

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

NANCY CRANFORD and ROSIE HUGHES,
Individually, and on behalf of themselves and other
similarly situated current and former employees,

Plaintiffs,

v.

CASE NO. _____

FLSA Opt-In Collective Action

LITCO PETROLEUM , INC.,
a Mississippi Corporation, and,
TAFT LITTLE and MARK LITTLE,
Individually,

JURY DEMANDED

Defendants.

COLLECTIVE ACTION COMPLAINT

Plaintiffs, Nancy Cranford and Rosie Hughes, individually, and on behalf of themselves and other similarly situated current and former employees, bring this collective action against LITCO Petroleum, Inc., a Mississippi Corporation, and Taft Little and Mark Little, individually, (collective "Defendants") under the Fair Labor Standards Act, and allege as follows:

I. INTRODUCTION

1. This lawsuit is brought against Defendants as a collective action under the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 201, *et seq.*, to recover unpaid minimum wages, overtime compensation and other damages owed to Plaintiffs and other similarly situated current and former employees who are members of a class as defined herein and currently or previously employed by Defendants.

II. JURISDICTION AND VENUE

2. The FLSA authorizes court actions by private parties to recover damages for violations of the FLSA's wage and hour provisions. Jurisdiction over Plaintiffs' FLSA claims are based on 29 U.S.C. § 216(b) and 28 U.S.C. § 1331.
3. Venue in this district is proper pursuant to 28 U.S.C. § 1391(b) and (c) because Plaintiffs were employed by Defendants in this district at all times relevant to this action, Defendants regularly have conducted and continue to conduct business in this district, and have engaged and continue to engage in wrongful conduct alleged herein in this district during all material times in this cause.

III. CLASS DESCRIPTION

4. Plaintiffs bring this action on behalf of the following similarly situated persons:

All current and former hourly-paid tipped employees of Defendants in the United States who worked at Defendants' franchised Huddle House restaurants at any time during the applicable limitations period covered by this Collective Action Complaint (*i.e.* two years for FLSA violations and, three years for willful FLSA violations) up to and including the date of final judgment in this matter, and who are the Named Plaintiffs or elect to opt-in to this action pursuant to the FLSA, 29 U.S.C. § 216(b). (Collectively, "the class").¹

¹ Plaintiffs reserve the right to modify or amend the Class Description upon newly discovered information gathered through the discovery process.

IV. PARTIES

5. Defendant, LITCO Petroleum, Inc. ("LITCO") is a Mississippi corporation with its corporate headquarters located at 323 Highway 72 West, Corinth, Mississippi 38835-1088. LITCO Petroleum, Inc., Inc. has been an "employer" of Plaintiffs and similarly situated workers, as that term is defined in the FLSA, 29 U.S.C. §203(d), during the relevant period to this action. According to the Mississippi Secretary of State, LITCO Petroleum Inc. may be served through its registered agent for service of process, Wendell H. Trapp, 508 Waldron Street, Corinth, Mississippi 38835.
6. Upon information and belief, Defendant Taft Little has been the President of LITCO Petroleum, Inc. during all times material to this action and, may be served process at 1301 Orchard Lane, Corinth, Mississippi 38834 or at 323 Highway 72 West, Corinth, Mississippi 38835.
7. Upon information and belief, Defendant Mark Little has been the Secretary-Treasurer of LITCO Petroleum, Inc. during all times material to this action and, may be served process at 104 Edgewater Drive, Saltillo, Mississippi 38866 or at 323 Highway 72 West, Corinth, Mississippi 38835.
8. Plaintiff Nancy Cranford was employed by LITCO Petroleum, Inc. as an hourly-paid tipped employee at one of its franchised Huddle House restaurants within this district during the relevant period herein. (Plaintiff Cranford's Consent to Join this collective action is attached hereto as Exhibit A.)
9. Plaintiff Rosie Hughes was employed by LITCO Petroleum, Inc. as an hourly-paid tipped employee at one of its franchised Huddle House restaurants within this district during the

relevant period herein. (Plaintiff Hughes's Consent to Join this collective action is attached hereto as Exhibit B.)

