

IN UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

ANGELA DAVIS and others
similarly situated

PLAINTIFF

V.

CIVIL ACTION NO. 3:18-cv-762-HTW-LRA

CROTHALL HEALTHCARE INC.;
RODNEY GAUSE

DEFENDANTS

NOTICE OF REMOVAL

TO: Arthur S. Johnston, III, Clerk of the Court
United States District Court
Southern District of Mississippi
501 E. Court Street, Ste. 2.500
Jackson, MS 39201

Mr. Zack Wallace, Circuit Clerk
Circuit Court of Hinds County Mississippi
First Judicial District
P.O. Box 327
Jackson, MS 39205

Joel F. Dillard
Joel F. Dillard, PA
775 N. Congress Street
Jackson, MS 39202
joel@joeldillard.com

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, Defendants, Crothall Healthcare, Inc. (“Crothall”) and Rodney Gause (“Gause”) (collectively Crothall and Gause are “Defendants”) hereby remove this action titled *Angela Davis and others similarly situated v. Crothall Healthcare, Inc.; Rodney Gause*; Case No. 18-551 from the Circuit

Court of Hinds County, Mississippi, First Judicial District to the United States District Court for the Southern District of Mississippi, Northern Division. In support of removal, Defendants state:

BACKGROUND

1. On September 25, 2018, Plaintiff, Angela Davis (“Plaintiff”) filed a purported collective action on behalf of herself and others similarly situated against Defendants. Plaintiff filed her Complaint styled *Angela Davis and Others Similarly Situated v. Crothall Healthcare, Inc.; Rodney Gause*, Cause No. 18-551, in the Circuit Court of Hinds County, Mississippi, First Judicial District (the “Circuit Court Proceeding”).

2. A copy of Plaintiff’s Complaint is attached hereto as *Exhibit “A”* pursuant to 28 U.S.C. § 1446. The entire state court record is attached hereto as *Exhibit “B”* in accordance with 28 U.S.C. § 1446 and L.U.Civ.R. 5(b).

3. On October 3, 2018, Crothall was personally served with a copy of the Complaint and a summons, a copy of which is attached hereto as *Exhibit “C.”*

4. On October 30, 2018, the undersigned executed Waiver of Service of Summons on behalf of Gause, a copy of which is attached hereto as *Exhibit “D.”*

5. In Plaintiff’s Complaint, she brings a purported collective action under the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201 *et seq.* *Exhibit A.* Specifically, Plaintiff asserts claims for unpaid overtime wages and retaliation under the FLSA. *Id.*

6. Defendants remove this action on the basis of federal question jurisdiction under 28 U.S.C. §§ 1331 and 1441(a).

REMOVAL PURSUANT TO 28 U.S.C. §§ 1331, 1441, AND 1446

Procedural Prerequisites

7. As further demonstrated below, this Court has jurisdiction over this matter based on the assertion of a federal question. *See* 28 U.S.C. §§ 1331 and 1441(a).

8. The Notice of Removal was filed within the thirty (30) day time period for removal under 28 U.S.C. § 1446(b).

9. The United States District Court for the Southern District of Mississippi, Northern Division is the federal judicial district and division encompassing the Circuit Court of Hinds County, Mississippi, First Judicial District, where this suit was originally filed.

10. Written notice of this Notice of Removal is being given to the Plaintiff, through her counsel, and a copy of this Notice of Removal is being filed with the Clerk of Court of the Circuit Court of Hinds County, Mississippi, First Judicial District, as provided by 28 U.S.C. § 1446(d).

Federal Question Jurisdiction

11. This case is properly removed to this Court pursuant to 28 U.S.C. §§ 1331 and 1441 because the claims asserted by the Plaintiff in her Complaint raise substantial federal issues.

12. Pursuant to 28 U.S.C. § 1331, “[t]he district court shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.”

13. Plaintiff asserts claims for overtime wage violations and retaliation under the FLSA, 29 U.S.C. § 201 *et seq.* Thus, Plaintiff’s claims are based solely on the construction of federal law, and this Court has jurisdiction over this federal question.

CONCLUSION

WHEREFORE, Defendants file this Notice of Removal and removes this civil action to the United States District Court.

YOU ARE NOTIFIED to proceed no further in the Circuit Court Proceeding unless this action be remanded by the District Court.

