

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION

JAN 18 2018

JAMES W. McCORMACK, CLERK
By: [Signature]
DEP CLERK

**ANDREA BROWN, Individually and on
Behalf of All Others Similarly Situated**

PLAINTIFF

vs.

No. 5:18-cv-17-KGB

**STATE OF ARKANSAS - ARKANSAS
DEPARTMENT OF HUMAN SERVICES
a/k/a DERMOTT JUVENILE TREATMENT
CENTER and DERMOTT JUVENILE
CORRECTIONAL FACILITY**

This case assigned to District Judge Baker
and to Magistrate Judge Harris

DEFENDANT

ORIGINAL COMPLAINT—CLASS AND COLLECTIVE ACTION

COMES NOW Plaintiff Andrea Brown, individually and on behalf of all others similarly situated, by and through her attorneys Chris Burks and Josh Sanford of Sanford Law Firm, PLLC, and for her Original Complaint—Class and Collective Action against Defendant State of Arkansas - Arkansas Department of Human Services a/k/a Dermott Juvenile Treatment Center and Dermott Juvenile Correctional Facility (“Defendant”), she does hereby state and allege as follows:

**I.
PRELIMINARY STATEMENTS**

1. This is a class and collective action brought by Plaintiff Andrea Brown (“Plaintiff”), individually and on behalf of other hourly workers employed by Defendant at any time within a three-year period preceding the date of filing of this Complaint.

2. Plaintiff brings this action under the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.* (“FLSA”), and the Arkansas Minimum Wage Act, Ark. Code Ann. § 11-4-201

et seq. (“AMWA”), for declaratory judgment, monetary damages, liquidated damages, prejudgment interest, costs, and a reasonable attorney’s fee, as a result of Defendant’s failure to pay Plaintiff and other hourly workers lawful overtime compensation for hours worked in excess of forty (40) hours per week.

3. Plaintiff also brings this action under Ark. Code Ann. §11-4-405, the Arkansas “Last Paycheck” Rule, for monetary damages, liquidated damages, prejudgment interest, costs, and a reasonable attorney’s fee, within the applicable statutory limitations period, as a result of Defendant’s failure to properly pay to Plaintiff her wages earned prior to her discharge from employment after Plaintiff made lawful demand upon Defendant for payment to which she is owed.

4. Upon reasonable information and belief, for at least three (3) years prior to the filing of this Complaint, Defendant has willfully and intentionally committed violations of the FLSA and the AMWA, as described herein.

II. JURISDICTION AND VENUE

5. The United States District Court for the Eastern District of Arkansas has subject matter jurisdiction over this suit under the provisions of 28 U.S.C. § 1331 because this suit raises federal questions under the FLSA.

6. Plaintiff’s claims under the AMWA and the Arkansas Last Paycheck Rule form part of the same case or controversy and arise out of the same facts as the FLSA claims alleged herein.

7. Therefore, this Court has supplemental jurisdiction over Plaintiff’s AMWA and Last Paycheck Rule claims pursuant to 28 U.S.C. § 1367(a).

8. The acts complained of herein were committed and had their principal effect against Plaintiff within the Pine Bluff Division of the Eastern District of Arkansas; therefore, venue is proper within this District pursuant to 28 U.S.C. § 1391.

9. Defendant does business in this District and a substantial part of the events alleged herein occurred in this District.

10. The witnesses to overtime violations alleged in this Complaint reside in this District.

11. The payroll records and other documents related to the payroll practices that Plaintiff challenges are located in this District.

III. THE PARTIES

12. Plaintiff repeats and re-alleges all the preceding paragraphs of this Complaint as if fully set forth in this section.

13. Plaintiff Andrea Brown is a citizen and resident of Desha County.

14. Plaintiff worked for Defendant as a direct care staff member within the three (3) years preceding the filing of this Complaint, particularly from February 27, 2017, until December 11, 2017.

15. Plaintiff was paid an hourly rate.

16. At all times material herein, Plaintiff has been entitled to the rights, protections and benefits provided under the FLSA and the AMWA.

17. As an employee of Defendant, Plaintiff was an employee of a public state agency employed in human development activities, and therefore entitled to the protections of the FLSA pursuant to 29 U.S.C. § 203(e)(2)(c).