10. Defendants constitute an integrated enterprise as that term is defined in the FLSA, 29 U.S.A. § 203(r).

V. ALLEGATIONS

11. Defendant LITCO owned and operated franchised Huddle House restaurants in Mississippi and other states in the United States during the relevant period of this action.
12. The primary function of LITCO's franchised Huddle House restaurants was to sell food and beverage items to customers.
13. Defendant LITCO was the “employer” of the Plaintiffs and those similarly situated within the meaning of 29 U.S.C. § 203(d) during all times relevant to this collective action lawsuit.
14. Defendant LITCO employed Plaintiffs and those similarly situated and, along with Defendants Taft Little and Mark Little, was responsible for establishing and administering its pay and overtime rates, including overtime pay during all times relevant to this collective action lawsuit.
15. The decisions regarding the compensation of Plaintiffs and other members of the class, and other terms of employment were made by Defendants Taft Little and Mark Little through a centralized LITCO management plan.
16. Defendants had a centralized, unified and common plan, policy and practice (scheme) of strictly enforcing restricted hours of compensable work per day and per week (budgeted labor) by providing incentives to their managers to stay within or below such budgeted labor on the one hand and, subjecting those managers who failed to stay within such

budgeted hours to disciplinary action on the other hand, even though such budgeted labor was inadequate to meet the operational demands and needs of their franchised Huddle House restaurants which, in turn, forced managers to encourage, entice, condone, induce, permit and/or require Plaintiffs and those similarly situated to perform work “off the clock” work before and after their scheduled shifts, as well as induced and forced their restaurant managers to require their tipped employees (class members) to perform unrelated "dual occupation" non-tip producing tasks while clocked-in to its timekeeping system as tipped employees at a tip credit wage and, to perform non-tip producing preparation and maintenance tasks more than 20% of their time, to require Plaintiffs and other members of the class to declare unearned tips which Defendants applied as tip credit to avoid paying them supplemental pay to raise their wages to the FLSA minimum wage and overtime compensation requirements.

17. Defendants had a centralized, unified and common plan, policy and practice (scheme) of working Plaintiffs and similarly situated class members "off the clock" in a variety of ways. Accordingly, Plaintiffs' and Class Members' "off the clock" claims are unified by a common theory of Defendants' FLSA statutory violations.
18. At all times material to this action, Plaintiffs and those similarly situated were “employees” of Defendant as defined by Section 203(e)(1) of the FLSA and, worked for Defendants within the territory of the United States within three (3) years preceding the filing of this lawsuit.
19. At all times material to this action, LITCO was an enterprise engaged in commerce or in the production of goods for commerce as defined by Section 203(s)(1) of the FLSA, with annual revenue in excess of \$500,000.00.

20. At all times material to this action, Defendants was subject to the pay requirements of the FLSA because they are an (integrated) enterprise in interstate commerce and their employees are engaged in interstate commerce.
21. Defendant has and continues to employ putative class members who are classified as “tipped employees” but primarily perform non-tipped tasks thereby depriving them of the opportunity to earn tips during much of their shifts.
22. Plaintiffs and all other members of the class are former employees of Defendant who were paid by the hour and a tip credit was taken against their hourly pay rate.
23. Defendant employed a uniform electronic time keeping system for tracking and reporting Plaintiffs' and other class members' compensable time at each of the franchised Huddle House restaurants.
24. At all times material to this action and, pursuant to Defendant's centralized, unified and common plans, policies and practices, Plaintiffs and other members of the class have been induced, forced, expected, encouraged, required and, suffered and permitted, to work in unrelated “dual occupation,” non-tip producing jobs while clocked-in as a tipped employee into Defendant's electronic timekeeping system, for which such unrelated "dual occupation", non-tip producing work Plaintiffs and other members of the class were paid only sub-minimum (tip credit) hourly wages as tipped employees for such work.
25. As a result, Plaintiffs and the other members of the class are entitled to at least the applicable FLSA minimum wage for all unrelated "dual occupation" non-tip producing work, without applying a tip credit.
26. Furthermore, at all times material to this action, Plaintiffs and other members of the class who worked in excess of forty hours per week for Defendants are entitled to receive

overtime compensation at the applicable FLSA overtime rate of pay for such unrelated "dual occupation," non-tip producing work, without applying a tip credit.