DATED: November 1, 2018.

CROTHALL HEALTHCARE, INC. AND
RODNEY GAUSE,

By Their Attorneys
Jones Walker LLP

/s/ Lindsay Thomas Dowdle

Lindsay Thomas Dowdle (MSB # 102873)

OF COUNSEL:

Joseph L. Adams (MSB #10591)
Lindsay Thomas Dowdle (MSB #102873)
Jones Walker LLP
190 E. Capitol Street, Suite 800 (39201)
Post Office Box 427
Jackson, Mississippi 39205-0427
(601) 949-4900
(601) 949-4804 (fax)
jojoadams@joneswalker.com
ldowdle@joneswalker.com

CERTIFICATE OF SERVICE

I, Lindsay Thomas Dowdle, do hereby certify that I have this day caused to be mailed by United States mail, postage-prepaid, a true and correct copy of the foregoing Notice of Removal to:

Mr. Zack Wallace, Circuit Clerk
Circuit Court of Hinds County Mississippi
First Judicial District
P.O. Box 327
Jackson, MS 39205

Joel F. Dillard
Joel F. Dillard, PA
775 N. Congress Street
Jackson, MS 39202
joel@joeldillard.com

SO CERTIFIED this the 1st day of November, 2018.

/s/ Lindsay Thomas Dowdle

Lindsay Thomas Dowdle

Case: 25CI1:18-cv-00551-JAW Document #: 2 Filed: 09/25/2018 Page 1 of 9

**IN THE CIRCUIT COURT OF HINDS COUNTY, MISSISSIPPI
FIRST JUDICIAL DISTRICT**

**Angela Davis and others similarly
situated**

PLAINTIFF;

v.

Case No. 18-551

Crothall Healthcare Inc.;
Rodney Gause

DEFENDANTS.

(JURY TRIAL DEMANDED)

COMPLAINT

This is an overtime collective action under the Fair Labor Standards Act (FLSA), 29 U.S.C. § 201 *et seq.* Plaintiff Angela Davis and others like her were misclassified as exempt "supervisors" while being assigned primarily janitorial work. In fact, they were specifically instructed by Defendant Rodney Gause to perform any supervisory duties they may have *outside* of their regular shift hours, and to focus on janitorial work during their shift. When any employee complained of this, Defendants either terminated the employee or constructively discharged her. In support thereof, COMES NOW THE PLAINTIFF, by and through her attorney, and alleges as follows:

JURISDICTION, JURY TRIAL, STATUTE OF LIMITATIONS

1. This is a "state court of competent jurisdiction" under 29 U.S.C. § 216(b) and the amount in controversy exceeds \$200 pursuant to Miss. Code Ann. § 9-7-81.
2. Plaintiff hereby demands trial by jury on all issues so triable.
3. This case concerns events within the time periods specified in 29 U.S.C. § 255.

PARTIES



4. Plaintiff Angela Davis is an adult resident of Mississippi, and a former employee of Defendants. She worked as a janitorial/housekeeping "supervisor" in a hospital setting, under the supervision of Defendant Rodney Gause.
5. Plaintiff is representative of the collective group of janitorial/housekeeping "supervisors" working for Defendant Gause, who, on information and belief, had substantially identical job duties and pay policies as described herein.
6. Plaintiff was an employee as defined in Section 3(e) of the FLSA.
7. Plaintiff was not exempted from minimum wage or overtime by any law or regulation.
8. Defendant Crothall Healthcare Inc. ("Crothall"), is a foreign corporation registered to do business in the state of Mississippi. Among other things, it is a contractor providing housekeeping services in hospitals. The registered agent for service of process is CORPORATION SERVICE COMPANY, 7716 Old Canton Rd, Suite C, Madison, MS 39110.
9. Defendant Crothall is the former employer of the Plaintiffs at issue in this lawsuit.
10. Defendant Crothall is subject to "enterprise" coverage under the FLSA.
11. Defendant Crothall has over \$500,000 per year in gross receipts.
12. Defendant Rodney Gause is an adult resident of Mississippi employed by Defendant Crothall to manage the housekeeping staff, among other duties.
13. Defendant Gause is a "person" as defined in Section 3(a) of the FLSA.

