervised and controlled work schedules or the conditions of employment, determined the rate and method of payment, and maintained employment records in connection with Plaintiff's and the Collective Members' employment with Defendants. As an employer, Defendant Bob Evans Restaurants is subject to liability under the FLSA.

49. Bob Evans Restaurants, LLC is a wholly owned subsidiary of Golden Gate Capital, Inc. Golden Gate Capital is a private equity firm based in San Francisco, California.<sup>2</sup> Golden Gate Capital operates as a private holdings company and includes the Bob Evans restaurant chain, operating as Bob Evans Restaurants, LLC, as part of its investment portfolio.<sup>3</sup>

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<sup>2</sup> <https://www.goldengatecap.com> (last visited October 4, 2018).

<sup>3</sup> <https://www.goldengatecap.com/verticals/consumer/> (last visited October 4, 2018).



50. Defendant Bob Evans Farms, Inc. was the owner and operator of the Bob Evans restaurant chain prior to its sale of the restaurant chain, in its entirety, to Defendant Bob Evans Restaurants and Golden Gate Capital on or about April 28, 2017.

51. At material times as alleged in this Complaint, Defendant Bob Evans Farms was a corporation duly licensed to transact business in the Commonwealth of Pennsylvania.

52. At material times as alleged in this Complaint, Defendant Bob Evans Farms has done business, has had offices, and/or has maintained agents for the transaction of its customary business in Allegheny County, Pennsylvania.

53. Defendant Bob Evans Farms is Plaintiff's and the Collective Members' "employer," as defined by the FLSA. 29 U.S.C. § 203(d). The FLSA defines "employer" as any person who acts directly or indirectly in the interest of an employer in relation to an employee. At material times as alleged in this Complaint, Defendant Bob Evans Farms had the authority to hire and fire employees, supervised and controlled work schedules or the conditions of employment, determined the rate and method of payment, and maintained employment records in connection with Plaintiff's and the Collective Members' employment with Defendants. As an employer, Defendant Bob Evans Farms is subject to liability under the FLSA.

**DEFENDANTS ARE A "SINGLE ENTERPRISE" AND "SINGLE EMPLOYER"**

54. At all material times, Defendants have operated as a "single enterprise" within the meaning of Section 203(r)(1) of the FLSA. 29 U.S.C. § 203(r)(1). That is, Defendants perform related activities through unified operation and common control for a common business purpose; namely, the operation of more than 500 Bob Evans restaurants in Pennsylvania and 17 other states across the country.

55. Defendants constitute a unified operation because they have organized the performance of their related activities so that they are an organized business system, which is an economic unit directed to the accomplishment of a common business purpose.

56. The Bob Evans restaurants are controlled by the Defendants, which directs, governs, and administers the performance of Defendants' operation and maintenance of Bob Evans restaurants in Ohio and 17 other states across the country.

57. Defendants run each Bob Evans restaurant identically, or virtually identically, and Defendants' customers can expect the same kind of customer service regardless of the location.

58. Defendants represent themselves to the general public through their website as one restaurant company—Bob Evans—operating more than 500 restaurants in Pennsylvania and 17 other states across the country.

59. The Bob Evans website allows potential job applicants to apply for employment at any of the Bob Evans locations from the same common website.<sup>4</sup>

60. Defendants share employees between restaurant locations.

61. In fact, Bob Evans advertises on the “Restaurant Hourly Benefits” portion of their “Benefits” page of its website that all hourly restaurant employees are eligible for location transfers. *Id.*

62. Defendants share common management between restaurant locations. For example, Regional Managers oversee multiple Bob Evans restaurant locations.

63. The Bob Evans restaurants share common human resources and payroll services.

64. Defendants all use the name “Bob Evans” at their Bob Evans restaurant locations.

65. Defendants operate the various restaurant locations from the same headquarters.

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<sup>4</sup> <https://employment.bobevans.com>

66. Defendants advertise together on the same website.

67. Defendants provide the same array of products and services to their customers at all of their Bob Evans restaurant locations.

68. The “Bob Evans” family of restaurants exists under the control and direction of Defendants.

69. This family of restaurants provides the same service product to its customers by using a set formula when conducting its business.

70. Part of that set formula is the wage violations alleged in this complaint.

### **STATEMENT OF FACTS**

71. Plaintiffs and the Collective Members reallege and incorporate by reference all allegations in all preceding paragraphs.

72. Plaintiffs and the Collective Member, in their work for Defendants, were employed by an enterprise engaged in commerce that had annual gross sales of at least \$500,000.

73. Defendants paid Plaintiffs and the Collective Members a sub-minimum wage, ostensibly according to the tip-credit provisions of the FLSA, which allow an employer to pay an hourly wage less than the statutory minimum wage, provided that the employer complies with the requirements of the tip-credit provisions of 29 U.S.C. § 203(m). However, Defendants did not comply with the requirements of the tip-credit provisions and thus cannot avail themselves of the tip-credit provisions of the FLSA.

74. Defendants regularly and frequently required Plaintiffs and the Collective Members to perform a number of non-tipped duties **unrelated** to their tipped occupations, including but not limited to: taking out trash; scrubbing walls; sweeping and mopping floors; cleaning booths; washing dishes and operating the dishtank; breaking down and cleaning the

server line; ensuring the general cleanliness for the front of the house; detail cleaning throughout the restaurant; stocking stations throughout the restaurant; stocking and setting tables; bussing tables; answering the phone; working the cash register; greeting and seating customers; preparing salads; preparing deserts; baking bread; brewing coffee; cleaning the soda fountains; preparing specialty drinks such as lemonades; preparing individual servings of butters and dressings; and rolling bins full of silverware.

75. Defendants paid Plaintiffs and the Collective Members at an hourly rate less than the full minimum wage for all hours that Plaintiffs and the Collective Members worked for Defendants, including the periods during which Plaintiffs and the Collective Members were performing non-tipped duties.