27. At all times material to this action and, pursuant to Defendant's centralized, unified and common plans, policies and practices, Plaintiffs and other members of the class were required to perform non-tipped maintenance and preparation work for which they were only paid a tip credit, such as rolling silverware, washing dishes and glassware, taking out trash, refilling sugar caddies, salt and pepper shakers, ice, condiments, cleaning chairs, tables, booths, restaurant artifacts and décor, lights, blinds, windows, as well as closing out customers checks and performing pre-closing cleaning tasks (such as vacuuming and/or sweeping the server's assigned area and checking dishes, napkins, and utensils) as well as other such "side work" in excess of 20% of their work time and, only paid tip credit for such 20 percent plus "side work." *See* 29 U.S.C. §§ 203(m) and 203(t).
28. As a result, Plaintiffs and other members of the class are entitled to at least the applicable FLSA minimum wage for all such "side work" without applying a tip credit.
29. Furthermore, at all times material to this action, Plaintiffs and other members of the class who have worked in excess of forty (40) hours per week are entitled to receive overtime compensation at the applicable FLSA overtime rate of pay for all such excess "side work" without applying a tip credit.
30. The U.S. Department of Labor's Fact Sheet #15 provides that "the maximum tip credit an employer can claim under the FLSA is \$5.12 per hour (the minimum wage of \$7.25 minus the minimum required cash wage of \$2.13)."

31. According to the regulation promulgated by the U.S. Department of Labor, "...tips are the property of the employee whether or not the employer has taken a tip credit under section (3) of the FLSA." *See* 29 C.F.R. § 531.52.
32. At all times material to this action and, pursuant to Defendants' centralized, unified and common plans, policies and practices, Plaintiffs and other members of the class were encouraged, enticed, permitted, condoned, induced, suffered, permitted and/or required to declare tips they did not earn which Defendants applied a tip credit to avoid paying such employees supplemental pay to meet the FLSA minimum wage requirements.
33. As a result, Plaintiffs and other members of the class are entitled to at least the applicable supplemental pay from Defendant to meet the FLSA minimum wage requirement for all such unearned tips they were required to declare and credited as tip credit.
34. Also, as a consequence of Defendant's timekeeping records reflecting Plaintiffs' such unearned tips they were required to declare and, credited as tip credit, when such unearned tips are added to their recorded time, Plaintiff and other members of the class who have worked in excess of forty (40) hours per week are entitled to overtime compensation at the applicable FLSA overtime rate of pay for such unearned tips.
35. At all times material to this action and, pursuant to Defendant's centralized, unified and common plans, policies and practices, Plaintiffs and other members of the class were encouraged, enticed, permitted, condoned, induced, suffered, permitted and/or required to perform prescribed duties "off the clock" before and after their regular scheduled shifts, without being compensated with as much as tip credit for such work.
36. As a result of Plaintiffs and other members of the class performing such work duties "off the clock," Defendants' timekeeping records do not reflect the actual total hours worked

by Plaintiffs and members of the class and, therefore, Plaintiffs and class members are entitled to at least the applicable FLSA minimum wage of pay for all such "off the clock" time.

37. Also, as a consequence of Defendants' timekeeping records not reflecting actual hours worked before and after their scheduled shifts, when such unpaid "off the clock" work time is added to their recorded time, Plaintiff and other members of the class who have worked in excess of forty (40) hours per week are entitled to overtime compensation at the applicable FLSA overtime rate of pay for such "off the clock" work.
38. The net effect of Defendants' aforementioned plan, policy and practice of requiring Plaintiffs and other class members to perform unrelated "dual occupation" non-tip producing work as the tip credit rate when not assigned customers, perform unrelated, non-tip producing preparation and maintenance "side work" of more than 20 percent of their time, declare unearned tips (and applied as tip credit by Defendant) and perform duties "off the clock" before and after their scheduled shifts, without being paid the applicable FLSA minimum wage and overtime rate of pay for all such times, was to stay within their "budgeted labor" costs for each of their franchised Huddle House restaurants and, thereby, save payroll costs and payroll taxes. As a consequence, Defendants have violated the FLSA and, thereby have enjoyed ill-gained profits at the expense of their tipped employees.
39. Although at this stage Plaintiffs are unable to state the exact amount owed to them and other members of the class, they believe such information will become available during the course of discovery. However, when an employer fails to keep complete and accurate time records (as in the action at hand), employees may establish the hours worked solely

by their testimony and the burden of proof of overcoming such testimony shifts to the employer.