14. Defendant Gause was acting in the interest of Crothall in relation to Plaintiffs in this case.
15. Defendant Gause was an employer under Section 3(d) in commerce under Section 3(s), and subject to the provisions of the FLSA.
16. Defendant Gause was a manager with authority to hire and fire, supervise and control, set payment and pay, as well as keep records, concerning the Plaintiffs.
17. Defendant Gause is individually liable, jointly and severally with the other named defendants, for the acts complained of herein.

FACTS

MISCLASSIFICATION

18. Plaintiff and the class of similarly situated employees ("Plaintiffs") worked as "Housekeeping Supervisors" for Defendant Crothall in some or all of 2016 and 2017.
19. Plaintiffs were ostensibly "supervisors" or "managers" of housekeeping, but in practice the bulk of their work was non-exempt manual labor.
20. When Defendant Rodney Gause was assigned to oversee the Plaintiffs, he insisted that, because there were not enough housekeepers, the supervisors must work more than a full shift's workload as housekeepers themselves every assigned shift.
21. Plaintiffs received disciplinary "write ups" for not meeting the numbers that were set.

22. Large areas of the hospital would frequently have to be cleaned by Plaintiffs personally.
23. Every night for many weeks, Plaintiff Davis personally cleaned the Day Surgery Area as well as the Children's Cancer Clinic and the CVR and the Recovery area.
24. Each morning Plaintiff Davis pulled tubs of trash out of CVR because the 2nd shift was always unable to get to it.
25. Plaintiff Davis also had to pull trash in areas such as the blood bank and the Cardiovascular Clinic to ensure their cleanliness.
26. Mr. Gause could be quoted stating frequently to the supervisors, "If someone here doesn't do their job, then you do it. This is why we pay you, to make sure that it is done and if you can't do it then that's another conversation we can have in my office, I can find someone else to get it done!"
27. This frequently meant working more than a full shift each day - with the vast majority of that time spent doing manual housekeeping work.
28. As a result of these practices, Plaintiff and the other members of the class worked primarily as housekeepers, and only a small part of their work was supervisory.
29. In addition, the ostensibly "supervisory" duties themselves did not involve the exercise of significant independent discretion. Defendant Gause took it upon himself to set most schedules, and the authorization of most paperwork did not involve the Plaintiff in the use of any judgment, because the results were predetermined by Crothall policy or pre-existing directive of Defendant Gause.
30. Defendants classified the Plaintiffs as "exempt" from overtime and paid a salary.

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31. Plaintiffs were not, in fact, exempt from the overtime provisions of the FLSA, and were misclassified.

FAILURE TO PAY OVERTIME

32. Defendants did not track the time actually worked by the Plaintiffs, aside from merely recording the shift to which they were assigned.

33. Plaintiffs worked long hours both on and outside their assigned shifts - significantly more than 40 hours in most workweeks.

34. A "lunch" hour was assigned, but rarely given, as it could be interrupted at any time in order to keep business going.

35. Plaintiffs regularly worked at least four hours after their shifts.

36. Plaintiffs frequently worked 6 days a week.

37. Defendants paid Plaintiffs a fixed salary, irrespective of the hours actually worked by the Plaintiffs in any given workweek.

38. Defendants did not pay Plaintiffs at the overtime rate for hours worked in excess of 40 in a given workweek.

RETALIATION

39. Plaintiff and many of her coworkers complained about the FLSA violations.

40. In response, Defendant Gause began a campaign of harassment intended to pressure them into quitting their job.

41. For example, in daily staff meetings, Mr. Gause said things such as "I will get new managers to replace those that can't do what needs to be done" - i.e., perform the manual housekeeping labor he was assigning them.

42. Rodney Gause bragged on how many managers he has fired, and stated repeatedly that Mississippi was an "at will" state - which he interpreted to mean that he could fire managers for making protected complaints under the FLSA.
43. Some Plaintiffs were fired or constructively discharged for making protected FLSA complaints.
44. For example, class member Elarence Vinson called the H.R. complaint phone line about Defendant Gause.
45. Mr. Vinson complained that Defendant Gause was not supposed to be assigning them so much housekeeping work.
46. Mr. Vinson also complained that Defendant Gause harassed and threatened them with termination when they complained about this issue.
47. Mr. Vinson was terminated by Defendant Gause for this reason.
48. Through terminations like this one, and other harassing actions, Defendant Gause made it clear that employees that complained about his violations of the law were not going to be working for Crothall for long.
49. Plaintiff Davis was personally harassed by Defendant Gause to the point that she could not reasonably continue to work for Crothall.
50. Plaintiff Davis was constructively discharged because she complained of Defendant Gause's unlawful activity under the FLSA.
51. As a result of this she has suffered severe emotional distress.

