

disposition of this matter and were paid hourly but were not compensated for all hours worked each workweek.

1.3 The FLSA requires that all non-exempt employees receive compensation for all time spent working on their employer's behalf.

1.4 Huhtamaki 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.

1.5 Plaintiff and the Putative Class Members have routinely worked in excess of forty (40) hours per workweek, Plaintiff and the Putative Class Members have not been paid overtime of at least one and one-half of their regular rates for all hours worked in excess of forty (40) hours per workweek.

1.6 Huhtamaki's improper meal-period deductions have caused them to miscalculate Plaintiff and the Putative Class Members' regular rate of pay, thereby depriving them of the appropriate overtime compensation under the FLSA and Kentucky state law.

1.7 The decision by Huhtamaki to not pay overtime compensation to Plaintiff and the Putative Class Members was neither reasonable nor in good faith.

1.8 Huhtamaki has knowingly and deliberately failed to fully compensate Plaintiff and the Putative Class Members for all hours worked and has further failed to compensate Plaintiff and the Putative Class Members for the overtime compensation they are owed at a rate of time and one half of their regular rates for all hours worked in excess of forty (40) hours per workweek.

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

unpaid overtime and other damages owed under the Kentucky Statutes pursuant to Federal Rule of Civil Procedure 23.

1.10 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.

1.11 Plaintiff also prays that the Rule 23 class is certified as defined herein, and the Plaintiff be designated as the Class Representative.

II. JURISDICTION & VENUE

2.1 This Court has federal question jurisdiction under 28 U.S.C. § 1331 because this suit is brought pursuant to the Fair Labor Standards Act, 29 U.S.C. §§ 207, *et. seq.* This Court has supplemental jurisdiction over Plaintiff's additional state law claims pursuant to 28 U.S.C. § 1367.

2.2 This Court has personal jurisdiction over Huhtamaki because the causes of action have arisen within this District as a result of Huhtamaki's conduct within this District and Division.

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

2.4 Specifically, Plaintiff Goodwin worked at the Huhtamaki facility that is located in Hopkinsville, Christian County, Kentucky, which is located in this District.

2.5 Venue is therefore proper in this Court pursuant to 28 U.S.C. § 1391(b).

III. PARTIES

3.1 Plaintiff Ashley Goodwin worked for Huhtamaki within the meaning of the FLSA and the Kentucky Statutes during the relevant time periods. Plaintiff Goodwin did not receive overtime compensation for all hour worked in excess of forty (40) hours per workweek.¹

3.2 The Putative Class Members are all hourly employees who have worked for Huhtamaki at any time since January 22, 2013 through the final disposition of this matter, and have been subjected to the same illegal pay system under which Plaintiff Goodwin worked and was paid.

3.3 Huhtamaki, Inc. is a foreign for-profit corporation and may be served through its registered agent for services of process: **Corporation Service Company, 421 West Main Street, Frankford, Kentucky 40601.**

IV. FACTS

4.1 Huhtamaki, Inc. produces packaging for consumer products and foodservice. Huhtamaki makes plastic and paper cups, bowls, cutlery, and takeout packaging.² Huhtamaki's net sales in 2016 were approximately EUR 2.9 Billion.³

4.2 In conjunction with the above services, Huhtamaki has employed thousands of non-exempt hourly workers—like Plaintiff and the Putative Class Members—who have been tasked with taking finished products off the assembly line and loading them into crates for shipment.

4.3 Plaintiff Goodwin worked for Huhtamaki from approximately April 2017 until August 2017.

4.4 Plaintiff Goodwin and the Putative Class Members are non-exempt employees paid by the hour.

¹ The written consent of Ashley Goodwin is attached hereto as Exhibit "A."

² <http://www.huhtamaki.com/about-us>

³ *Id.*

4.5 Plaintiff Goodwin and the Putative Class Members have worked more than forty (40) hours per week in at least one workweek during the relevant time periods.

4.6 Huhtamaki has a corporate policy that its hourly workers—like Plaintiff and the Putative Class Members—automatically have thirty (30) minutes per day for a meal period deducted from his or her hours worked.

4.7 Huhtamaki has been aware at all times that Plaintiff and the Putative Class Members have regularly worked through their 30-minute meal periods without pay in violation of the FLSA.

4.8 When calculating Plaintiff and the Putative Class Members' hours each pay period, Huhtamaki has deducted 30 minutes from Plaintiff and the Putative Class Members' daily on-the-clock hours in violation of the FLSA.

