

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

MELINDA HAMILTON, and)
KAREN HARDAWAY,)
Individually and on behalf of all other)
similarly situated current and former employees,)
)
Plaintiffs,)

v.)

SCANSOURCE, INC.,)
a South Carolina Corporation,)
SCANSOURCE COMMUNICATIONS, INC.,)
a South Carolina Corporation, and)
8650 COMMERCE DRIVE, LLC,)
a Mississippi Limited Liability Company,)
)
Defendants.)

CASE NO. _____

FLSA Opt-In Collective Action

JURY DEMANDED

COMPLAINT

Plaintiffs Melinda Hamilton and Karen Hardaway, individually, and on behalf of all others similarly situated, hereby file their Complaint against ScanSource, Inc., ScanSource Communications, Inc., and 8650 Commerce Drive, LLC, all doing business within this district, and allege as follows:

I. INTRODUCTION

1. Plaintiff, Melinda Hamilton, was an employee of Defendants at all times relevant to this Complaint.

2. Plaintiff, Karen Hardaway, was an employee of Defendants at all times relevant to this Complaint.

3. 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 and overtime compensation for Plaintiffs and other similarly situated employees who are members of a class as defined herein and currently or previously were employed by Defendants during all relevant times herein.

4. At all times material to this Complaint, Plaintiffs and class members were employed by Defendants and primarily performed non-managerial job duties during such employment.

5. Based on the information preliminarily available, and subject to discovery in this cause, Defendants did not compensate Plaintiffs and others similarly situated for all overtime hours worked in excess of forty (40) per week during all times material to this Complaint.

II. JURISDICTION AND VENUE

6. 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.

7. Venue in this district is proper pursuant to 28 U.S.C. § 1391(b) and (c) because Defendants regularly conducted business in this district during all times material to this complaint. In addition, Defendants’ wage and hour plans, policies and practices have been administered in this district. Defendants have violated the FLSA in this district during all times material to this Complaint.

III. CLASS DESCRIPTION

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

All current and former salaried employees of Defendants, classified as "Lead" and "Supervisor" employees, whose primary job duties were non-managerial in nature and who did not supervise 2 or more full time employees of Defendants or equivalent, and who were employed at any of Defendants' facilities located in the United States at any time during the applicable limitations period covered by this 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 and those who elect to opt-in to this action pursuant to the FLSA, 29 U.S.C. § 216(b) (collectively, "the class").¹

IV. PARTIES

9. Defendants ScanSource, Inc. and ScanSource Communications, Inc. are South Carolina corporations with their principal executive offices located in Greenville, South Carolina. They operate a facility in Southaven, Mississippi (at which location Plaintiffs were employed during the relevant period herein) and also operate facilities at other locations throughout the U.S. ScanSource, Inc. and ScanSource Communications, Inc. were an "employer" of Plaintiffs and similarly situated employees, as that term is defined in the FLSA, 29 U.S.C. § 203(d). According to the Mississippi Secretary of State, Defendants may be served through their registered agent for service of process: Corporate Creations Network, Inc., 232 Market Street, Flowood, Mississippi 39232.

10. Defendant 8650 Commerce Drive, LLC is a Mississippi limited liability company and a wholly owned subsidiary of ScanSource, Inc. 8650 Commerce Drive, LLC was an "employer" of Plaintiffs and similarly situated employees, as that term is defined in the FLSA, 29 U.S.C. § 203(d). According to the Mississippi Secretary of State, Defendant 8650 Commerce

¹ The Plaintiffs reserve the right to amend the Class Description upon the discovery of additional facts.

Drive, LLC may be served through its registered agent for service of process: Corporate Creations Network, Inc., 232 Market Street, Flowood, Mississippi 39232.

11. Plaintiffs Karen Hardaway and Melinda Hamilton are adult citizens and previously were employed by Defendants as salaried "Lead" and "Supervisor" employees, respectively, at Defendants' Southaven, Mississippi facility at all times material to this Complaint. Plaintiffs Hamilton and Hardaway's "Consents to Join" this lawsuit are attached as Exhibits A and B, respectively.

12. Defendants constitute an integrated enterprise because Defendants' related activities (i.e. jointly owning and operating companies that sell technology products and solutions) performed (either through unified operation or common control) by any person or persons [are] for a common business purpose as that term is defined in the FLSA, 29 U.S.C. § 203(r).