CAUSES OF ACTION

COUNT 1: Unpaid overtime

52. Plaintiffs incorporates all allegations set forth in all other sections of this complaint.
53. Plaintiffs are employees and former employees protected by the overtime provisions of the FLSA.
54. Under 29 U.S.C. § 207, overtime of one and one-half times the regular rate must be paid for hours worked in excess of 40 in a given work week.
55. Defendants failed to pay overtime as required by the FLSA.
56. Defendants required Plaintiffs to work overtime without any compensation.
57. Defendants' violations were willful.
58. Plaintiffs seek the full remedies provided by 29 U.S.C. § 216, including damages in the amount of their unpaid wages, liquidated damages, interest as applicable, and such other legal and equitable relief as may be proper.
59. Plaintiffs seek recovery of attorney's fees and costs under 29 U.S.C. § 216 and other applicable provisions of law and equity.

COUNT 2: FLSA Retaliation

60. Plaintiffs incorporates all allegations set forth in all other sections of this complaint.
61. As described above, Plaintiffs complained of actions which they believed in good faith were violation of the FLSA – and which were in fact violations of the FLSA.
62. These complaints are protected activity under Section 15(a)(3) of the FLSA.
63. Defendants retaliated by firing some Plaintiffs, constructively discharging others, and harassing all those that complained of FLSA violations.

64. Defendants' violation was willful.

65. Plaintiffs seek the full remedies provided by 29 U.S.C. § 216, including damages in the amount of their unpaid wages, compensatory damages, punitive damages (and/or liquidated damages), interest as applicable, and such other legal and equitable relief as may be proper.

66. Plaintiffs seek recovery of attorney's fees and costs under 29 U.S.C. § 216 and other applicable provisions of law and equity.

PRAYER FOR RELIEF

67. WHEREFORE, Plaintiffs request that this Court award Plaintiffs all available equitable and legal relief, including the following:

- a. Declare that the conduct complained of is unlawful and enter an injunction;
- b. Require Defendants to post a notice in the workplace that the policies and procedures at issue were found unlawful by this Court;
- c. Require Defendants, jointly and severally, to pay Plaintiffs wages owed under Sections 7 of the FLSA, and an equal amount in liquidated damages;
- d. Require Defendants, jointly and severally, to pay Plaintiffs back pay and front pay/reinstatement, as well as liquidated, compensatory, and punitive damages;
- e. Award Plaintiffs reasonable attorney's fees and costs of this action;
- f. Award Plaintiffs interest on damages at the legal rate as appropriate, including pre- and post-judgment interest; and

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g. Grant any further relief that the Court deems just and proper.

The foregoing Complaint is respectfully submitted on behalf of Plaintiffs by and through

counsel:


Joel F. Dillard, Esq. (MS Bar 104202)

Date: 9-14-2018

Joel F. Dillard, PA
775 N. Congress St.
Jackson MS 39202
Ph: 601-487-7369
Email: joel@joeldillard.com

IN THE Hinds COURT OF THE First JUDICIAL DISTRICT
OF HINDS, COUNTY, MISSISSIPPI

Angela Davis et al

PLAINTIFF

vs.

Crothall Healthcare Inc
Rodney Gause

NO. 18-551

DEFENDANT

I, ZACK WALLACE, CIRCUIT CLERK, OF THE CIRCUIT COURT
IN AND FOR THE SAID STATE AND COUNTY DO HEREBY CERTIFY THAT
THE ATTACHED ARE TRUE AND CORRECT COPIES OF ALL THE PAPERS
FILED IN THIS OFFICE IN THE ABOVE STYLED AND NUMBERED CAUSE,
AS OF THIS DATE THE SAME IS OF RECORD IN THIS OFFICE IN DOCKET
BOOK NO. 18 PAGE NO. 551 TO WIT:

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE 17th
DAY OF October, 2018.



ZACK WALLACE, CIRCUIT CLERK
HINDS COUNTY, MISSISSIPPI

BY [Signature] D.C.