76. Defendants regularly and frequently required Plaintiffs and the Collective Members to perform a number of non-tipped duties **related** to their tipped occupation, including but not limited to: preparatory and workplace maintenance tasks such as sweeping floors; cleaning booths; stocking stations throughout the restaurant; stocking and setting tables; bussing tables; stocking ice; brewing coffee; preparing specialty drinks such as lemonades; and rolling bins full of silverware.

### **COLLECTIVE ACTION ALLEGATIONS**

77. Plaintiffs reallege and incorporate by reference all allegations in all preceding paragraphs.

78. Plaintiffs and the Collective Members bring the FLSA claims in this action as a collective action under 29 U.S.C. § 216(b).

79. Plaintiffs assert those claims on behalf of themselves, and on behalf of all similarly situated tipped employees employed by Defendants, who were not paid all

compensation required by the FLSA during the relevant time period as a result of Defendants' compensation policies and practices.

80. Plaintiffs seek to notify the following employees of their rights under 29 U.S.C. § 216(b) to join this action by filing in this Court written notice of their consent to join this action:

**All individuals who worked at any time during the past three years at any restaurant owned or operated by Defendants in the job position of server and who were paid for their work on an hourly basis according to the tip credit provisions of the FLSA, (i.e. an hourly rate less than the applicable minimum wage, excluding tips).**

81. The FLSA provides for a three-year statute of limitations for causes of action arising out of a willful violation of the Act. 29 U.S.C. § 255. As alleged above, Plaintiffs' and similarly situated employees' claims arise out of Defendants' willful violations of the FLSA. Accordingly, the Court should require appropriate notice of this action be given to all tipped employees employed by Defendants within three years from the filing of this Complaint.

82. Upon information and belief, Defendants have employed thousands of tipped employees during the period relevant to this action. Plaintiffs estimate the number of potential Collective Members to be approximately 25,000. Based upon this estimate, and upon average opt-in rates, Plaintiffs estimate the actual class will be approximately 2,500 to 5,000 people.

83. The identities of these employees, as a group, are known only to Defendants. Because the numerous members of this collective action are unknown to Plaintiffs, joinder of each member is not practicable.

84. Because these similarly situated tipped employees are readily identifiable by Defendants and may be located through their records, they may be readily notified of this action and allowed to opt into it pursuant to 29 U.S.C. § 216(b), for the purpose of collectively adjudicating their FLSA claims.

85. Defendants' entire chain of restaurants which are the subject of this Action are and have been under common ownership. Defendants' tipped employees which Plaintiffs seek to notify have been subjected to company-wide policies, procedures, labor targets and compensation practices. Collective adjudication is appropriate in this case because the tipped employees whom Plaintiffs and the Collective Members wish to notify of this action have been employed in positions similar to Plaintiffs and the Collective Members; have performed work similar to Plaintiffs and the Collective Members; and have been subject to compensation practices similar to those to which Plaintiffs and the Collective Members were subjected, including unlawful payment of sub-minimum wages for non-tipped work and unlawful application of the FLSA's tip credit provisions.

86. The tipped employees which Plaintiffs seek to notify have been required by Defendants to perform non-tipped labor *unrelated* to their tipped occupation and to perform non-tipped labor *related* to their tipped occupation which exceeds twenty percent of the hours worked by said tipped employees in any given work week. As such, the tipped employees which Plaintiffs seeks to notice have claims common to the claims of Plaintiffs and the Collective Members and are similarly situated to Plaintiffs and the Collective Members.

**COUNT ONE: REQUIRED LABOR UNRELATED TO PRIMARY DUTIES OF THE  
TIPPED OCCUPATION OF SERVER**

87. Plaintiffs and the Collective Members reallege and incorporate by reference all allegations in all preceding paragraphs.

88. Defendants failed and/or refused to comply with the FLSA, 29 U.S.C. § 201, et seq., 29 C.F.R. § 531.56(e), and the Department of Labor Field Operations Handbook §30d00(e) and §30d00(f) by requiring Plaintiffs and the Collective Members in a given workweek, and during each and every workweek Plaintiffs and the Collective Members were employed by

Defendants, to perform non-tipped labor unrelated to their tipped occupation over the course of their regular workweek, while paying Plaintiffs and the Collective Members at the tip credit rate. Examples of such non-tipped labor unrelated to the primary duties of the tipped occupation of server include, but are not limited to taking out trash; scrubbing walls; sweeping and mopping floors; cleaning booths; washing dishes and operating the dishtank; breaking down and cleaning the server line; ensuring the general cleanliness for the front of the house; detail cleaning throughout the restaurant; stocking stations throughout the restaurant; stocking and setting tables; bussing tables; answering the phone; working the cash register; greeting and seating customers; preparing salads; preparing deserts; baking bread; brewing coffee; cleaning the soda fountains; preparing specialty drinks such as lemonades; preparing individual servings of butters and dressings; and rolling bins full of silverware.

89. Defendants knew that – or acted with reckless disregard as to whether – their failure to pay Plaintiffs and the Collective Members the full applicable minimum wage, without applying the tip credit, for time spent performing labor unrelated to their tipped occupation, would violate federal law and Defendants were aware of the FLSA minimum wage requirements during Plaintiffs’ and the Collective Members’ employment. As such, Defendants’ conduct constitutes a willful violation of the FLSA.

90. Plaintiffs and the Collective Members are therefore entitled to compensation for the full minimum wage at an hourly rate, to be proven at trial, plus an additional equal amount as liquidated damages, together with interest, reasonable attorneys’ fees, and costs.