18. At all times material herein, Plaintiff has been misclassified by Defendant as exempt from the overtime requirements of the FLSA and the AMWA.

19. Defendant State of Arkansas -- Arkansas Department of Human Services (“DHS”) is the government entity or branch that operates and manages Dermott Juvenile Treatment Center (“DJTC”) and Dermott Juvenile Correctional Facility (“DJCF”) and the five (5) other Arkansas juvenile treatment and correctional facilities through its Division of Youth Services (“DYS”).

20. Defendant DHS can be served through its Director Cindy Gillespie.

21. Dermott Juvenile Treatment Center is one of Arkansas’s seven (7) state-managed juvenile treatment and correctional facilities for juvenile offenders and is operated and managed by Defendant DHS. Plaintiff was employed at DJTC within the three (3) years prior to the filing of this Complaint as a direct care staff member.

22. Dermott Juvenile Correctional Facility is one of Arkansas’s seven (7) state-managed juvenile treatment and correctional facilities for juvenile offenders and is operated and managed by Defendant DHS. Plaintiff was employed at DJCF within the three (3) years prior to the filing of this Complaint as a direct care staff member.

23. Defendant is an “employer” within the meanings set forth in the FLSA and AMWA, and was, at all times relevant to the allegations in this Complaint, Plaintiff’s employer.

24. Defendant is an employer subject to the FLSA as a public agency pursuant to 29 U.S.C. § 203.

25. Defendant participated in the management of Plaintiff’s work, including setting and enforcing the amount of hours worked and the amount and manner of

compensation paid.

26. Defendant dictated, controlled and ratified, both implicitly and explicitly, the wage and hour practices and all related employee compensation policies that are at issue in this case.

IV. FACTUAL ALLEGATIONS

27. Plaintiff repeats and re-alleges all previous paragraphs of this Complaint as though fully incorporated in this section.

28. Plaintiff was an hourly-paid employee of Defendant at its facilities located in Dermott during part of the three years prior to the filing of this lawsuit.

29. Plaintiff worked for Defendant during 2017 as a direct care staff member.

30. Plaintiff's last day of employment was December 11, 2017, after she had worked regular shifts for nine days in a row.

31. For the last nine days Plaintiff worked for Defendant, she was only paid for forty (40) hours, despite working more than her regularly scheduled eight and one-half (8 1/2) hours per shift.

32. Plaintiff made demand for payment for the uncompensated time worked and Defendant declined to pay her for that time.

33. Defendant hired Plaintiff and other hourly employees, paid them wages and benefits, controlled their work schedules, duties, protocols, applications, assignments and employment conditions, and kept at least some records regarding their employment.

34. Plaintiff and other hourly employees were classified as hourly employees and regularly worked in excess of forty (40) hours per week.

35. Plaintiff and other hourly employees recorded their time by entering their time each week into Defendant's computer software time tracking system.

36. Plaintiff was required to track her time worked beginning when she arrived for her shift and ending when her shift was scheduled to end.

37. Plaintiff and other hourly employees often worked three (3) or more hours outside of their scheduled shifts per week for which they were not compensated.

38. It was Defendant's common policy to require Plaintiff and other hourly employees to work through their lunch break and to also stay and work after their shift ended for thirty (30) or more minutes.

39. Defendant regularly edited Plaintiff's and other hourly employees' entries of time records in the computer software time tracking system to reflect that the only time worked was time during which they were scheduled to be working on their shift, less thirty (30) minutes for a lunch break, even if no break was taken.

40. As a result of Defendant's improper practices, Plaintiff and other hourly employees were not fully compensated for all the time they actually worked in a workweek, including all of the overtime hours they worked in excess of forty (40) in a workweek.

41. Upon reasonable information and belief, this improper pay policy is in effect at all seven (7) state-managed juvenile treatment and correctional facilities for juvenile offenders.

42. Defendant knew, or showed reckless disregard for whether, the way it paid Plaintiff and other hourly employees violated the FLSA and the AMWA.

V.
REPRESENTATIVE ACTION ALLEGATIONS

A. FLSA § 216(b) Class

43. Plaintiff repeats and re-alleges all previous paragraphs of this Complaint as though fully incorporated in this section.