**IN THE CIRCUIT COURT OF HINDS COUNTY, MISSISSIPPI
FIRST JUDICIAL DISTRICT**

Zack Wallace

Circuit Clerk

407 E. Pascagoula Street,
Jackson, MS 39201
601-968-6628

Receipt No. 57370

Date: 9/25/2018

Received From: JOEL F DILLARD PA
Transaction Type: Civil Case Filing Fee
Payment: Check - 1157
Clerk: Dawn Lyons
Comments:

Case No.	Case title	Amount Paid	
25CI1:18-cv-00551-JAW	ANGELA DAVIS AND OTHERS SIMILARLY SITUATED v. CROTHALL HEALTHCARE INC et al	Total Fee:	\$161.00
		Clerk:	\$85.00
		Judicial:	\$40.00
		Elec. Court:	\$10.00
		Legal Asst:	\$5.00
		Educ and Train:	\$2.00
		Court Constit:	\$0.50
		Court Reporter:	\$10.00
		Court Adm:	\$2.00
		Law Library:	\$2.50
		Archive:	\$1.00
		Jury Tax:	\$3.00

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JURISDICTION, JURY TRIAL, STATUTE OF LIMITATIONS

1. This is a “state court of competent jurisdiction” under 29 U.S.C. § 216(b) and the amount in controversy exceeds \$200 pursuant to Miss. Code Ann. § 9-7-81.
2. Plaintiff hereby demands trial by jury on all issues so triable.
3. This case concerns events within the time periods specified in 29 U.S.C. § 255.

PARTIES

4. Plaintiff Angela Davis is an adult resident of Mississippi, and a former employee of Defendants. She worked as a janitorial/housekeeping “supervisor” in a hospital setting, under the supervision of Defendant Rodney Gause.
5. Plaintiff is representative of the collective group of janitorial/housekeeping “supervisors” working for Defendant Gause, who, on information and belief, had substantially identical job duties and pay policies as described herein.
6. Plaintiff was an employee as defined in Section 3(e) of the FLSA.
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13. Defendant Gause is a “person” as defined in Section 3(a) of the FLSA.

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28. As a result of these practices, Plaintiff and the other members of the class worked primarily as housekeepers, and only a small part of their work was supervisory.
29. In addition, the ostensibly "supervisory" duties themselves did not involve the exercise of significant independent discretion. Defendant Gause took it upon himself to set most schedules, and the authorization of most paperwork did not involve the Plaintiff in the use of any judgment, because the results were predetermined by Crothall policy or pre-existing directive of Defendant Gause.
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COUNT 1: Unpaid overtime

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53. Plaintiffs are employees and former employees protected by the overtime provisions of the FLSA.
54. Under 29 U.S.C. § 207, overtime of one and one-half times the regular rate must be paid for hours worked in excess of 40 in a given work week.
55. Defendants failed to pay overtime as required by the FLSA.
56. Defendants required Plaintiffs to work overtime without any compensation.
57. Defendants' violations were willful.
58. Plaintiffs seek the full remedies provided by 29 U.S.C. § 216, including damages in the amount of their unpaid wages, liquidated damages, interest as applicable, and such other legal and equitable relief as may be proper.
59. Plaintiffs seek recovery of attorney's fees and costs under 29 U.S.C. § 216 and other applicable provisions of law and equity.

COUNT 2: FLSA Retaliation

60. Plaintiffs incorporates all allegations set forth in all other sections of this complaint.
61. As described above, Plaintiffs complained of actions which they believed in good faith were violation of the FLSA – and which were in fact violations of the FLSA.
62. These complaints are protected activity under Section 15(a)(3) of the FLSA.
63. Defendants retaliated by firing some Plaintiffs, constructively discharging others, and harassing all those that complained of FLSA violations.

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PRAYER FOR RELIEF


67. WHEREFORE, Plaintiffs request that this Court award Plaintiffs all available equitable and legal relief, including the following:

- a. Declare that the conduct complained of is unlawful and enter an injunction;
- b. Require Defendants to post a notice in the workplace that the policies and procedures at issue were found unlawful by this Court;
- c. Require Defendants, jointly and severally, to pay Plaintiffs wages owed under Sections 7 of the FLSA, and an equal amount in liquidated damages;
- d. Require Defendants, jointly and severally, to pay Plaintiffs back pay and front pay/reinstatement, as well as liquidated, compensatory, and punitive damages;
- e. Award Plaintiffs reasonable attorney's fees and costs of this action;
- f. Award Plaintiffs interest on damages at the legal rate as appropriate, including pre- and post-judgment interest; and

g. Grant any further relief that the Court deems just and proper.