V. ALLEGATIONS

13. According to Defendants' websites, they are global providers of technology products and solutions and sell only to resellers that specialize in several markets, including automatic identification, data capture and point-of-sales solutions.

14. Defendants have been and/or continue to be "employers" of Plaintiffs and those similarly situated within the meaning of 29 U.S.C. § 203(d), during all times material to this Complaint.

15. Plaintiffs and all other similarly situated persons are current or former employees of Defendants and employed during the time material to this Complaint.

16. Defendants employed Plaintiffs and those similarly situated and were responsible for establishing and administering pay policies and practices, including pay classifications and overtime pay rates that related to them, during all times material to this Complaint.

17. Decisions regarding Plaintiffs' and class members' compensation and other terms of employment were made through a centralized management at Defendants' Headquarters located in Greenville, South Carolina. Defendants had a centralized plan, policy and practice (scheme) of establishing and administering pay practices for its employees classified as "Lead" and "Supervisor" employees.

18. At all times material to this action, Plaintiffs and those similarly situated are/have been "employees" of Defendants 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, Defendants have been "enterprises" 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 have been subject to the pay requirements of the FLSA because they are enterprises in interstate commerce and their employees are engaged in interstate commerce.

21. Defendants have employed Plaintiffs and others similarly situated who were classified as "Lead" and "Supervisor" employees whose primary duties were/are non-managerial in nature and were not paid minimum wages and overtime compensation for all work performed in excess of 40 hours per week during the relevant period herein.

22. Defendants employ a uniform electronic time keeping system for tracking and reporting employee hours worked at each of their facilities, including the one located in Southaven, Mississippi.

23. Upon information and belief, Defendants have failed to record the work time of Plaintiffs and other similarly situated employees classified as "Lead" and "Supervisor" employees in their uniform electronic time keeping system for tracking and reporting hours worked at each of their facilities, including the one located in Southaven, Mississippi.

24. Upon information and belief, Defendants have failed to keep complete and accurate time sheets and payroll records of Plaintiffs and other similarly situated employees classified as "Lead" and "Supervisor" employees in any other form or manner.

25. Defendants have failed to pay Plaintiffs and other similarly situated employees classified as "Lead" and "Supervisor" employees minimum wages and overtime compensation for all hours worked in excess of forty (40) hours per week during all times material to this action.

26. Plaintiffs and other similarly situated employees classified as "Lead" and "Supervisor" employees, who have not been paid minimum wages and overtime compensation for all hours worked in excess of forty (40) hours per week during all times material to this action, are entitled to receive all such minimum wages and overtime compensation due to them from Defendants.

27. The net effect of Defendants' plan, policy and practice of not paying Plaintiffs and other similarly situated employees classified as "Lead" and "Supervisor" employees minimum wages and overtime compensation for all hours worked in excess of forty (40) hours per week, during the relevant statutory limitations' period, was a scheme to save payroll costs and payroll

taxes for which Defendants have enjoyed ill gained profits at the expense of Plaintiffs and other members of the class.

28. 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 employers fail to keep complete and accurate time records, employees may establish the hours worked solely by their testimony and the burden of proof of overcoming such testimony shifts to the employer.

29. In addition to the misclassification referenced above, Plaintiffs were required to work “off the clock” during the statutory period.

VI. COLLECTIVE ACTION ALLEGATIONS

30. 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).

31. The claims under the FLSA may be pursued by those who opt-in to this case under 29 U.S.C. § 216(b).

32. 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 more than 100 individuals in the class.

33. The claims of Plaintiffs are typical of the claims of the class. Plaintiffs and the other members of the class who work (or have worked) for Defendants during the relevant statutory limitations period, were subject to the same operational, compensation and timekeeping plans, policies and practices, including the failure of Defendants to pay Plaintiffs and other

employees classified as "Lead" and "Supervisor" employee minimum wages and overtime compensation under the FLSA for all hours worked in excess of forty (40) hours per week.

34. 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 misclassified as exempt employees and due minimum wages and overtime compensation under the FLSA during the relevant period herein.
- Whether Plaintiffs and other members of the class were expected and/or required to work hours without compensation;
- Whether Defendants suffered and permitted Plaintiffs and other members of the class to work hours without compensation;
- Whether Defendants failed to pay Plaintiffs and other members of the class all applicable minimum wages and overtime compensation for all hours worked in excess of 40 hours per week.
- The correct statutes of limitations for Plaintiffs' claims and the claims of the 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 any such damages; and,
- Whether Defendants are liable for interest, attorneys' interest, fees, and costs.