44. Plaintiff brings her claims for relief for violation of the FLSA as a collective action pursuant to Section 16(b) of the FLSA, 29 U.S.C. § 216(b).

45. Plaintiff brings her FLSA claims on behalf of all hourly-paid direct care staff members employed by Defendant at any time within the applicable statute of limitations period, who were classified by Defendant as non-exempt from the overtime requirements of the FLSA and who are entitled to payment of the following types of damages:

A. Payment for all hours worked, including payment for all hours worked for Defendant and overtime premiums for all hours worked for Defendant in excess of forty (40) hours in a workweek; and

B. Liquidated damages and attorneys' fees and costs.

46. In conformity with the requirements of FLSA Section 16(b), Plaintiff has attached hereto as Exhibit "A" a written Consent to Join this lawsuit.

47. The relevant time period dates back three years from the date on which Plaintiff's Original Complaint—Class and Collective Action was filed herein and continues forward through the date of judgment, pursuant to 29 U.S.C. § 255(a).

48. The members of the proposed FLSA class are similarly situated in that they share these traits:

A. They were classified by Defendant as non-exempt from the overtime requirements of the FLSA;

- B. They were paid hourly;
- C. They recorded their time in the same manner; and
- D. They were subject to Defendant's common policy of denying pay for all hours worked, including overtime pay for hours worked over forty (40) per workweek.

49. Plaintiff is unable to state the exact number of the potential members of the FLSA class but believes that the class exceeds one-hundred (100) persons.

50. In the modern era, most working-class Americans have become increasingly reliant on email, and generally use it just as often, if not more so, than traditional U.S. Mail.

51. Defendant can readily identify the members of the Section 16(b) class. The names and physical and mailing addresses of the FLSA collective action plaintiffs are available from Defendant, and a Court-approved Notice should be provided to the FLSA collective action plaintiffs via first class mail, email, and text message to their last known physical and electronic mailing addresses and cell phone numbers as soon as possible, together with other documents and information descriptive of Plaintiff's FLSA claim.

B. AMWA Rule 23 Class

52. Plaintiff, individually and on behalf of all others similarly situated who were employed by Defendant within the State of Arkansas, brings this claim for relief for violation of the AMWA as a class action pursuant to Rule 23 of the Federal Rules of Civil Procedure.

53. Plaintiff proposes to represent the class of hourly-paid direct care staff members who are/were employed by Defendant within the relevant time period within the State of Arkansas.

54. Common questions of law and fact relate to all members of the proposed class, such as whether Defendant paid the members of the proposed class for all hours worked, including overtime in accordance with the AMWA.

55. Common questions of law and fact predominate over any questions affecting only the individual named Plaintiff, and a class action is superior to other available methods for fairly and efficiently adjudicating the claims of the members of the proposed AMWA class.

56. The class members have no interest in individually controlling the prosecution of separate actions because the policy of the AMWA provides a bright-line rule for protecting all non-exempt employees as a class. To wit: “[i]t is declared to be the public policy of the State of Arkansas to establish minimum wages for workers in order to safeguard their health, efficiency, and general well-being and to protect them as well as their employers from the effects of serious and unfair competition resulting from wage levels detrimental to their health, efficiency, and well-being.” Ark. Code Ann. § 11-4-202.

57. Plaintiff is unable to state the exact number of the potential members of the AMWA class but believes that the class exceeds one-hundred (100) persons. Therefore, the class is so numerous that joinder of all members is impracticable.

58. At the time of the filing of this Complaint, neither Plaintiff nor Plaintiff’s counsel knows of any litigation already begun by any members of the proposed class concerning the allegations in this Complaint.

59. Concentrating the litigation in this forum is highly desirable because Defendant is based in the Eastern District of Arkansas and because Plaintiff and all proposed class members work or worked in Arkansas.

60. No difficulties are likely to be encountered in the management of this class action.

61. The claims of Plaintiff are typical of the claims of the proposed class in that Plaintiff worked as an hourly employee for Defendant and experienced the same violations of the AMWA that all other class members suffered.

62. Plaintiff and her counsel will fairly and adequately protect the interests of the class.

63. Plaintiff's counsel is competent to litigate Rule 23 class actions and other complex litigation matters, including wage and hour cases like this one, and to the extent, if any, that they find that they are not, they are able and willing to associate additional counsel.