The foregoing Complaint is respectfully submitted on behalf of Plaintiffs by and through

counsel:


Joel F. Dillard, Esq. (MS Bar 104202)

Date: 9-14-2018

Joel F. Dillard, PA
775 N. Congress St.
Jackson MS 39202
Ph: 601-487-7369
Email: joel@joeldillard.com

COVER SHEET

Civil Case Filing Form

(To be completed by Attorney/Party Prior to Filing of Pleading)

Court Identification Docket #

Case Year

Docket Number

Case: 25CI1:18-cv-00551

Document # 2-1

Filed: 09/25/2018

Page 1 of 1

County # Judicial Court ID District (CH, CI, CO)

Month Date Year

Local Docket ID

Mississippi Supreme Court Form AOC/01 Administrative Office of Courts (Rev 2016)

This area to be completed by clerk

Case Number if filed prior to 1/1/94

In the CIRCUIT

Court of HINDS

County - FIRST

Judicial District

Origin of Suit (Place an "X" in one box only)

- Initial Filing, Remanded, Reinstated, Reopened, Foreign Judgment Enrolled, Joining Suit/Action, Transfer from Other court, Appeal, Other

Plaintiff - Party(ies) Initially Bringing Suit Should Be Entered First - Enter Additional Plaintiffs on Separate Form

Individual Davis Angela A Jr/Sr/III/IV

- Check (x) if Individual Plaintiff is acting in capacity as Executor(trix) or Administrator(trix) of an Estate... Check (x) if Individual Plaintiff is acting in capacity as Business Owner/Operator (d/b/a) or State Agency...

Business Enter legal name of business, corporation, partnership, agency - If Corporation, indicate the state where incorporated

Address of Plaintiff

Attorney (Name & Address) Joel Dillard, 775 N. Congress St., Jackson MS 39202 MS Bar No. 104202

Signature of Individual Filing: [Handwritten Signature]

Defendant - Name of Defendant - Enter Additional Defendants on Separate Form

Individual Gause Rodney M.I. Jr/Sr/III/IV

- Check (x) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate... Check (x) if Individual Defendant is acting in capacity as Business Owner/Operator (d/b/a) or State Agency...

Business Crothall Healthcare Inc. Enter legal name of business, corporation, partnership, agency - If Corporation, indicate the state where incorporated

Attorney (Name & Address) - If Known MS Bar No.

Check (x) if child support is contemplated as an issue in this suit.* *if checked, please submit completed Child Support Information Sheet with this Cover Sheet

Nature of Suit (Place an "X" in one box only)

Grid of checkboxes for categories: Domestic Relations, Business/Commercial, Children/Minors - Non-Domestic, Civil Rights, Contract, Statutes/Rules, Real Property, Torts.

**IN THE CIRCUIT COURT OF HINDS COUNTY, MISSISSIPPI
FIRST JUDICIAL DISTRICT**

**Angela Davis and others
similarly situated**

PLAINTIFF;

v.

Case No. 18-551

**Crothall Healthcare Inc.;
Rodney Gause**

DEFENDANTS.

SUMMONS

THE STATE OF MISSISSIPPI

TO: Crothall Healthcare Inc.
c/o CORPORATION SERVICE COMPANY,
7716 Old Canton Rd, Suite C,
Madison, MS 39110.

NOTICE TO DEFENDANT

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.

You are required to mail or hand deliver a copy of a written response to the Complaint to Joel F. Dillard, Esq., the attorney for the Plaintiff, whose address is 775 N. Congress St., Jackson, MS 39202. Your response must be mailed or delivered within (30) days from the date of delivery of this summons and complaint or a judgment by default will be entered against you for the money or other things demanded in the complaint.

You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

Issued under my hand and the seal of said Court, this date 9/25/18.