35. 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.

36. The 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.

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

COUNT I
RECOVERY OF MINIMUM WAGES AND OVERTIME COMPENSATION

38. Plaintiffs, on behalf of themselves and the class, repeat and re-allege Paragraphs 1 through 37 above, as if they were fully set forth herein.

39. At all relevant times, Defendants have been and continue to be "employers" engaged in interstate commerce within the meaning of the FLSA, 29 U.S.C. §§ 206(a) and 207(a). Plaintiffs and class members also have engaged in interstate commerce during all relevant times to this Complaint.

40. At all relevant times, Defendants employed (and/or continue to employ) Plaintiffs and each of the other members of the class within the meaning of the FLSA.

41. At all times relevant, Defendants have had a uniform plan, policy and practice of willfully refusing to pay the federal applicable minimum wage and overtime compensation to

Plaintiffs and other members of the class for all hours worked in excess of forty (40) hours per week.

42. At all times relevant, Defendants have had actual and/or constructive knowledge of willfully refusing to pay the federal applicable minimum wage and overtime compensation to Plaintiffs and other members of the class for all hours worked in excess of forty (40) hours per week.

43. At all times relevant, Defendants have not had a good faith basis for their failure to pay the federal applicable minimum wage overtime compensation to Plaintiffs and other members of the class for all hours worked in excess of forty (40) hours per week.

44. As a result of Defendants' willful failure to pay Plaintiffs and other members of the class the applicable federal applicable minimum wage and overtime compensation for all hours worked over forty (40) per week during the relevant statutory limitations period, they have violated the FLSA, 29 U.S.C. §§ 201, *et seq.*

45. Defendants' conduct constitutes a willful violation of the FLSA within the meaning of 29 U.S.C. § 255(a).

46. Due to Defendants' willful FLSA violations and their lack of good faith in their failure to pay Plaintiffs and the other members of the class the federal applicable minimum wage and overtime compensation for all hours worked in excess of forty (40) hours per week during the relevant statutory limitations period, Plaintiffs and class members are entitled to recover from Defendants unpaid minimum wages and overtime compensation for the aforementioned FLSA violations, an additional equal amount as liquidated damages, and 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

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

A. A designation of this cause as a collective action on behalf of the class and prompt issuance of 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. An award of compensation for unpaid minimum wages and overtime compensation to Plaintiffs and other members of the class;

C. An award of liquidated damages to Plaintiffs and other members of the class;

D. An award of prejudgment and post-judgment interest at the applicable legal rate to Plaintiffs and other members of the class;

E. 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;

F. A ruling that the three-year statutory period for willful violations under the FLSA shall apply in this action;

G. A Declaration that Plaintiffs and other members of the class were misclassified as exempt from overtime compensation and, therefore, entitled to unpaid minimum wages and overtime damages to be proven at trial;

H. A Declaration that Defendants have did not have a good faith basis relating to their FLSA violations and, therefore, willfully violated the FLSA; and

I. 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, Plaintiffs demand a **trial by jury** on all issues so triable.

Dated: October 24, 2016

Respectfully submitted,

GLANKLER BROWN, PLLC

By: /s/ Ryan M. Skertich

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&

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James L. Holt, Jr.* (TN BPR #12123)
J. Russ Bryant* (TN BPR #33830)
Paula R. Jackson* (TN BPR #20149)
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**Pro Hac Vice Admission Anticipated*

*Attorneys for Named Plaintiffs, on behalf of
themselves and all other similarly situated current
and former employees*

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

MELINDA HAMILTON, and
KAREN HARDAWAY,
Individually and on behalf of all other
similarly situated current and former employees,

Plaintiffs,

CASE NO. 3:16-CV-244-MPM-RP

v.

SCANSOURCE, INC.,
a South Carolina Corporation,
SCANSOURCE COMMUNICATIONS, INC.,
a South Carolina Corporation,

FLSA Opt-In Collective Action

JURY DEMANDED

Defendants.