64. Prosecution of separate actions by individual members of the proposed class would create the risk of inconsistent or varying adjudications with respect to individual members of the proposed class that would establish incompatible standards of conduct for Defendant.

VI.
FIRST CLAIM FOR RELIEF
(Individual Claim for Violation of FLSA)

65. Plaintiff repeats and re-alleges all the preceding paragraphs of this Complaint as if fully set forth in this section.

66. 29 U.S.C. § 207 requires employers to pay employees one and one-half (1 1/2) times the employee's regular rate for all hours that the employee works in excess of forty (40) per week. 29 U.S.C.S. § 207.

67. Defendant failed to pay Plaintiff at a rate of one and one-half (1 1/2) times his regular rate for all hours worked over forty (40) hours per week, despite his entitlement thereto.

68. Defendant violated Section 778.208 of Title 29 of the Code of Federal Regulations by failing to pay Plaintiff the proper overtime premium.

69. Defendant's conduct and practices, as described above, have been and are willful, intentional, unreasonable, arbitrary and in bad faith.

70. By reason of the unlawful acts alleged herein, Defendant is liable to Plaintiff for, and Plaintiff seeks, unpaid overtime wages, liquidated damages, pre-judgment interest, civil penalties and costs, including a reasonable attorney's fee, as provided by the FLSA.

71. Alternatively, should the Court find that Defendant acted in good faith in failing to pay Plaintiff as provided by the FLSA, Plaintiff is entitled to an award of prejudgment interest at the applicable legal rate.

VII.
SECOND CLAIM FOR RELIEF
(Collective Action Claim for Violation of FLSA)

72. Plaintiff repeats and re-alleges all previous paragraphs of this Complaint as though fully incorporated herein.

73. Plaintiff brings this collective action on behalf of all hourly direct care staff members employed by Defendant to recover monetary damages owed by Defendant to Plaintiff and members of the putative class for all the overtime compensation for all the hours she and they worked in excess of forty (40) each week.

74. Plaintiff brings this action on behalf of herself individually and all other similarly situated employees, former and present, who were and/or are affected by Defendant's willful and intentional violation of the FLSA.

75. In the past three (3) years, Defendant has employed hundreds of hourly direct care staff members that were subject to Defendant's improper pay practices.

76. Like Plaintiff, these hourly direct care staff members regularly worked more than forty (40) hours in a week.

77. Defendant failed to pay these employees the proper overtime wages. Because these employees are similarly situated to Plaintiff, and because they are owed overtime for the same reasons, the opt-in class is properly defined as:

All Hourly Direct Care Staff Members Employed by the DHS Division of Youth Services at All Arkansas State-Managed Juvenile Treatment and Correctional Facilities Within the Past Three Years.

78. Defendant's conduct and practice, as described above, has been and is willful, intentional, unreasonable, arbitrary and in bad faith.

79. By reason of the unlawful acts alleged herein, Defendant is liable to Plaintiff and all those similarly situated for, and Plaintiff and all those similarly situated seek, unpaid overtime wages, liquidated damages, pre-judgment interest, civil penalties and costs, including a reasonable attorney's fee as provided by the FLSA.

80. Alternatively, should the Court find that Defendant acted in good faith in failing to pay Plaintiff and all those similarly situated as provided by the FLSA, Plaintiff and all those similarly situated are entitled to an award of prejudgment interest at the applicable legal rate.

VIII.
THIRD CLAIM FOR RELIEF
(Individual Claim for Violation of the AMWA)

81. Plaintiff repeats and re-alleges all previous paragraphs of this Complaint as though fully incorporated in this section.

82. Plaintiff asserts this claim for damages and declaratory relief pursuant to the AMWA, Arkansas Code Annotated §§ 11-4-201, *et seq.*

83. At all relevant times, Defendant was Plaintiff's "employer" within the meaning of the AMWA, Ark. Code Ann. § 11-4-203(4).

84. Defendant failed to pay Plaintiff all overtime wages owed, as required under the AMWA.

85. Despite the entitlement of Plaintiff to payment for all hours worked and overtime payments under the AMWA, Defendant failed to pay Plaintiff for all hours worked and failed to pay Plaintiff a lawful overtime premium.