ZACK WALLACE, CIRCUIT CLERK

Clerk

Zack Wallace



PROOF OF SERVICE--SUMMONS

Name of Person or Entity Served: _____

I, the undersigned process server, served the summons and complaint upon the person or entity named above in the manner set forth below:

PERSONAL SERVICE. I personally delivered copies to _____ on (date) _____, where I found said person(s) in _____ County of the State of _____.

At the time of service I was at least 18 years of age and not a party to this action.

Fee for service: \$ _____

Process server must list below: [Please print or type]

Name _____

Social Security No. _____

Address _____

Telephone No. _____

Notary

State of _____

County of _____

Personally appeared before me the undersigned authority in and for the state and county aforesaid, the within named who being first by me duly sworn states on oath that the matters and facts set forth in the foregoing "Proof of Service-Summons" are true and correct as therein stated.

Process Server (Signature)

Sworn to and subscribed before me this date: _____

Notary Public

(Seal) My Commission Expires:

**IN THE CIRCUIT COURT OF HINDS COUNTY, MISSISSIPPI
FIRST JUDICIAL DISTRICT**

**Angela Davis and others
similarly situated**

PLAINTIFF;

v.

Case No. 18-551

**Crothall Healthcare Inc.;
Rodney Gause**

DEFENDANTS.

SUMMONS

THE STATE OF MISSISSIPPI

TO: Crothall Healthcare Inc.
c/o CORPORATION SERVICE COMPANY,
7716 Old Canton Rd, Suite C,
Madison, MS 39110.

NOTICE TO DEFENDANT

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You are required to mail or hand deliver a copy of a written response to the Complaint to Joel F. Dillard, Esq., the attorney for the Plaintiff, whose address is 775 N. Congress St., Jackson, MS 39202. Your response must be mailed or delivered within (30) days from the date of delivery of this summons and complaint or a judgment by default will be entered against you for the money or other things demanded in the complaint.

You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

Issued under my hand and the seal of said Court, this date 9/25/18.

ZACK WALLACE, CIRCUIT CLERK

Clerk

Zack Wallace



CLERK OF COURT
HINDS COUNTY, MISS.

PROOF OF SERVICE--SUMMONS

Name of Person or Entity Served: Corporation Service Company

I, the undersigned process server, served the summons and complaint upon the person or entity named above in the manner set forth below:

PERSONAL SERVICE. I personally delivered copies to Christina Sheppard on (date) 10/3/18, where I found said person(s) in Madison County of the State of Mississippi.

At the time of service I was at least 18 years of age and not a party to this action.

Fee for service: \$ _____

Process server must list below: [Please print or type]

Name Lekeya Johnson
Social Security No. _____
Address 5828 E. Spidgwick Court
Telephone No. (601) 938-0378

Notary

State of MISSISSIPPI
County of HINDS

Personally appeared before me the undersigned authority in and for the state and county aforesaid, the within named who being first by me duly sworn states on oath that the matters and facts set forth in the foregoing "Proof of Service-Summons" are true and correct as therein stated.

Lekeya Johnson
Process Server (Signature)

Sworn to and subscribed before me this date: 3/28/19

Hustie Betts 3/28/19

Notary Public

(Seal) My Commission Expires



Case: 25CI1:18-cv-00551-JAW Document #: 4 Filed: 10/03/2018 Page 1 of 2

Case: 25CI1:18-cv-00551-JAW Document #: 3 Filed: 09/25/2018 Page 1 of 2

**IN THE CIRCUIT COURT OF HINDS COUNTY, MISSISSIPPI
FIRST JUDICIAL DISTRICT**

**Angela Davis and others
similarly situated**

PLAINTIFF;

v.

Case No. 18-551

**Crothall Healthcare Inc.;
Rodney Gause**

DEFENDANTS.

SUMMONS

THE STATE OF MISSISSIPPI

TO: Crothall Healthcare Inc.
c/o CORPORATION SERVICE COMPANY,
7716 Old Canton Rd, Suite C,
Madison, MS 39110.

NOTICE TO DEFENDANT

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.

You are required to mail or hand deliver a copy of a written response to the Complaint to Joel F. Dillard, Esq., the attorney for the Plaintiff, whose address is 775 N. Congress St., Jackson, MS 39202. Your response must be mailed or delivered within (30) days from the date of delivery of this summons and complaint or a judgment by default will be entered against you for the money or other things demanded in the complaint.