**WHEREFORE**, Plaintiffs, Tiffany Williams and Doreen Walker, on behalf of themselves and all other similarly situated persons, respectfully request that this Court grant relief in Plaintiffs’ and the Collective Members’ favor, and against Defendants for compensation

for unpaid minimum wages, plus an additional equal amount as liquidated damages, prejudgment and post-judgment interest, reasonable attorneys' fees, costs, and disbursements of this action, and any additional relief this Court deems just and proper.

**COUNT TWO: REQUIRED LABOR RELATED TO PRIMARY DUTIES OF TIPPED  
OCCUPATION OF SERVER, BUT IN EXCESS OF 20% OF A GIVEN  
WORKWEEK**

91. Plaintiffs and the Collective Members reallege and incorporate by reference all allegations in all preceding paragraphs.

92. Defendants failed and/or refused to comply with the FLSA, 29 U.S.C. § 201, et seq., 29 C.F.R. § 531.56(e), and the Department of Labor Field Operations Handbook §30d00(e) and §30d00(f) by requiring Plaintiffs and the Collective Members in a given workweek, and during each and every workweek Plaintiffs and the Collective Members were employed by Defendants, to perform non-tipped labor related to their tipped occupation in excess of twenty percent (20%) of their regular workweek, while paying Plaintiffs and the Collective Members at the tip credit rate. Examples of such non-tipped labor related to their tipped occupation of servers include, but are not limited to, preparatory and workplace maintenance tasks such as sweeping floors; cleaning booths; stocking stations throughout the restaurant; stocking and setting tables; bussing tables; stocking ice; brewing coffee; preparing specialty drinks such as lemonades; and rolling bins full of silverware.

93. Defendants failed and/or refused to pay Plaintiffs and the Collective Members the full applicable minimum wage according to the provisions of the FLSA for time they spent performing non-tipped labor related to their tipped occupation, despite requiring them to perform such work in excess of twenty percent (20%) of a given workweek, for each and every



workweek that Plaintiffs and the Collective Members were employed by Defendants, in violation of 29 U.S.C. § 206(a).

94. Defendants knew that – or acted with reckless disregard as to whether – their failure to pay Plaintiffs and the Collective Members the full applicable minimum wage, without applying the tip credit, for time spent performing labor related to their tipped occupation, but in excess of 20% of any given workweek, would violate federal law and Defendants were aware of the FLSA minimum wage requirements during Plaintiffs’ and the Collective Members’ employment. As such, Defendants’ conduct constitutes a willful violation of the FLSA.

95. Plaintiffs and the Collective Members are therefore entitled to compensation for the full minimum wage at an hourly rate, to be proven at trial, plus an additional equal amount as liquidated damages, together with interest, reasonable attorneys’ fees, and costs.

**WHEREFORE**, Plaintiffs, Tiffany Williams and Doreen Walker, on behalf of themselves and all other similarly situated persons, respectfully request that this Court grant relief in Plaintiffs’ and the Collective Members’ favor, and against Defendants for compensation for unpaid minimum wages, plus an additional equal amount as liquidated damages, prejudgment and post-judgment interest, reasonable attorneys’ fees, costs, and disbursements of this action, and any additional relief this Court deems just and proper.

RESPECTFULLY SUBMITTED this October 9, 2018.

THE LAW OFFICES OF SIMON & SIMON

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## 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**

Tiffany Williams and Doreen Walker, on behalf of themselves and all others similarly situated

(b) County of Residence of First Listed Plaintiff Allegheny

(EXCEPT IN U.S. PLAINTIFF CASES)

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

James L. Simon (OH#0089483)  
6000 Freedom Sq. Dr., Building II, Suite 165  
Independence, Ohio 44131

**DEFENDANTS**

Bob Evans Restaurants, LLC and Bob Evans Farms, Inc.

County of Residence of First Listed Defendant Allegheny

(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	<b>PERSONAL INJURY</b> <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 <b>PERSONAL INJURY</b> <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 <b>PERSONAL PROPERTY</b> <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 <b>LABOR</b> <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 <b>IMMIGRATION</b> <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 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <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)) <b>FEDERAL TAX SUITS</b> <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
<b>REAL PROPERTY</b> <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	<b>CIVIL RIGHTS</b> <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 <b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <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 <b>Other:</b> <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:

Wage & Hour

**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

10/10/2018

SIGNATURE OF ATTORNEY OF RECORD

James L. Simon

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

Print

Save As...

Reset

JS 44A REVISED June, 2009  
IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA  
THIS CASE DESIGNATION SHEET MUST BE COMPLETED

**PART A**

This case belongs on the ( ☐ Erie ☐ Johnstown ☒ Pittsburgh) calendar.

1. **ERIE CALENDAR** - If cause of action arose in the counties of Crawford, Elk, Erie, Forest, McKean, Venang or Warren, OR any plaintiff or defendant resides in one of said counties.
2. **JOHNSTOWN CALENDAR** - If cause of action arose in the counties of Bedford, Blair, Cambria, Clearfield or Somerset OR any plaintiff or defendant resides in one of said counties.
3. Complete if on **ERIE CALENDAR**: I certify that the cause of action arose in \_\_\_\_\_ County and that the \_\_\_\_\_ resides in \_\_\_\_\_ County.
4. Complete if on **JOHNSTOWN CALENDAR**: I certify that the cause of action arose in \_\_\_\_\_ County and that the \_\_\_\_\_ resides in \_\_\_\_\_ County.

**PART B** (You are to check ONE of the following)

1. ☐ This case is related to Number \_\_\_\_\_ . Short Caption \_\_\_\_\_.
2. ☒ This case is not related to a pending or terminated case.