4.9 In other words, for each 5-day workweek, Huhtamaki has deducted a minimum of 2.5 hours from Plaintiff and Putative Class Members' total hours worked each week.

4.10 Huhtamaki's systematic deduction of the 30-minute meal period from Plaintiff and the Putative Class Members' time worked has resulted in Plaintiff and the Putative Class Members' working overtime hours for which they have been not compensated in violation of the FLSA.

4.11 Huhtamaki has employed other individuals who perform(ed) the same or similar job duties under the same pay provisions as Plaintiff Goodwin.

4.12 Huhtamaki has denied Plaintiff and the Putative Class Members the proper amount of pay as a result of a widely applicable, illegal pay practice.

4.13 Accordingly, Huhtamaki's corporate pay policies and practices have (and continue to) blatantly violated the FLSA and Kentucky Statutes.

**V.
CAUSES OF ACTION**

**COUNT ONE
(Collective Action Alleging FLSA Violations)**

A. FLSA COVERAGE

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

5.2 The FLSA Collective is defined as:

ALL HOURLY EMPLOYEES WHO HAVE WORKED FOR HUHTAMAKI, INC. AT ANY TIME FROM JANUARY 22, 2015 THROUGH THE FINAL DISPOSITION OF THIS CASE WHO HAVE HAD A THIRTY-MINUTE LUNCH BREAK AUTOMATICALLY DEDUCTED FROM THEIR DAILY HOURS (“FLSA Collective” or “FLSA Collective Members”).

5.3 At all times hereinafter mentioned, Huhtamaki has been an employer within the meaning of Section 3(d) of the FLSA, 29 U.S.C. § 203(r).

5.4 At all times hereinafter mentioned, Huhtamaki has been an enterprise within the meaning of Section 3(r) of the FLSA, 29 U.S.C. § 203(r).

5.5 At all times hereinafter mentioned, Huhtamaki has been an enterprise engaged in commerce or in the production of goods for commerce within the meaning of Section 3(s)(1) of the FLSA, 29 U.S.C. § 203(s)(1), in that said enterprise has had employees handling, selling, or otherwise working on goods or materials that have been moved in or produced for commerce by any person, or in any closely related process or occupation directly essential to the production thereof, and in that those enterprises have had, and have, an annual gross volume of sales made or business done of not less than \$500,000.00 (exclusive of excise taxes at the retail level which are separately stated).

5.6 During the respective periods of Plaintiff and the FLSA Collective Members’ employment by Huhtamaki, these individuals provided services for Huhtamaki that involved interstate commerce for purposes of the FLSA.

5.7 In performing the operations hereinabove described, Plaintiff and the FLSA Collective Members have been engaged in commerce or in the production of goods for commerce within the meaning of §§ 203(b), 203(i), 203(j), 206(a), and 207(a) of the FLSA. 29 U.S.C. §§ 203(b), 203(i), 203(j), 206(a), 207(a).

5.8 Specifically, Plaintiff and the FLSA Collective at all times relevant to this action have been *non-exempt* employees who have worked for Huhtamaki and have been engaged in production-line service, where they have loaded products from assembly line into crates for sale and shipment in interstate commerce. 29 U.S.C. § 203(j).

5.9 At all times hereinafter mentioned, Plaintiff and the FLSA Collective Members have been individual employees who have been engaged in commerce or in the production of goods for commerce as required by 29 U.S.C. §§ 206–07.

5.10 The proposed collective of similarly situated employees, i.e. putative class members sought to be certified pursuant to 29 U.S.C. § 216(b), is defined in Paragraph 5.2.

5.11 The precise size and identity of the proposed FLSA Collective should be ascertainable from the business records, tax records, and/or employee or personnel records of Huhtamaki.

B. FAILURE TO PAY WAGES IN ACCORDANCE WITH THE FLSA

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

5.13 Huhtamaki has violated provisions of Sections 7 and 15 of the FLSA, 29 U.S.C. §§ 207, and 215(a)(2) 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 non-exempt employees for all of the hours they worked, and for all of the hours they worked in excess of forty (40) hours per week at rates at least one and one-half times the regular rates for which they have been employed.

5.14 Plaintiff and the FLSA Collective Members have suffered damages and continue to suffer damages as a result of Huhtamaki's acts or omissions as described herein; though Huhtamaki is in possession and control of necessary documents and information from which Plaintiff would be able to precisely calculate damages.

5.15 Moreover, Huhtamaki has knowingly, willfully, and with reckless disregard carried out its illegal pattern of failing to pay Plaintiff and other similarly situated employees' compensation for all hours worked and overtime compensation for all overtime hours worked. 29 U.S.C. § 255(a).

