

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

**KEITH BRUCE, Individually and on
behalf of all others similarly situated**

Plaintiff,

v.

WASTE INDUSTRIES, LLC

Defendant.

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Civil Action No. _____

JURY TRIAL DEMANDED

**COLLECTIVE ACTION
PURSUANT TO 29 U.S.C. §216(b)**

ORIGINAL COLLECTIVE ACTION COMPLAINT

Plaintiff Keith Bruce (“Plaintiff” or “Bruce”) brings this action individually and on behalf of all current and former waste disposal drivers (hereinafter “Plaintiff and the Putative Class Members” or “Plaintiff and the FLSA Collective Members”) who worked for Waste Industries, LLC (hereinafter “Defendant” or “Waste Industries”) anywhere in the United States, at any time from three years preceding the filing of the Original Complaint through the final disposition of this matter, to recover compensation, liquidated damages, attorneys’ fees, and costs, pursuant to the provisions of Section 216(b) of the Fair Labor Standards Act of 1938, as amended 29 U.S.C. § 216(b).

**I.
OVERVIEW**

1. This is a collective action pursuant to the FLSA, 29 U.S.C. §§ 201–19 to recover unpaid wages, overtime wages, and other applicable penalties.

2. Plaintiff and the Putative Class Members are those similarly situated persons who worked for Waste Industries anywhere in the United States, at any time in the last three years through the final disposition of this matter, were not paid for all hours worked, and were not paid the correct amount of overtime compensation in violation of federal law.

3. Plaintiff and the Putative Class Members allege that Waste Industries failed to pay for all hours worked and therefore failed to pay the proper amount of overtime in accordance with the FLSA for the three-year period preceding the filing of the Original Collective Action Complaint through the final disposition of this matter. Waste Industries' specific violations are described as follows.

4. Waste Industries violated (and continues to violate) the FLSA by automatically deducting 30-minute meal periods from Plaintiff and the Putative Class Members' daily hours worked, despite knowing that Plaintiff and the Putative Class Members routinely worked (and continue to work) throughout their designated 30-minute meal periods each day.

5. Waste Industries violated (and continues to violate) the FLSA by permitting and encouraging its waste disposal drivers, including Plaintiff and the Putative Class Members, to perform pre-trip and post-trip work duties "off-the-clock" and without pay.

6. Waste Industries would (and continues to) clock out Plaintiff and the Putative Class Members at certain times during their respective workweeks in order to avoid paying the proper amount of overtime for all overtime hours worked.

7. Accordingly, Waste Industries violated (and continues to violate) the FLSA by failing to pay their waste disposal drivers across the United States, including Plaintiff and the Putative Class Members, time and one-half for each hour worked in excess of 40 hours per workweek as is required by the FLSA.

8. The decision by Waste Industries not to pay Plaintiff and the Putative Class Members for all hours worked was neither reasonable or in good faith.

9. Waste Industries knowingly and deliberately failed to compensate Plaintiff and the Putative Class Members overtime of at least one and one-half their regular rates for all hours worked in excess of forty (40) hours per workweek.

10. Plaintiff and the Putative Class Members did not and currently do not perform work that meets the definition of exempt work under the FLSA.

11. Plaintiff and the Putative Class Members therefore seek to recover all unpaid compensation, overtime and other damages owed under the FLSA as a collective action pursuant to 29 U.S.C. § 216(b).

12. Plaintiff prays that all similarly situated workers (Putative Class Members) be notified of the pendency of this action to apprise them of their rights and provide them an opportunity to opt-in to this lawsuit.

II. THE PARTIES

13. Plaintiff Keith Bruce (“Bruce”) worked at Waste Industries’ Nashville, Tennessee facility during the relevant time period. Plaintiff Bruce’s written consent to be a party plaintiff in this action is attached hereto as Exhibit “A.”

14. The Putative Class Members represent Waste Industries’ non-exempt current and former waste disposal drivers throughout the United States who performed the same or similar work as Plaintiff Bruce and were subjected to the same or similar payment policies as Plaintiff Bruce at any time during the past three years and through the final disposition of this matter.

15. Defendant Waste Industries, LLC (“Waste Industries”) is a North Carolina limited liability company, licensed to and doing business in the State of Tennessee. Waste Industries may be served with process by serving its registered agent, **C T Corporation System, 300 Montvue Road, Knoxville, Tennessee 37919-5546.**

III. JURISDICTION AND VENUE

16. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. § 1331 as this is an action arising under 29 U.S.C. §§ 201–19.

17. Venue is proper in the Middle District of Tennessee because this is a judicial district where a substantial part of the events or omissions giving rise to the claim occurred.

18. Specifically, Waste Industries has maintained a working presence in Nashville, Tennessee and Plaintiff Bruce worked for Waste Industries at its Nashville, Tennessee facility, all of which is within this District and Division.