**DEFINITIONS OF RELATED CASES:**

**CIVIL:** Civil cases are deemed related when a case filed relates to property included in another suit or involves the same issues of fact or it grows out of the same transactions as another suit or involves the validity or infringement of a patent involved in another suit  
**EMINENT DOMAIN:** Cases in contiguous closely located groups and in common ownership groups which will lend themselves to consolidation for trial shall be deemed related.  
**HABEAS CORPUS & CIVIL RIGHTS:** All habeas corpus petitions filed by the same individual shall be deemed related. All pro se Civil Rights actions by the same individual shall be deemed related.

**PART C**

**I. CIVIL CATEGORY** (Select the applicable category).

1. ☐ Antitrust and Securities Act Cases
2. ☐ Labor-Management Relations
3. ☐ Habeas corpus
4. ☐ Civil Rights
5. ☐ Patent, Copyright, and Trademark
6. ☐ Eminent Domain
7. ☒ All other federal question cases
8. ☐ All personal and property damage tort cases, including maritime, FELA, Jones Act, Motor vehicle, products liability, assault, defamation, malicious prosecution, and false arrest
9. ☐ Insurance indemnity, contract and other diversity cases.
10. ☐ Government Collection Cases (shall include HEW Student Loans (Education), V A Overpayment, Overpayment of Social Security, Enlistment Overpayment (Army, Navy, etc.), HUD Loans, GAO Loans (Misc. Types), Mortgage Foreclosures, SBA Loans, Civil Penalties and Coal Mine Penalty and Reclamation Fees.)

I certify that to the best of my knowledge the entries on this Case Designation Sheet are true and correct

Date: October 10, 2018

James L. Simon (OH#0089483)  
Law Offices of Simon & Simon

ATTORNEY AT LAW

NOTE: ALL SECTIONS OF BOTH ÔŠPRU MUST BE COMPLETED BEFORE CASE CAN BE PROCESSED.

**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.

## Western District of Pennsylvania

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:

**Print**

**Save As...**

**Reset**

for the

Tiffany Williams and Doreen Walker, on behalf of  
themselves and all others similarly situated

Plaintiff(s)

V.

Bob Evans Restaurants, LLC and Bob Evans Farms,  
Inc.

Defendant(s)

Civil Action No.

To: *(Defendant's name and address)* Bob Evans Restaurants, LLC  
c/o CT Corporation Systems (as Statutory Agent)  
123 Broad Street  
Philadelphia, PA

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: James L. Simon

James L. Simon  
Law Offices of Simon & Simon  
6000 Freedom Square Drive  
Freedom Square II - Suite 165  
Independence, Ohio 44131

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:

**Print**

**Save As...**

**Reset**

Bendau & Bendau

Simon & Simon

# Exhibit A

**Consent to be Named Part Plaintiff in FLSA Collective Action**

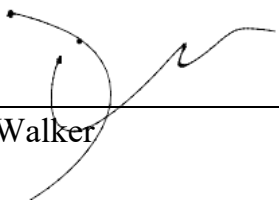
I, Tiffany Williams, do hereby consent to be a named party plaintiff in this action. I have read the complaint to be filed in the United States District Court for the Western District of Pennsylvania, and authorize my attorneys, Bendau & Bendau PLLC, the Law Offices of Simon & Simon, and their associated attorneys (the "Attorneys"), to file the Complaint on my behalf and for other employees similarly situated. I authorize the Attorneys to represent me in the Lawsuit and make decisions on my behalf, including how to conduct the Lawsuit, settlement, and all other matters related to the Lawsuit. I agree to provide the Attorneys thirty-three and one-third percent (33 1/3%) of any recovery they obtain on my behalf in the Lawsuit or the reasonable hourly value of their legal services for time expended in the Lawsuit, as paid by Defendants, whichever is greater. I authorize the Attorneys to deduct from any recovery my pro rata share of any reasonable costs incurred by the Attorneys on my behalf.

  
\_\_\_\_\_  
Tiffany Williams

9/28/18  
\_\_\_\_\_  
Date

**Consent to be Named Party Plaintiff in FLSA Collective Action**

I, Doreen Walker, do hereby consent to be a named party plaintiff in this action. I have read the complaint to be filed in the United States District Court for the Western District of Pennsylvania, and authorize my attorneys, Bendau & Bendau PLLC, the Law Offices of Simon & Simon, and their associated attorneys (the "Attorneys"), to file the Complaint on my behalf and for other employees similarly situated. I authorize the Attorneys to represent me in the Lawsuit and make decisions on my behalf, including how to conduct the Lawsuit, settlement, and all other matters related to the Lawsuit. I agree to provide the Attorneys thirty-three and one-third percent (33 1/3%) of any recovery they obtain on my behalf in the Lawsuit or the reasonable hourly value of their legal services for time expended in the Lawsuit, as paid by Defendants, whichever is greater. I authorize the Attorneys to deduct from any recovery my pro rata share of any reasonable costs incurred by the Attorneys on my behalf.