5.16 Huhtamaki knew or should have known its pay practices have been in violation of the FLSA.

5.17 Plaintiff and the FLSA Collective Members, on the other hand, are (and were) unsophisticated laborers who trusted Huhtamaki to pay their wages and overtime in accordance with the law.

5.18 Huhtamaki's decisions and practices to neither pay for all hours worked or for the proper amount of overtime for all hours worked has not been reasonable or conducted in good faith.

5.19 Accordingly, Plaintiff and the FLSA Collective Members are entitled to be paid their hourly rate for all straight time hours up to forty (40) hours, and overtime wages for all hours worked in excess of forty (40) hours per workweek 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. FLSA COLLECTIVE ACTION ALLEGATIONS

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

5.21 Pursuant to 29 U.S.C. § 216(b), this is a collective action filed on behalf of all of Huhtamaki's employees who are (or were) similarly situated to Plaintiff Goodwin with regard to the work they have performed and the manner in which they were not paid.

5.22 Other similarly situated employees have been victimized by Huhtamaki's patterns, practices, and policies, which are in willful violation of the FLSA.

5.23 The FLSA Collective Members are defined in Paragraph 5.2.

5.24 Huhtamaki's failure to pay Plaintiff and the FLSA Collective Members for all hours worked and overtime compensation at the rates required by the FLSA, results from generally applicable policies and practices of Huhtamaki, and does not depend on the personal circumstances of Plaintiff or the Putative Class Members.

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

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

5.27 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.

5.28 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 blue-collar workers entitled to be paid for all hours worked overtime after forty (40) hours in a week

5.29 Huhtamaki employed a substantial number of similarly situated employees since January 22, 2015.

5.30 Absent a collective action, many members of the proposed FLSA Collective likely will not obtain redress of their injuries and Huhtamaki will retain the proceeds of its rampant violations.

5.31 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.

5.32 Accordingly, the FLSA Collective of similarly situated plaintiffs should be certified as defined in Paragraph 5.2 and notice should be promptly sent.

COUNT TWO
(Class Action Alleging Violations of the Kentucky Statutes)

A. KENTUCKY STATUTES COVERAGE

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

5.34 The Kentucky Class is defined as:

ALL HOURLY EMPLOYEES WHO HAVE WORKED FOR HUHTAMAKI, INC. IN KENTUCKY AT ANY TIME FROM JANUARY 22, 2013 THROUGH THE FINAL DISPOSITION OF THIS CASE WHO HAVE HAD A THIRTY-MINUTE LUNCH BREAK AUTOMATICALLY DEDUCTED FROM THEIR DAILY HOURS (“Kentucky Class” or “Kentucky Class Members”).

5.35 At all times hereinafter mentioned, Huhtamaki has been an employer within the meaning of the Kentucky Statutes, KRS § 337.010(1)(d).

5.36 At all times hereinafter mentioned, Plaintiff and the Kentucky Class Members were or have been employed by Huhtamaki within the meaning of the Kentucky Statutes, including KRS §§ 337.010(1)(e) and (2)(a).

5.37 Plaintiff and the Kentucky Class members were or have been employed by Huhtamaki since January 22, 2013 and have been covered employees entitled to the protections of the Kentucky Statutes and were not exempt from the protections of the Kentucky Statutes.

5.38 The employer, Huhtamaki, is not exempt from paying wages and overtime benefits under the Kentucky Statutes.

B. FAILURE TO PAY WAGES IN ACCORDANCE WITH THE KENTUCKY STATUTES

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

5.40 The Kentucky Statutes require that employees, including Plaintiff and the Kentucky Class Members, receive payment for all hours worked and “time and one-half” overtime premium compensation for hours worked over forty (40) per week. *See* KRS § 337.285(1), 385.

5.42 Plaintiff and the Kentucky Class Members were or have been employed by Huhtamaki since January 22, 2013, and have at all times been covered employees entitled to the protections of the Kentucky Statutes.

5.43 Plaintiff and the Kentucky Class Members have worked hours for which they were not paid, in violation of the Kentucky Statutes.

5.44 Plaintiff and the Kentucky Class Members have worked more than forty (40) hours in workweeks during times relevant to this case, however, Huhtamaki has violated the Kentucky Statutes by failing to pay Plaintiff and other Kentucky Class Members any overtime premium for hours worked over 40 per week.