VI. COLLECTIVE ACTION ALLEGATIONS

40. Plaintiffs bring this action on behalf of themselves and the class as a collective action pursuant to the FLSA, 29 U.S.C. §§ 206, 207, and 216(b).
41. The claims under the FLSA may be pursued by those who opt-in to this case under 29 U.S.C. § 216(b).
42. The members of the class are so numerous that joinder of all other members of the class is impracticable. While the exact number of the other members of the class is unknown to Plaintiffs at this time and, can only be ascertained through applicable discovery, Plaintiffs believe there are at least hundreds of individuals in the class.
43. The claims of Plaintiffs are typical of the claims of the class. Plaintiffs and other members of the class who worked for Defendants at their franchised Huddle House restaurants were subjected to the same operational, compensation and timekeeping policies and practices, including not being paid for all aforementioned unrelated "dual occupation" non-tip producing work, not being compensated for 20 percent plus unrelated "side work" without applying a tip credit, not being compensated for unearned tips they were required to declare (applied as tip credit by Defendant) and, not being compensated for work performed before and after unscheduled shifts, all hereinafter characterized and referred to as "off the clock" claims.
44. As a result, the aforementioned "off the clock" claims of Plaintiffs and members of the class are unified by a common theory of Defendants' FLSA statutory violations.

45. Common questions of law and fact exist as to the class which predominate over any questions only affecting other members of the class individually and include, but are not limited to, the following:
- Whether Plaintiffs and other members of the class were expected and/or required to perform work without compensation;
 - Whether Defendants suffered and permitted Plaintiffs and other members of the class to perform work without compensation.
 - Whether Defendants failed to pay Plaintiffs and the other members of the class the applicable FLSA minimum wage for all work performed;
 - Whether Defendants failed to pay Plaintiffs and other members of the class all FLSA overtime compensation due them for all hours worked in excess of forty (40) hours per week.
 - The correct statutes of limitations for the claims of Plaintiffs and other members of the class;
 - Whether Plaintiffs and other members of the class are entitled to damages, including but not limited to liquidated damages, and the measure of the damages; and,
 - Whether Defendant is liable for interest, attorneys' interest, fees, and costs.
46. Plaintiffs will fairly and adequately protect the interests of the class as their interests are aligned with those of the other members of the class. Plaintiffs have no interests adverse to the class and, Plaintiffs have retained competent counsel who are experienced in collective action litigation.
47. Collective action mechanism is superior to the other available methods for a fair and efficient adjudication of the controversy. The expenses, costs, and burden of litigation suffered by individual other members of the class in a collective action are relatively small in comparison to the expenses, costs, and burden of litigation of individual actions,

making it virtually impossible for other members of the class to individually seek address for the wrongs done to them.

48. Plaintiffs and other members of the class have suffered and will continue to suffer irreparable damage from the unlawful policies, practices, and procedures implemented by Defendants.

COUNT I
FLSA VIOLATIONS – OVERTIME
(On Behalf of the Class)

49. Plaintiffs, on behalf of themselves and other members of the class, repeat and re-allege Paragraphs 1 through 48 above, as if they were set forth herein.
50. At all times relevant herein, Defendants has been an employer engaged in interstate commerce within the meaning of the FLSA, 29 U.S.C. §§ 206(a) and 207(a).
51. At all times relevant herein, Defendants employed Plaintiffs and each of the other members of the class within the meaning of the FLSA.
52. At all times relevant and based on the aforementioned allegations, Defendants had a centralized, uniform and common plan, policy and practice of willfully failing to pay Plaintiffs and other members of the class for all compensable time, including for all the aforementioned "off the clock" work time, including unrelated "dual occupation" non-tip producing work time when not assigned customers, for all unrelated, non-tip producing preparation and maintenance "side work" in excess of 20 percent of their time at only a tip credit rate of pay, for all unearned tips Plaintiffs and other members of the class were required to declare (and applied as tip credit by Defendant) and for unpaid work performed before and after unscheduled shifts, at the applicable FLSA minimum wage and overtime rates of pay.