19. Venue is therefore proper in this Court pursuant to 28 U.S.C. § 1391.

IV. STATEMENT OF FACTS

A. WASTE INDUSTRIES' MULTI-STATE OPERATIONS

20. Waste Industries is a full service, non-hazardous solid waste company providing waste collection, recycling and disposal services to commercial, industrial and residential customers across the Southeastern United States.¹

21. Specifically, Waste Industries currently has over thirty facilities in the following states: Delaware, Georgia, Maryland, North Carolina, South Carolina, Tennessee, and Virginia.²

B. PLAINTIFF AND THE PUTATIVE CLASS MEMBERS ARE (OR WERE) WASTE DISPOSAL DRIVERS

22. Waste Industries has residential, commercial, and industrial lines of business that employ waste disposal drivers throughout Delaware, Georgia, Maryland, North Carolina, South Carolina, Tennessee, and Virginia.

23. Plaintiff and the Putative Class Members are (or were) non-exempt waste disposal drivers employed by Waste Industries for the relevant time-period preceding the filing of this Complaint through the final disposition of this matter.

¹ See <https://wasteindustries.com/findalocation>.

² See <https://wcawaste.com/locations>.

24. Importantly, none of the FLSA exemptions relieving a covered employer (such as Waste Industries) of the statutory duty to pay its employees overtime at one and one-half times the regular rate of pay apply to Plaintiff or the Putative Class Members.

25. Moreover, Plaintiff and the Putative Class Members are similarly situated with respect to their job duties, their pay structure and, as set forth below, the policies of Waste Industries resulting in the complained of FLSA violations throughout Delaware, Georgia, Maryland, North Carolina, South Carolina, Tennessee, and Virginia.

C. WASTE INDUSTRIES' COMPANY-WIDE POLICY OF DEDUCTING MEAL PERIODS

26. Waste Industries has a policy that waste disposal drivers such as Plaintiff and Putative Class Members automatically have thirty (30) minutes per day for a meal period deducted from his or her hours worked.

27. Waste Industries was (and continues to be) aware that Plaintiff and the Putative Class Members regularly worked (and continue to work) through their 30-minute meal periods without pay in violation of the FLSA.

28. When calculating Plaintiff and the Putative Class Members' hours each pay period, Waste Industries deducted (and continues to deduct) 30 minutes from Plaintiff and the Putative Class Members' daily on-the-clock hours in violation of the FLSA.

29. In other words, for each 5-day workweek, Waste Industries deducted (and continues to deduct) a minimum of 2.5 hours from each workweek's total "on-the-clock" hours. For a 6-day workweek, Waste Industries deducted (and continues to deduct) a minimum of 3 hours from each workweek's total "on-the-clock" hours.

30. Waste Industries' systematic deduction of the 30-minute meal period from Plaintiff and the Putative Class Members' "on-the-clock" time resulted (and continues to result) in Plaintiff

and the Putative Class Members working overtime hours for which they were (and are) not compensated at a rate not less than time and one-half as is required by the FLSA.

31. Waste Industries' systematic deduction of the 30-minute meal period from actual hours worked in excess of 40 hours per workweek deprived (and continues to deprive) Plaintiff and the Putative Class Members of the required and proper amount of overtime pay in violation of the FLSA.

D. WASTE INDUSTRIES FAILS TO COMPENSATE PLAINTIFF AND PUTATIVE CLASS MEMBERS FOR OVERTIME HOURS WORKED "OFF-THE-CLOCK."

32. As part of their job responsibilities, Plaintiff and the Putative Class Members have pre and post-trip responsibilities that they are required to perform at the beginning and end of each work shift.

33. Plaintiff and the Putative Class Members' pre and post-trip responsibilities are integral and indispensable to their core job duties and therefore compensable under the FLSA.

34. Plaintiff and the Putative Class Members' pre and post-trip responsibilities are not *de minimis* in nature.

35. Plaintiff and the Putative Class Members performed (and continue to perform) their pre and post-trip responsibilities "off-the-clock."

36. Waste Industries knew and at times encouraged Plaintiff and the Putative Class Members to perform their pre and post-trip responsibilities "off-the-clock" in violation of the FLSA.

37. Waste Industries did not (and does not) compensate Plaintiff and the Putative Class Members for performing their pre and post-trip responsibilities "off-the-clock."

38. Waste Industries would (and continues to) clock out Plaintiff and the Putative Class Members at certain times during their respective workweeks in order to avoid paying the proper amount of overtime for all overtime hours worked.

39. As a result of Waste Industries' failure to compensate Plaintiff and the Putative Class Members for performing work "off-the-clock," Plaintiff and the Putative Class Members worked overtime hours for which they were not compensated.

40. Waste Industries' failure to compensate Plaintiff and the Putative Class Members for their "off-the-clock" overtime hours violated (and continues to violate) the FLSA.