86. Defendant's conduct and practices, as described above, were willful, intentional, unreasonable, arbitrary and in bad faith.

87. By reason of the unlawful acts alleged herein, Defendant is liable to Plaintiff for monetary damages, liquidated damages, costs, and a reasonable attorney's fee, as provided by the AMWA for all violations which occurred beginning at least three (3) years preceding the filing of Plaintiff's initial complaint, plus periods of equitable tolling.

88. Alternatively, should the Court find that Defendant acted in good faith in failing to pay Plaintiff as provided by the AMWA, Plaintiff is entitled to an award of prejudgment interest at the applicable legal rate.

IX.
FOURTH CLAIM FOR RELIEF
(Class Action Claim for Violation of the AMWA)

89. Plaintiff repeats and re-alleges all previous paragraphs of this Complaint as though fully incorporated in this section.

90. Plaintiff, individually and on behalf of the proposed class, asserts this claim for damages and declaratory relief pursuant to the AMWA, Ark. Code Ann. §§ 11-4-201, *et seq.*

91. At all relevant times, Defendant has been, and continues to be, an “employer” of Plaintiff and the members of the proposed class within the meaning of the AMWA, Ark. Code Ann. § 11-4-203(4).

92. Defendant failed to pay Plaintiff and members of the proposed class all wages owed, as required under the AMWA.

93. Despite the entitlement of Plaintiff and members of the proposed class to payment for all hours worked and overtime payments under the AMWA, Defendant failed to pay Plaintiff for all hours worked and failed to pay Plaintiff a lawful overtime premium.

94. Plaintiff proposes to represent the first AMWA liability class of individuals defined as follows:

All Hourly Direct Care Staff Members Employed by the DHS Division of Youth Services at All Arkansas State-Managed Juvenile Treatment and Correctional Facilities Within the Past Three Years.

95. Defendant’s conduct and practices, as described above, were willful, intentional, unreasonable, arbitrary and in bad faith.

96. By reason of the unlawful acts alleged herein, Defendant is liable to Plaintiff and the proposed class for monetary damages, liquidated damages, costs, and a

reasonable attorney's fee as provided by the AMWA for all violations which occurred with the three (3) years prior to the filing of this Complaint, plus periods of equitable tolling.

97. Alternatively, should the Court find that Defendant acted in good faith in failing to pay Plaintiff and members of the proposed class as provided by the AMWA, Plaintiff and members of the proposed class are entitled to an award of prejudgment interest at the applicable legal rate.

X.
FIFTH CLAIM FOR RELIEF
(Individual Claim for Violation of the Arkansas "Last Paycheck" Rule)

98. Plaintiff repeats and re-alleges all the preceding paragraphs of this Complaint as if fully set forth in this section.

99. Plaintiff's last day of employment with Defendant was December 11, 2017.

100. Defendant has not provided Plaintiff with a final paycheck compensating her for all hours worked during the last pay-period of her employment.

101. Plaintiff made lawful demand to Defendant for tender of a paycheck for the four shifts she worked and for which she was not paid after her discharge from employment.

102. As of the date of this filing, which is now well beyond seven (7) days past the date of Plaintiff's discharge from employment by Defendant, Defendant has yet to pay to Plaintiff a paycheck for the four shifts she worked but for which she was not paid.

103. Pursuant to Ark. Code Ann. § 11-4-405(a)(2), Plaintiff is entitled to recover wages at the same rate she was paid during employment for each day, commencing with the date of her discharge from employment, until she is paid, since this action is being initiated within sixty (60) days of Plaintiff's last day of employment.

**XI.
EQUITABLE TOLLING**

104. Plaintiff repeats and re-alleges all the preceding paragraphs of this Complaint as if fully set forth in this section.

105. The applicable statute of limitations for Plaintiff's FLSA and AMWA causes of action on behalf of herself and all others similarly situated should be tolled because strict application of the statute of limitations would be inequitable.

106. Defendant, as an employer with a duty to comply with the FLSA and AMWA and the means to do so, was and has at all relevant times been in a far superior position than Plaintiff to understand the FLSA and AMWA and apply it appropriately, and Defendant should not be permitted to benefit from this imbalance of power by the passage of time.