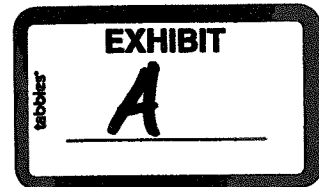
CONSENT TO JOIN

1. I have been employed by Defendants, or their parents, subsidiary or affiliated companies, and as a supervisor and/or lead or other position within the past 3 years and misclassified as a salaried -exempt employee.
2. I hereby consent to join this or any subsequent action against the Defendants as a Named Representative Plaintiff to assert claims for violations of the FLSA 29 U.S.C. § 201, *et seq.*, for unpaid overtime as specified in the Complaint.
3. I understand that 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 to join and opt-in and authorize the prosecution of the above-styled action to recover unpaid wages in my name and on my behalf as one of the above named representative Plaintiffs. I agree to keep counsel for Plaintiffs informed as to my correct mailing address and telephone number.
4. I agree to be represented by the law firm of Jackson, Shields, Yeiser & Holt and Attorneys Gordon E. Jackson and J. Russ Bryant, as well as any other attorneys with whom they may associate.
5. I understand that the personal information provided on this form will not be used for purposes other than these legal claims. Please fill this form out completely.

You can mail this form to JSYH, 262 German Oak Drive, Memphis, TN 38018 or Fax to (901) 754-8524 or Email to rbryant@jsyc.com

Melinda Hamilton
Signature _____ Date _____

Melinda Hamilton
Full Legal Name _____



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

**MELINDA HAMILTON, and
KAREN HARDAWAY,**
Individually and on behalf of all other
similarly situated current and former employees,

Plaintiffs,

CASE NO. 3:16-CV-244-MPM-RP

v.

SCANSOURCE, INC.,
a South Carolina Corporation,
SCANSOURCE COMMUNICATIONS, INC.,
a South Carolina Corporation,

FLSA Opt-In Collective Action

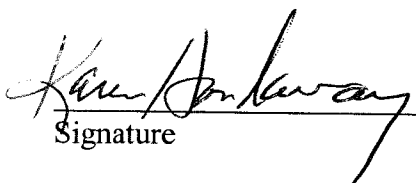
JURY DEMANDED

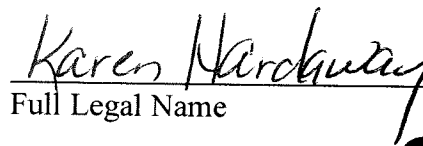
Defendants.

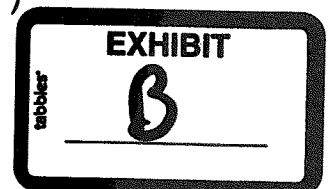
CONSENT TO JOIN

1. I have been employed by Defendants, or their parents, subsidiary or affiliated companies, and as a supervisor and/or lead or other position within the past 3 years and misclassified as a salaried -exempt employee.
2. I hereby consent to join this or any subsequent action against the Defendants as a Named Representative Plaintiff to assert claims for violations of the FLSA 29 U.S.C. § 201, *et seq.*, for unpaid overtime as specified in the Complaint.
3. I understand that 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 to join and opt-in and authorize the prosecution of the above-styled action to recover unpaid wages in my name and on my behalf as one of the above named representative Plaintiffs. I agree to keep counsel for Plaintiffs informed as to my correct mailing address and telephone number.
4. I agree to be represented by the law firm of Jackson, Shields, Yeiser & Holt and Attorneys Gordon E. Jackson and J. Russ Bryant, as well as any other attorneys with whom they may associate.
5. I understand that the personal information provided on this form will not be used for purposes other than these legal claims. Please fill this form out completely.

You can mail this form to JSYH, 262 German Oak Drive, Memphis, TN 38018 or Fax to (901) 754-8524 or Email to rbryant@jsyc.com


Signature _____ Date _____


Full Legal Name _____



JS 44 (Rev. 08/16)

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
 MELINDA HAMILTON, et al.,

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

(c) Attorneys (Firm Name, Address, and Telephone Number)
 Glankler Brown, PLLC, 6000 Poplar Avenue, Suite 400
 Memphis, Tennessee 38119 (901) 525-1322 Telephone

DEFENDANTS
 SCANSOURCE, 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)

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 LABOR <input checked="" type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 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			
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

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

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from Another District (specify) 6 Multidistrict Litigation - 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 to recover 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: 10/24/2016 SIGNATURE OF ATTORNEY OF RECORD: s/Ryan M. Skertich

FOR OFFICE USE ONLY

RECEIPT # 1371951 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: [FLSA Suit Filed Against ScanSource](#)