  
\_\_\_\_\_  
Doreen Walker

10/5/2018  
\_\_\_\_\_  
Date

Bendau & Bendau

Simon & Simon


## Exhibit B

### CONSENT TO JOIN

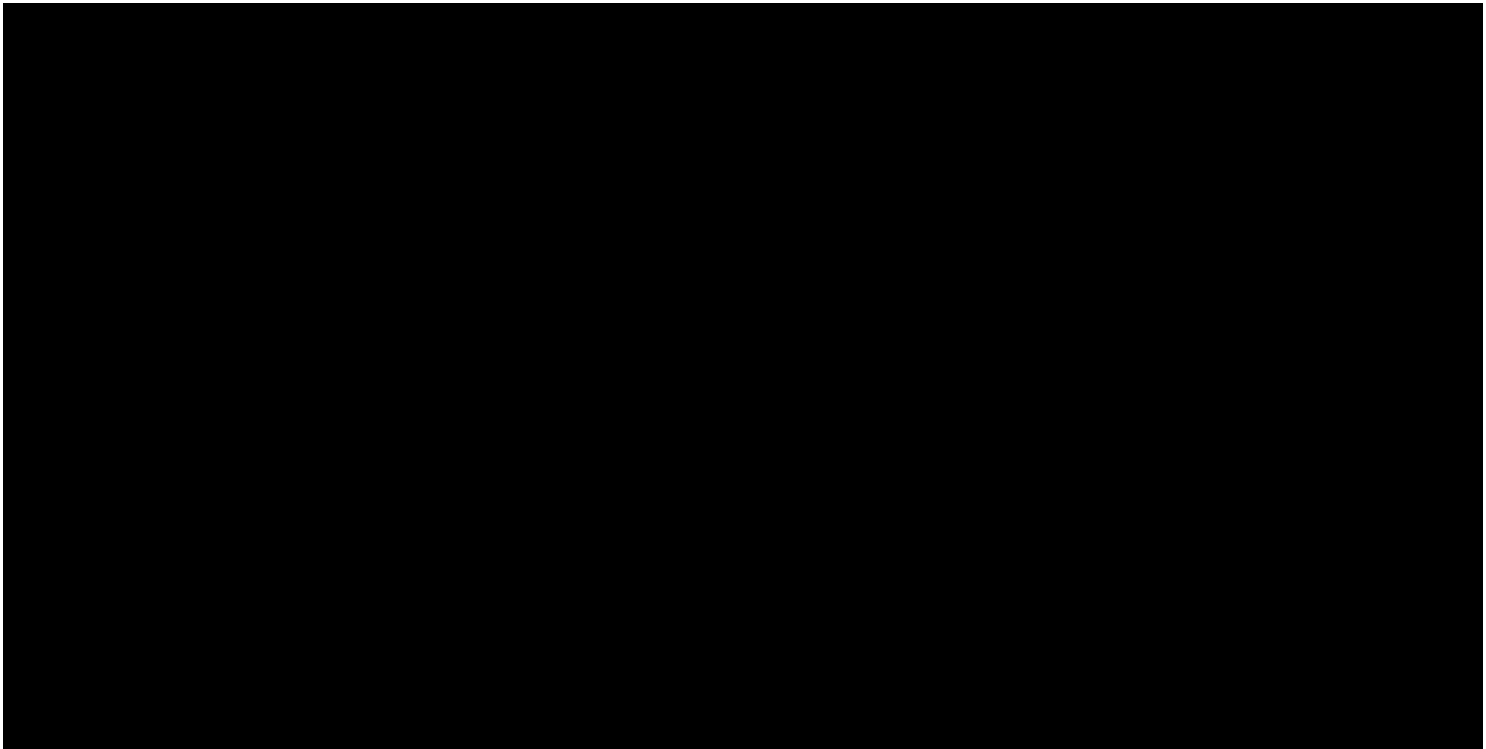
I agree to join the lawsuit *Williams, et al. v. Bob Evans Farms Inc., et al.* ("the Lawsuit") to pursue unpaid wages under the Fair Labor Standards Act.

I select The Bendau Law Firm PLLC, any of their associated attorneys, and James L. Simon ("the Firm"), to represent me in the Lawsuit and, along with the Named Plaintiff(s), to make decisions on my behalf, including how to conduct the Lawsuit, settlement, and all other matters related to the Lawsuit. I agree to provide the Firm Forty Percent (40%) of any recovery they obtain on my behalf in the Lawsuit or the reasonable hourly value of their legal services for the time expended in the Lawsuit, as paid by Defendants, whichever is greater. If no recovery is obtained, no fee is owed by me. I authorize the Firm to deduct from any recovery my pro rata share of any reasonable costs incurred by the Firm on my behalf.

Printed Name: Loretta Beckhardt

Signature: 

Date: 10-01-2018



Bendau & Bendau

Simon & Simon

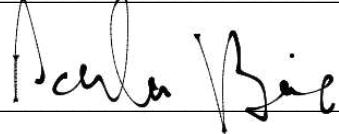
## Exhibit C

### CONSENT TO JOIN

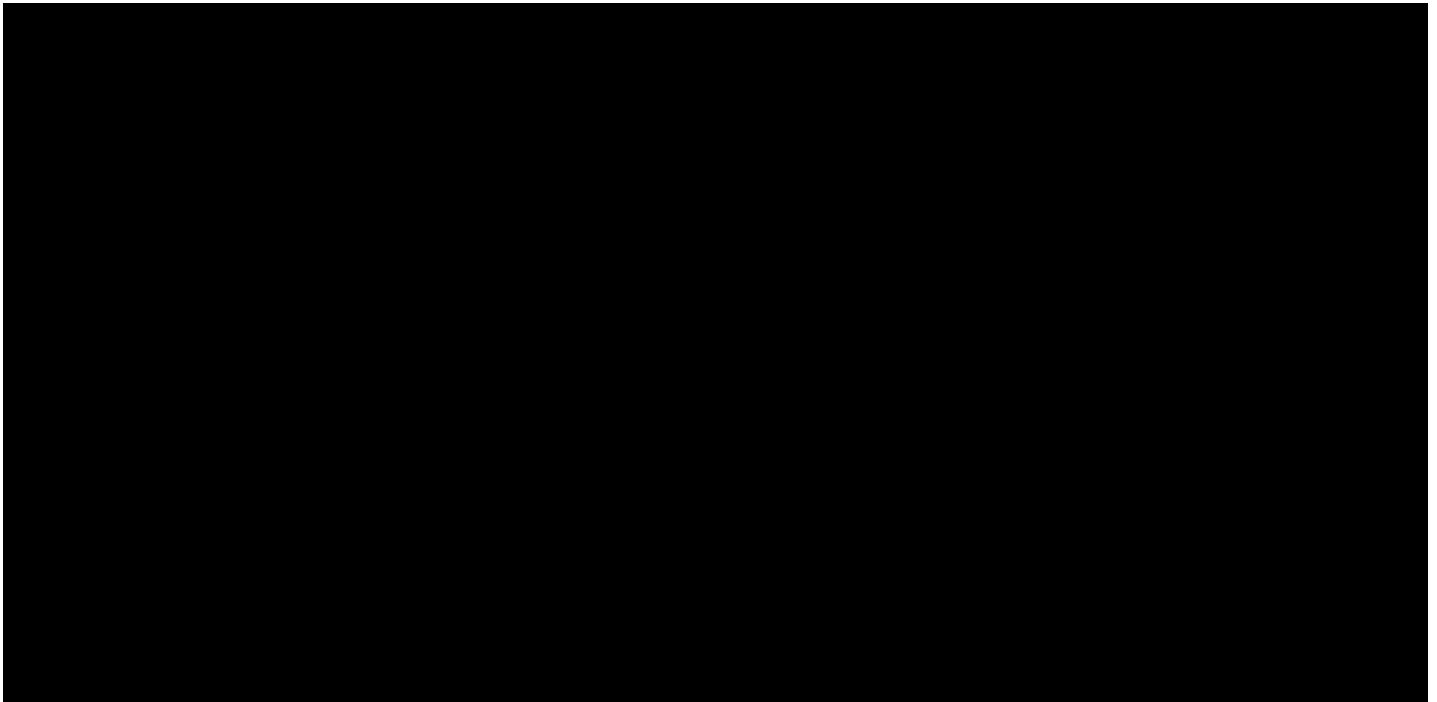
I agree to join the lawsuit *Williams, et al. v. Bob Evans Farms Inc., et al.* ("the Lawsuit") to pursue unpaid wages under the Fair Labor Standards Act.