107. Further, FLSA regulations require that all employers display posters advising employees of their minimum wage and overtime pay rights. 29 C.F.R. § 516.4.

108. An employer's failure to post required FLSA notices regarding minimum wage and overtime provisions can toll the statute of limitations. *United States. Sabhnani*, 566 F. Supp. 2d 139 (E.D.N.Y. 2008); *Henchy v. City of Absecon*, 148 F. Supp. 2d 435, 439 (D.N.J. 2001); *Kamens v. Summit Stainless, Inc.*, 586 F. Supp. 324, 328 (E.D. Penn. 1984).

109. Defendant failed to post all appropriate notices regarding the FLSA and AMWA.

**XII.
PRAYER FOR RELIEF**

WHEREFORE, premises considered, Plaintiff Andrea Brown respectfully prays as follows:

- A. That Defendant be summoned to appear and answer this Complaint;
- B. Certification of, and proper notice to, together with an opportunity to participate in the litigation, all qualifying current and former employees;
- C. A declaratory judgment that Defendant's practices alleged herein violate the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.*, and attendant regulations at 29 C.F.R. § 516 *et seq.*;
- D. A declaratory judgment that Defendant's practices alleged herein violate the Arkansas Minimum Wage Act, Ark. Code Ann. § 11-4-201, *et seq.*, and the related regulations;
- E. Judgment for damages for all unpaid overtime compensation owed to Plaintiff and the proposed class members under the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.*, and attendant regulations at 29 C.F.R. § 516 *et seq.*;
- F. Judgment for damages for all unpaid overtime compensation under the Arkansas Minimum Wage Act, Ark. Code Ann. § 11-4-201, *et seq.*, and the related regulations;
- G. Judgment for liquidated damages pursuant to the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.*, and attendant regulations at 29 C.F.R. § 516 *et seq.*, in an amount equal to all unpaid overtime compensation owed to Plaintiff and the proposed class members during the applicable statutory period;

H. Judgment for liquidated damages pursuant to the Arkansas Minimum Wage Act, Ark. Code Ann. § 11-4-201, *et seq.*, and the relating regulations;

I. Judgment for damages for compensation owed to Plaintiff for her last paycheck and wages paid at the same rate as during her employment for each day commencing with the final date of her employment and continuing until she has been paid;

J. For a reasonable attorney's fee, costs, and pre-judgment interest; and

K. Such other and further relief as this Court may deem necessary, just and proper.

Respectfully submitted,

**ANDREA BROWN, Individually
and on Behalf of All Others
Similarly Situated, PLAINTIFF**

SANFORD LAW FIRM, PLLC
ONE FINANCIAL CENTER
650 SOUTH SHACKLEFORD, SUITE 411
LITTLE ROCK, ARKANSAS 72211
TELEPHONE: (501) 221-0088
FACSIMILE: (888) 787-2040

By:



Chris Burks
Ark. Bar No. 2010207
chris@sanfordlawfirm.com

and



Josh Sanford
Ark. Bar No. 2001037
josh@sanfordlawfirm.com

JS 44 (Rev. 06/17)

CIVIL COVER SHEET 5:18-cv-17-KGB

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

ANDREA BROWN, Individually and on Behalf of All Others Similarly Situated

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

(c) Attorneys (Firm Name, Address, and Telephone Number)
Chris Burks and Josh Sanford; SANFORD LAW FIRM, PLLC; One Financial Center, 650 South Shackleford, Suite 411, Little Rock, Arkansas 72211;
Telephone: (501) 221-0088; Email: iosh@sanfordlawfirm.com

DEFENDANTS

STATE OF ARKANSAS - ARKANSAS DEPARTMENT OF HUMAN SERVICES a/k/a DERMOTT JUVENILE TREATMENT CENTER and DERMOTT JUVENILE CORRECTIONAL FACILITY
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"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input checked="" type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Acts <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

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

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

VI. CAUSE OF ACTION

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

Brief description of cause:
Unpaid overtime violations

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

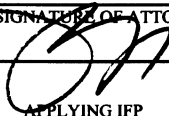
(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE
January 18, 2018

SIGNATURE OF ATTORNEY OF RECORD



FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Suit Claims Arkansas Juvenile Correctional Centers Unlawfully Withheld Overtime Wages](#)