53. At all times herein, Defendants' uniform plan, policy and practice of willfully failing to pay Plaintiffs and members of the class at least the required minimum wage rate of \$7.25 an hour and, one and one-half times their regular hourly rate of pay for all hours in excess of forty (40) within weekly pay periods, constitute a variety of unpaid "off the clock" time, resulting in such "off the clock" claims of Plaintiffs and class members being unified by a common theory of Defendants' FLSA violations.
54. At all times relevant, Defendants had actual and/or constructive knowledge of willfully failing to pay Plaintiffs and other members of the class for all the aforementioned "off the clock" compensable time of at least at the applicable FLSA minimum wage and overtime rates of pay.
55. Defendants' aforementioned FLSA violations were willful and, committed without a good faith basis.
56. Defendants' aforementioned conduct constitutes a willful violation of the FLSA within the meaning of 29 U.S.C. § 255(a).
57. Due to Defendants' aforementioned willful FLSA violations and, lack of a good faith basis in committing such violations, Plaintiffs and the other members of the class are entitled to recover from Defendants compensation for unpaid minimum wages and overtime compensation, an additional equal amount as liquidated damages, as well as interest, reasonable attorneys' fees, costs, and disbursements relating to this action for the three-year statutory period under the FLSA, 29 U.S.C. § 216(b).

COUNT II

FLSA VIOLATIONS – MINIMUM WAGE
(On Behalf of the Class)

58. Plaintiffs, on behalf of themselves and other members of the class, repeat and re-allege Paragraphs 1 through 57 above, as if they were fully set forth herein.
59. At all times relevant herein, Defendants has been an employer engaged in interstate commerce within the meaning of the FLSA, 29 U.S.C. § 206(a) and 207(a).
60. Pursuant to Defendants' aforementioned centralized, uniform and common plans, policies and practices, they have failed to pay Plaintiffs and other members of the class the applicable minimum wage rates as required by the FLSA.
61. At all times relevant and based on the aforementioned allegations, Defendants had a centralized, uniform and common plan, policy and practice of willfully failing to pay Plaintiffs and other members of the class for all "off the clock" compensable time, including for all unrelated "dual occupation" non-tip producing work time, for all unrelated "side work" in excess of 20 percent of their time for which only a tp credit was applied, for all unearned tips Plaintiffs and other members of the class were required to declare (and applied as tip credit by Defendant) and for unpaid work performed before and after unscheduled shifts, at the applicable FLSA minimum wage and overtime rates of pay.
62. At all times herein, Defendants' aforementioned centralized, uniform and common plans, policies and practices of willfully failing to pay Plaintiffs and members of the class at least the required minimum wage rate of \$7.25 an hour and, one and one-half times their regular hourly rate of pay for all hours in excess of forty (40) within weekly pay periods, constitute a variety of unpaid "off the clock" time, resulting in such "off the clock"

claims of Plaintiffs and class members being unified by a common theory of Defendants' FLSA violations.

63. At all times relevant, Defendant had actual and/or constructive knowledge of willfully refusing to pay Plaintiffs and other members of the class for all the aforementioned "off the clock" compensable time of at least at the applicable FLSA minimum wage and overtime rates of pay.
64. Defendants' aforementioned FLSA violations were willful and, committed without a good faith basis
65. Defendants' aforementioned conduct constitutes a willful violation of the FLSA within the meaning of 29 U.S.C. § 255(a).
66. Due to Defendants' aforementioned willful FLSA violations and, lack of a good faith basis in committing such violations, Plaintiffs and the other members of the class are entitled to recover from Defendants compensation for unpaid minimum wages and overtime compensation, an additional equal amount as liquidated damages, as well as interest, reasonable attorneys' fees, costs, and disbursements relating to this action for the three-year statutory period under the FLSA, 29 U.S.C. § 216(b).