I select The Bendau Law Firm PLLC, any of their associated attorneys, and James L. Simon ("the Firm"), to represent me in the Lawsuit and, along with the Named Plaintiff(s), to make decisions on my behalf, including how to conduct the Lawsuit, settlement, and all other matters related to the Lawsuit. I agree to provide the Firm Forty Percent (40%) of any recovery they obtain on my behalf in the Lawsuit or the reasonable hourly value of their legal services for the time expended in the Lawsuit, as paid by Defendants, whichever is greater. If no recovery is obtained, no fee is owed by me. I authorize the Firm to deduct from any recovery my pro rata share of any reasonable costs incurred by the Firm on my behalf.

Printed Name: Paula Biebel

Signature: 

Date: 10/02/2018





Bendau & Bendau

Simon & Simon

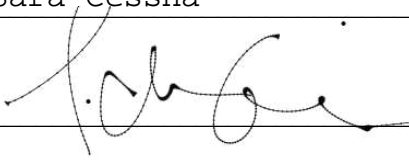
## Exhibit D

### CONSENT TO JOIN

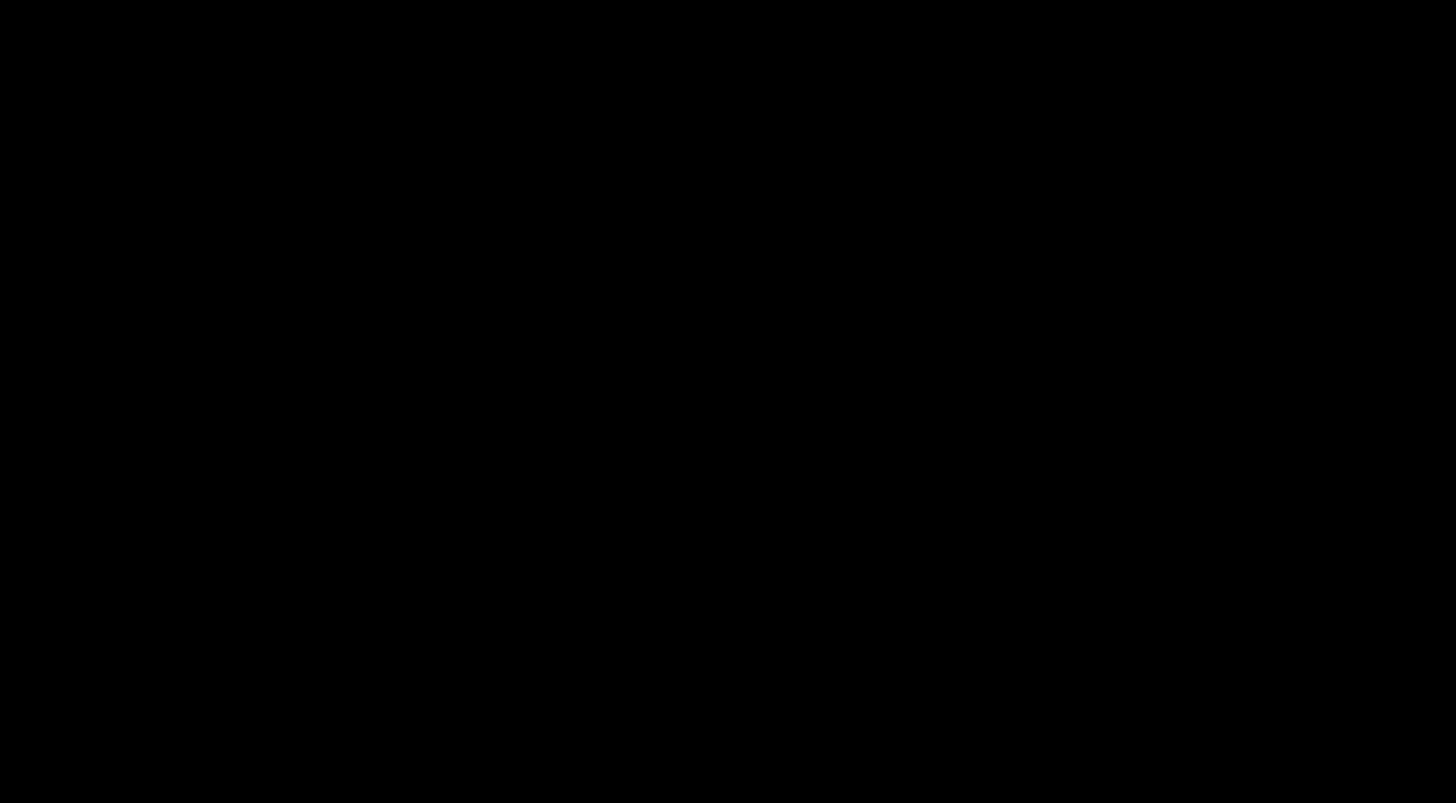
I agree to join the lawsuit *Williams, et al. v. Bob Evans Farms Inc., et al.* ("the Lawsuit") to pursue unpaid wages under the Fair Labor Standards Act.