41. Plaintiff and the Putative Class Members were subjected to (and continue to be subjected to) the same or substantially similar policy, practice or scheme that required them to perform their pre and post-trip responsibilities "off-the-clock," and often required them to complete their routes "off-the-clock" as described above.

42. Waste Industries knew or should have known that it was miscalculating Plaintiff and the Putative Class Members' regular rates of pay and that the proper amount of overtime compensation was not being paid to Plaintiff and the Putative Class Members in violation of the FLSA.

43. Waste Industries knew or should have known that its failure to pay the correct amount of overtime to Plaintiff and Putative Class Members would cause, did cause, and continues to cause financial injury to Plaintiff and the Putative Class Members.

44. Waste Industries knew or should have known that causing and/or requiring Plaintiff and the Putative Class Members to perform necessary work "off-the-clock" would cause, did cause, and continues to cause financial injury to Plaintiffs and the Putative Class Members.

45. Waste Industries' actions therefore constitute willful violations under the FLSA and were not made in good faith.

V. CAUSE OF ACTION

A. FLSA COVERAGE

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

47. The FLSA Collective is defined as:

ALL WASTE DISPOSAL DRIVERS EMPLOYED BY WASTE INDUSTRIES USA, INC., WASTE INDUSTRIES, LLC AND/OR WASTE INDUSTRIES OF TENNESSEE, LLC, ANYWHERE IN THE UNITED STATES, AT ANY TIME FROM JULY 25, 2015 THROUGH THE FINAL DISPOSITION OF THIS MATTER (“FLSA Collective” or “FLSA Collective Members”).

48. At all material times, Waste Industries has been a joint employer within the meaning of section 203(d) of the FLSA, which is defined to include any person acting directly or indirectly in the interest of an employer in relation to an employee. 29 U.S.C. § 203(d).

49. At all material times, Waste Industries has been an enterprise in commerce or in the production of goods for commerce within the meaning of section 203(s)(l) of the FLSA because Waste Industries has had and continues to have employees engaged in interstate commerce. 29 U.S.C. § 203(s)(1).

50. Specifically, Waste Industries operates on interstate highways, purchases materials through commerce, transports materials through commerce and on the interstate highways, and conducts transactions through commerce, including the use of credit cards, phones and/or cell phones, electronic mail and the Internet.

51. At all material times, Plaintiff and the FLSA Collective Members are (or were) employees who engaged in commerce or in the production of goods for commerce as required by sections 206 and 207 of the FLSA. 29 U.S.C. §§ 206–07.

52. At all material times, Waste Industries has had (and continues to have) an annual gross business volume in excess of the statutory minimum of \$500,000.00. 29 U.S.C. § 203(s)(1).

B. FAILURE TO PAY WAGES IN ACCORDANCE WITH THE FAIR LABOR STANDARDS ACT

53. Waste Industries violated provisions of Sections 6, 7 and 15 of the FLSA, 29 U.S.C. §§ 206, 207, and 215(2)(a), by employing individuals in an enterprise engaged in commerce or in the

production of goods for commerce within the meaning of the FLSA for workweeks longer than forty (40) hours without compensating such employees for their employment in excess of forty (40) hours per week at rates at least one and one-half times the regular rates for which they were employed.

54. Moreover, Waste Industries knowingly, willfully and in reckless disregard carried out their illegal pattern of (a) deducting 30-minute meal breaks from Plaintiff and the FLSA Collective Members' "on-the-clock" time regardless of whether Plaintiff and the FLSA Collective Members actually worked through that meal period and (b) causing Plaintiff and the FLSA Collective Members to perform work "off-the-clock", thereby failing to pay Plaintiff and other similarly situated employees the required amount of overtime compensation. 29 U.S.C. § 255(a).

55. Waste Industries knew or should have known its pay practices were in violation of the FLSA.

56. Waste Industries is a sophisticated party and employer, and therefore knew (or should have known) its policies were in violation of the FLSA.

57. Plaintiff and the FLSA Collective Members, on the other hand, are (and were) unsophisticated laborers who trusted Waste Industries to pay according to the law.

58. The decision and practice by Waste Industries to cause and/or require Plaintiff and the FLSA Collective Members to (a) deduct thirty (30) minutes from their daily hours even though they worked during this time and (b) perform additional work "off-the-clock" was neither reasonable nor in good faith.

59. Plaintiff and the FLSA Collective Members are entitled to overtime wages for all hours worked pursuant to the FLSA in an amount equal to one-and-a-half times their regular rate of pay, plus liquidated damages, attorneys' fees and costs.

C. COLLECTIVE ACTION ALLEGATIONS

60. Pursuant to 29 U.S.C. § 216(b), this is a collective action filed on behalf of all those who are (or were) similarly situated to Plaintiff Bruce.