You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

Issued under my hand and the seal of said Court, this date 9/25/18.

ZACK WALLACE, CIRCUIT CLERK

Clerk

[Handwritten signature]



Case: 25Cl1:18-cv-00551-JAW Document #: 4 Filed: 10/03/2018 Page 2 of 2

Case: 25Cl1:18-cv-00551-JAW Document #: 3 Filed: 09/25/2018 Page 2 of 2

PROOF OF SERVICE--SUMMONS

Name of Person or Entity Served: Corporation Service Company

I, the undersigned process server, served the summons and complaint upon the person or entity named above in the manner set forth below:

PERSONAL SERVICE. I personally delivered copies to Christina Sheppard on (date) 10/3/18, where I found said person(s) in Madison County of the State of Mississippi.

At the time of service I was at least 18 years of age and not a party to this action.

Fee for service: \$ _____

Process server must list below: [Please print or type]

Name LeKeya Johnson

Social Security No. _____

Address 5828 E. Sedgwick Court

Telephone No. (601) 938-0378

Notary

State of Mississippi

County of Hinds

Personally appeared before me the undersigned authority in and for the state and county aforesaid, the within named who being first by me duly sworn states on oath that the matters and facts set forth in the foregoing "Proof of Service-Summons" are true and correct as therein stated.

LeKeya J. Johnson

Process Server (Signature)

Sworn to and subscribed before me this date: 3/28/19

Hustie Betts 3/28/19

Notary Public

(Seal) My Commission Expires



AO 399 (01/09) Waiver of the Service of Summons

UNITED STATES DISTRICT COURT
for the
Southern District of Mississippi

Angela Davis et al.
Plaintiff
v.
Crothall Healthcare Inc et al.
Defendant
Civil Action No.

WAIVER OF THE SERVICE OF SUMMONS

To: Joel Dillard
(Name of the plaintiff's attorney or unrepresented plaintiff)

I have received your request to waive service of a summons in this action along with a copy of the complaint, two copies of this waiver form, and a prepaid means of returning one signed copy of the form to you.

I, or the entity I represent, agree to save the expense of serving a summons and complaint in this case.

I understand that I, or the entity I represent, will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objections to the absence of a summons or of service.

I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 within 60 days from 10/29/2018, the date when this request was sent (or 90 days if it was sent outside the United States). If I fail to do so, a default judgment will be entered against me or the entity I represent.

Date: 10/30/18

[Handwritten signature]
Signature of the attorney or unrepresented party

Rodney Gause
Printed name of party waiving service of summons

Lindsay Dowdle
Printed name

190 E Capitol St, Suite 800
Jackson, MS 39201
Address

ldowdle@joneswalker.com
E-mail address

(601) 949-4944
Telephone number

Duty to Avoid Unnecessary Expenses of Serving a Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is located in the United States and who fails to return a signed waiver of service requested by a plaintiff located in the United States will be required to pay the expenses of service, unless the defendant shows good cause for the failure.

"Good cause" does not include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant's property.

If the waiver is signed and returned, you can still make these and all other defenses and objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the waiver form, serve an answer or a motion under Rule 12 on the plaintiff and file a copy with the court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.



JS 44 (Rev. 06/17)

CIVIL COVER SHEET

3:18-cv-762-HTW-LRA

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

ANGELA DAVIS and others
similarly situated

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

(c) Attorneys (Firm Name, Address, and Telephone Number)
Joel F. Dillard, Joel F. Dillard, PA
775 N. Congress Street
Jackson, MS 39202

DEFENDANTS

CROTHALL HEALTHCARE INC.; RODNEY GAUSE

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)
Lindsay Thomas Dowdle 601-949-4900
Jones Walker, P. O. Box 427
Jackson, MS 39205-0427

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 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	<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
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	<input 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	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
			LABOR <input 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		

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):
28 U.S.C. §§ 1331, 1441, and 1446
Brief description of cause:

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: 11/01/2018 SIGNATURE OF ATTORNEY OF RECORD: /s/ Lindsay Thomas Dowdle

FOR OFFICE USE ONLY

RECEIPT # 0538-3846868 AMOUNT _____ APPLYING IFF _____ 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: [Former Supervisor Sues Crothall Healthcare Over Allegedly Unpaid Overtime Wages](#)