I select The Bendau Law Firm PLLC, any of their associated attorneys, and James L. Simon ("the Firm"), to represent me in the Lawsuit and, along with the Named Plaintiff(s), to make decisions on my behalf, including how to conduct the Lawsuit, settlement, and all other matters related to the Lawsuit. I agree to provide the Firm Forty Percent (40%) of any recovery they obtain on my behalf in the Lawsuit or the reasonable hourly value of their legal services for the time expended in the Lawsuit, as paid by Defendants, whichever is greater. If no recovery is obtained, no fee is owed by me. I authorize the Firm to deduct from any recovery my pro rata share of any reasonable costs incurred by the Firm on my behalf.

Printed Name: Sara Cessna

Signature: 

Date: 10/2/2018



Bendau & Bendau

Simon & Simon

## Exhibit E

### CONSENT TO JOIN

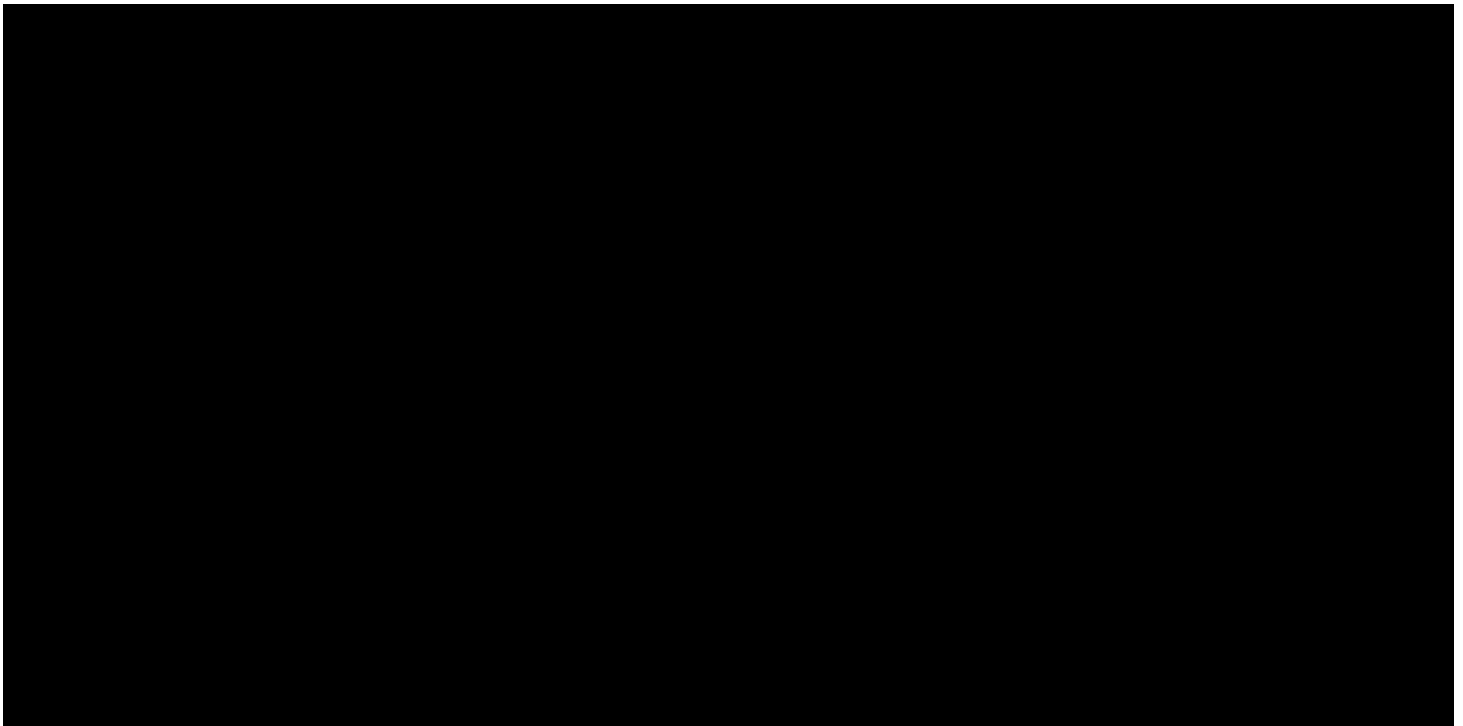
I agree to join the lawsuit *Williams, et al. v. Bob Evans Farms Inc., et al.* (“the Lawsuit”) to pursue unpaid wages under the Fair Labor Standards Act.