61. Other similarly situated employees have been victimized by Waste Industries' patterns, practices, and policies, which are in willful violation of the FLSA.

62. The FLSA Collective Members are defined in Paragraph 47.

63. Waste Industries' systematic failure to pay wages for all hours worked and overtime compensation at the rates required by the FLSA results from generally applicable policies and practices, and does not depend on the personal circumstances of the FLSA Collective Members.

64. Thus, Plaintiff Bruce's experiences are typical of the experiences of the FLSA Collective Members.

65. The specific job titles or precise job requirements of the various FLSA Collective Members does not prevent collective treatment.

66. All of the FLSA Collective Members—regardless of their specific job titles, precise job requirements, rates of pay, or job locations—are entitled to be properly compensated for all hours worked in excess of forty (40) hours per workweek.

67. Although the issues of damages may be individual in character, there is no detraction from the common nucleus of liability facts. Indeed, the FLSA Collective Members are non-exempt, blue-collar waste disposal drivers entitled to be paid for all hours worked and the proper amount of overtime for all hours worked over forty (40) in a workweek.

68. Waste Industries has employed (and continues to employ) thousands of waste disposal drivers throughout the United States during the past three years.

69. Absent a collective action, many members of the proposed FLSA class likely will not obtain redress of their injuries and Waste Industries will retain the proceeds of its rampant violations.

70. Moreover, individual litigation would be unduly burdensome to the judicial system. Concentrating the litigation in one forum will promote judicial economy and parity among the claims of the individual members of the classes and provide for judicial consistency.

71. Accordingly, the FLSA Collective of similarly situated plaintiffs should be certified as defined in Paragraph 47 and notice should be promptly sent.

VI. RELIEF SOUGHT

72. Plaintiff Bruce respectfully prays for judgment against Waste Industries as follows:

a. For an Order recognizing this proceeding as a collective action pursuant to Section 216(b) of the FLSA and requiring Waste Industries to provide the names, addresses, e-mail addresses, telephone numbers, and social security numbers of all putative collective action members;

b. For an Order approving the form and content of a notice to be sent to all potential collective action members advising them of the pendency of this litigation and of their rights with respect thereto;

e. For an Order awarding Plaintiff (and those who have joined in the suit) back wages that have been improperly withheld;

f. For an Order pursuant to Section 16(b) of the FLSA finding Waste Industries liable for unpaid back wages due to Plaintiff (and those who have joined in the suit), and for liquidated damages equal in amount to the unpaid compensation found due to Plaintiff (and those who have joined in the suit);

g. For an Order awarding Plaintiff (and those who have joined in the suit) the costs of this action;

- h. For an Order awarding Plaintiff (and those who have joined in the suit) attorneys' fees;
- i. For an Order awarding Plaintiff (and those who have joined in the suit) pre-judgment and post-judgment interest at the highest rates allowed by law;
- j. For an Order awarding Plaintiff a service award as permitted by law;
- k. For an Order compelling the accounting of the books and records of Waste Industries; and;
- l. For an Order granting such other and further relief as may be necessary and appropriate.

Date: July 25, 2018

Respectfully submitted,

MORGAN & MORGAN, P.A.

/s/ Brian C. Winfrey

Brian C. Winfrey, Esq.

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***Attorneys for Plaintiff and the Putative
Class Members***

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

KEITH BRUCE, Individually and on behalf of all others similarly situated,

DEFENDANTS

WASTE INDUSTRIES, LLC,

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

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

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

Morgan & Morgan, P.A., 810 Broadway, Suite 105, Nashville, TN 37203;
telephone: (615) 928-9890

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)

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"/> 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"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS			
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

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

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
U.S.C. Section 216(b)
Brief description of cause:
Overtime Compensation

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: 07/25/2018 SIGNATURE OF ATTORNEY OF RECORD: Brian C. Winfrey

FOR OFFICE USE ONLY

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

UNITED STATES DISTRICT COURT

for the

Middle District of Tennessee

KEITH BRUCE, Individually and on behalf of all others similarly situated,

Plaintiff

v.

WASTE INDUSTRIES, LLC.,

Defendant

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Civil Action No. 3:18-cv-0688

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Waste Industries, LLC
c/o CT Corporation, Registered Agent
300 Montvue Road
Knoxville, TN 37919-5546

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Brian C. Winfrey, Esquire
Morgan & Morgan, P.A.
810 Broadway, Suite 105
Nashville, TN 37203
Telephone: (615) 928-9890

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

July 25, 2018

Date:

Megan Hegarty

Signature of Clerk or Deputy Clerk



Civil Action No. _____

PROOF OF SERVICE

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

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

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

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

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

I returned the summons unexecuted because _____; or

Other *(specify)*: _____

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

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

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Lawsuit Decries Waste Industries' Allegedly Unlawful Pay Practices](#)