5.45 Plaintiff and the Kentucky Class Members have suffered damages and continue to suffer damages as a result of Huhtamaki's acts or omissions as described herein; though Huhtamaki is in possession and control of necessary documents and information from which Plaintiff would be able to precisely calculate damages

5.46 In violating the Kentucky Statutes, Huhtamaki has acted willfully, without a good faith basis, and with reckless disregard of applicable Kentucky law.

5.47 The proposed class of employees, i.e. putative class members sought to be certified pursuant to the Kentucky Statutes, is defined in Paragraph 5.34.

5.48 The precise size and identity of the proposed class should be ascertainable from the business records, tax records, and/or employee or personnel records of Huhtamaki.

C. KENTUCKY CLASS ALLEGATIONS

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

5.50 Plaintiff brings her Kentucky claims as a class action pursuant to Federal Rule of Civil Procedure 23 on behalf of all similarly situated individuals employed by Huhtamaki who have worked in Kentucky since January 22, 2013.

5.51 Class action treatment of Plaintiff's Kentucky claims is appropriate because, as alleged below, all of Federal Rule of Civil Procedure 23's class action requisites are satisfied.

5.52 The number of Kentucky Class Members is so numerous that joinder of all class members is impracticable.

5.53 Plaintiff is a member of the Kentucky Class, her claims are typical of the claims of other Kentucky Class Members, and she has no interests that are antagonistic to or in conflict with the interests of other class members.

5.54 Plaintiff and her counsel will fairly and adequately represent the Kentucky Class Members and their interests.

5.55 Class certification is appropriate under Federal Rule of Civil Procedure 23(b)(3) because common questions of law and fact predominate over questions affecting only individual class members and because a class action is superior to other available methods for the fair and efficient adjudication of this litigation.

5.56 Accordingly, the Kentucky Class should be certified as defined in Paragraph 5.34.

VI. RELIEF SOUGHT

6.1 Plaintiff respectfully prays for judgment against Huhtamaki as follows:

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

b. For an order certifying the Kentucky Class as defined in Paragraph 5.34 and designating Plaintiff as Representative of the Kentucky Class.

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

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

e. For an Order pursuant to Section 16(b) of the FLSA finding Huhtamaki 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);

f. For an Order pursuant to the Kentucky Statutes awarding Plaintiff and the Kentucky Class Members their unpaid back wages and other damages allowed by law;

g. For an Order awarding Plaintiff (and those who have joined in the suit) attorneys' fees;

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

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 Huhtamaki; and

l. For an Order granting such other and further relief as may be necessary and appropriate.

Date: January 22, 2018

Respectfully submitted,

By: /s/ Trent Taylor
Trent R. Taylor
Robert E. DeRose (application *pro hac vice*
forthcoming)
**BARKAN MEIZLISH HANDELMAN
GOODIN DEROSE WENTZ, LLP**
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Fax: (614) 744-2300
Email: ttaylor@barkanmeizlish.com
bderose@barkanmeizlish.com

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***Attorneys in Charge for Plaintiff and 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
Ashley Goodwin, Individually and on behalf of all others similarly situated

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

(c) Attorneys (Firm Name, Address, and Telephone Number)
Barkan Meizlish Handelman Goodin DeRose Wentz, LLP, 250 E. Broad Street, 10th Floor, Columbus, Ohio 43215, Robert E. DeRose, Esq.
Telephone: (800) 274-5297 Fax: (614) 744-2300

DEFENDANTS
Huhtamaki, Inc.

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

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

1 U.S. Government Plaintiff

3 Federal Question (U.S. Government Not a Party)

2 U.S. Government Defendant

4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory 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	LABOR	IMMIGRATION
<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	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <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"/> 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. §216(b) §§201-19; Sections 207 and 216(b) of the FLSA

Brief description of cause:
Recover unpaid wages, including unpaid overtime compensation and other damages owed under FLSA

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: 01/22/2018 SIGNATURE OF ATTORNEY OF RECORD: /s/Trent R. Taylor

FOR OFFICE USE ONLY

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

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.

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT
for the
Western District of Kentucky

Ashley Goodwin, Individually and on behalf of all
others similarly situated

Plaintiff(s)

v.

Huhtamaki, Inc.

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Huhtamaki, Inc.
Registered Agent: Corporation Service Company
421 West Main Street
Frankford, Kentucky 40601

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:

Trent R. Taylor, Esq.
Barkan Meizlish Handelman Goodin DeRose Wentz, LLP
250 E. Broad Street, 10th Floor
Columbus, Ohio 43215

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint.
You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

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: Huhtamaki Denies Workers Proper Breaks, Overtime Wages](#)