I select Bendau & Bendau PLLC, The Law Offices of Simon & Simon, and any of their associated attorneys, (“the Firm”), to represent me in the Lawsuit and, along with the Named Plaintiff(s), to make decisions on my behalf, including how to conduct the Lawsuit, settlement, and all other matters related to the Lawsuit. I agree to provide the Firm Thirty-Three and One-Third Percent (33 1/3%) of any recovery they obtain on my behalf in the Lawsuit or the reasonable hourly value of their legal services for the time expended in the Lawsuit, as paid by Defendants, whichever is greater. If no recovery is obtained, no fee is owed by me. I authorize the Firm to deduct from any recovery my pro rata share of any reasonable costs incurred by the Firm on my behalf.

Printed Name: Constance Compton

Signature: Constance Compton

Date: 10/03/2018



Bendau & Bendau

Simon & Simon

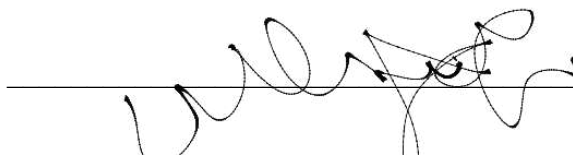
## Exhibit F

### CONSENT TO JOIN

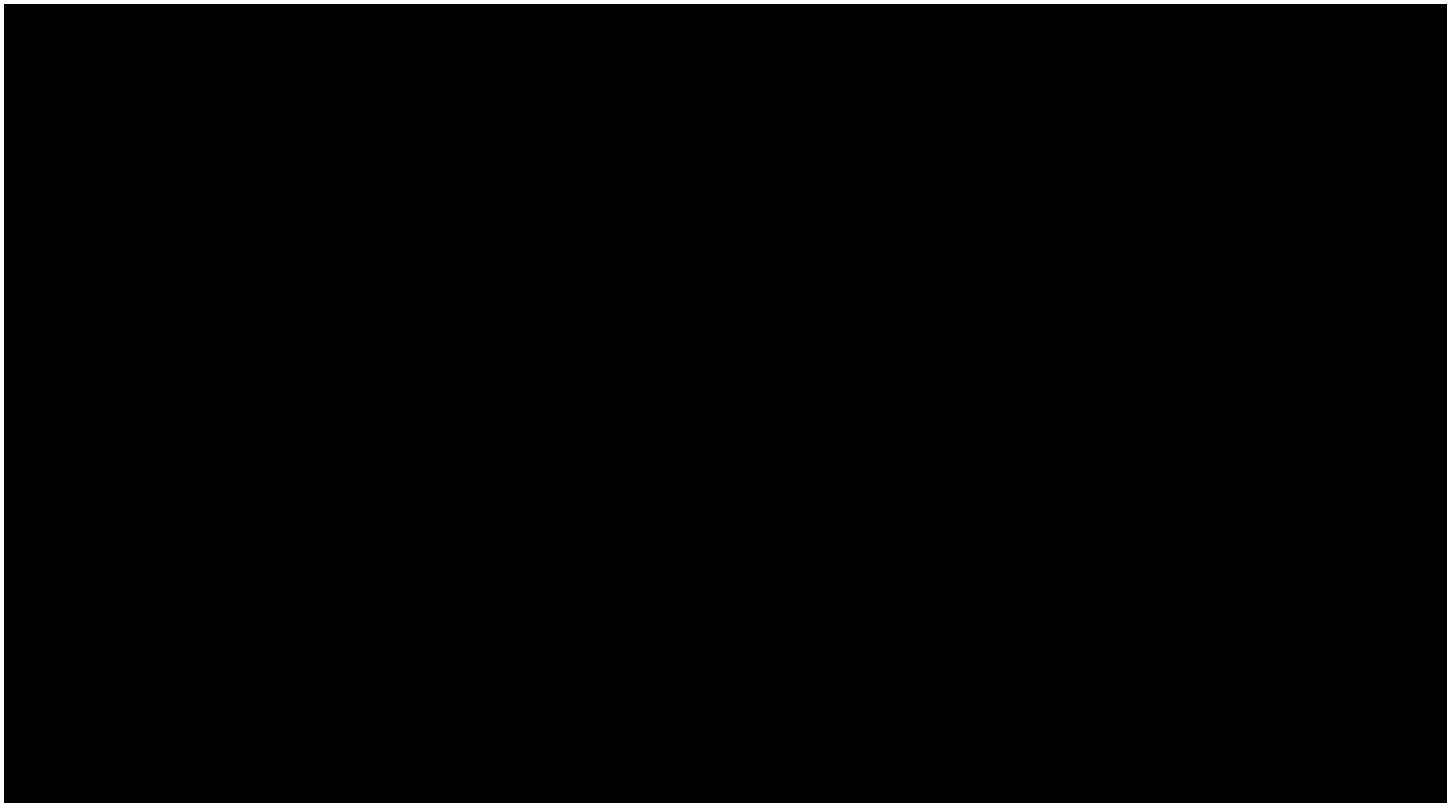
I agree to join the lawsuit *Williams, et al. v. Bob Evans Farms Inc., et al.* ("the Lawsuit") to pursue unpaid wages under the Fair Labor Standards Act.

I select Bendau & Bendau PLLC, The Law Offices of Simon & Simon, and any of their associated attorneys, ("the Firm"), to represent me in the Lawsuit and, along with the Named Plaintiff(s), to make decisions on my behalf, including how to conduct the Lawsuit, settlement, and all other matters related to the Lawsuit. I agree to provide the Firm Thirty-Three and One-Third Percent (33 1/3%) of any recovery they obtain on my behalf in the Lawsuit or the reasonable hourly value of their legal services for the time expended in the Lawsuit, as paid by Defendants, whichever is greater. If no recovery is obtained, no fee is owed by me. I authorize the Firm to deduct from any recovery my pro rata share of any reasonable costs incurred by the Firm on my behalf.

Printed Name: Wilma Johnson

Signature: 

Date: Oct. 2 2018



# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Bob Evans Restaurants Took Improper Tip Credit Against Servers' Wages, Lawsuit Alleges](#)

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