PRAYER FOR RELIEF

Whereas, Plaintiffs, individually, and/or on behalf of themselves and all other similarly situated members of the class, request this Court to grant the following relief against Defendants:

- A. Designation of this cause as a collective action on behalf of the class and promptly issue notice pursuant to 29 U.S.C. § 216(a), apprising class members of the pendency of this action and permitting other members of the class to assert timely FLSA claims in this action by filing individual Consents under 29 U.S.C. § 216(b);

- B. On Count I, an award of compensation for unpaid straight time wages to Plaintiffs and other members of the class;
- C. On Count II, an award of compensation for unpaid overtime wages to Plaintiffs and the other members of the class at the applicable FLSA overtime rate of pay.
- D. On Counts I and II an award of liquidated damages to Plaintiffs and other members of the class;
- E. On Counts I and II an award of prejudgment and post-judgment interest at the applicable legal rate to Plaintiffs and other members of the class;
- F. On Counts I and II an award of costs, expenses, and disbursements relating to this action together with reasonable attorneys' fees and expert fees to Plaintiffs and other members of the class;
- G. On Counts I and II a ruling that the three-year statutory period for willful violations under the FLSA shall apply in this action, and
- H. Such other general and specific relief as this Court deems just and proper.

JURY TRIAL DEMAND

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff demands a **trial by jury** on all issues so triable.

Dated: September 28, 2017

Respectfully Submitted,

/s/ George B. Ready

George B. Ready (MS Bar #4674)

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**Admission Pro Hac Vice Anticipated*

*Attorneys for the Named Plaintiff, on behalf of
herself and all other similarly situated current
and former employees*

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

NANCY CRANFORD and ROSIE HUGHES,
Individually, and on behalf of themselves and other
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Plaintiffs,

v.

CASE NO. 3:17-CV-194-MPM-RP

FLSA Opt-In Collective Action

LITCO PETROLEUM , INC.,
a Mississippi Corporation, and,
TAFT LITTLE and MARK LITTLE,
Individually,

JURY DEMANDED

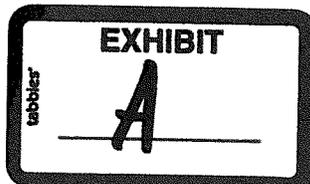
Defendants.

CONSENT TO JOIN

1. I have been employed by LITCO Petroleum, Inc. and classified as a Tipped Employee at one or more of its Huddle House franchised restaurants within the past three (3) years.
2. I hereby consent to join this or any subsequent action against the Defendants as a Party-Plaintiff to assert claims for unpaid minimum wages and overtime compensation in violation of the FLSA 29 U.S.C. § 201, *et seq.*, as specified in the Complaint.
3. I understand this lawsuit is brought under the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. § 216(b), *et seq.* I hereby consent, agree, and opt-in to become a Party-Plaintiff in this action.
4. I agree to be represented by Jackson, Shields, Yeiser & Holt and Attorneys Gordon E. Jackson, James L. Holt, Jr., J. Russ Bryant, and Paula R. Jackson, counsel for the Named Plaintiff, as well as any other attorneys with whom they may associate.
5. If this case does not proceed collectively, I also consent to join any subsequent action to assert claims against the Defendants and any other related entities for unpaid overtime and minimum wages.

Nancy Ann Cranford 9-27-17
Signature Date

Nancy Ann Cranford
Full Legal Name



JS 44 (Rev. 06/17)

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
 NANCY CRANFORD, et al.,

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

(c) Attorneys (Firm Name, Address, and Telephone Number)
 Law Office of George B. Ready, 175 East Commerce St.
 P.O. Box 127, Hernando, MS 38632
 662-429-7088

DEFENDANTS
 LITCO PETROLEUM, INC., et al.,

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	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157
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	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	<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
			FEDERAL TAX SUITS <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))	
			IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	

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

1 Original Proceeding

2 Removed from State Court

3 Remanded from Appellate Court

4 Reinstated or Reopened

5 Transferred from Another District (specify) _____

6 Multidistrict Litigation - Transfer

8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

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

Brief description of cause:
Collective action under the FLSA for unpaid wages.

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$ _____

CHECK YES only if demanded in complaint:
 JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____ DOCKET NUMBER _____

DATE 09/28/2017 SIGNATURE OF ATTORNEY OF RECORD /s/George Ready

FOR OFFICE USE ONLY

RECEIPT # 1479043 AMOUNT \$400 APPLYING IFP _____ JUDGE MPM MAG. JUDGE RP

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

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

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; NOTE: **federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Huddle House Franchisee Litco Petroleum Pegged with FLSA Lawsuit in Mississippi](#)
