

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**SIVI HOEL, Individually  
and on Behalf of All Others  
Similarly Situated;**

**Plaintiff,**

**v.**

**CASE NO.:**

**MARKETSOURCE, INC., (MARYLAND)**

**COLLECTIVE ACTION  
REPRESENTATION**

**Defendant.**

\_\_\_\_\_ /

**FLSA COLLECTIVE ACTION COMPLAINT AND  
DEMAND FOR JURY TRIAL**

Plaintiff, **SIVI HOEL**, individually (collectively referred to herein as “Plaintiff”), and on behalf of all others similarly situated (hereinafter the “Putative Class”), sues the above captioned Defendant, **MARKETSOURCE, INC. (MARYLAND)**, individually and on behalf of all others similarly situated pursuant to *29 U.S.C. 216(b)*, the Fair Labor Standards Act (the “FLSA”), for failing to pay Plaintiff and the Putative Class overtime wages and in support thereof, Plaintiff states as follows:

**JURISDICTION AND VENUE**

1. This Court has subject matter jurisdiction over claims under the FLSA pursuant to 29 U.S.C. §216 (b), which states, in relevant part, “[a]n action to recover... may be maintained ... in any Federal or State court of competent jurisdiction.”

2. This Court has personal Jurisdiction over the Defendant pursuant to OCGA 9-10-91, as Defendant maintains a permanent corporate office in Alpharetta, Georgia from which it transacts business at all times material to this action.

3. This Court has personal jurisdiction over this action pursuant to OCGA 9-10-91, because Defendant is engaged in and transacts business throughout the state of Georgia and operates substantial business in Fulton County, Georgia through is regional office located at 11700 Great Oaks Way, Alpharetta, Georgia 30022. Additionally, the damages at issue occurred in this District in Georgia.

4. Venue is proper to this Court pursuant to 29 U.S.C. § 216(b), and 29 U.S.C. § 1391(b)1, as Plaintiff has brought the claims in the District where Defendant resides and because the acts complained of herein took place in Fulton County at Defendant’s place of business located at 11700 Great Oaks Way, Alpharetta, Georgia 30022.

**THE PARTIES**

5. Defendant, MARKETSOURCE, INC. (MARYLAND) (hereinafter “MARKETSOURCE”), is a Maryland For Profit Corporation with its principal place of business at 7301 Parkway Drive, Hanover, MD 21076.

6. Marketsource maintains a permanent office where it transacts business located at: 11700 Great Oaks Way, Suite #500, Alpharetta, GA, 30022. Defendant may be served through its registered agent: Registered Corp. Service Company at 40 Technology Parkway, South, Suite #300, Ben Hill, Norcross GA 30092.

7. Marketsource is Plaintiff’s employer as defined in the FLSA, and subject to the FLSA overtime wage requirements.

8. Defendant paid Plaintiff and the class of similarly situated from its offices in Alpharetta Georgia, and upon information and belief, the offices where the unlawful pay practices and common scheme were created, implemented and maintained from.

**REPRESENTATIVE PLAINTIFF SIVI HOEL**

9. At all times relevant to this action, Representative Plaintiff, Sivi Hoel (hereinafter “Plaintiff” or “Hoel”), resided in California.

10. At all times relevant to this action, Hoel was employed by Marketsource working in California from her home, but, ultimately her job

requirements and compensation were supervised and directed by Defendant from its Alpharetta office.

11. Plaintiff was employed by Defendant from approximately April 2012 until March 2016 as an Account Manager.

12. Plaintiff, and all other members of the proposed putative class of similarly situated were or are now, employees of Marketsource within the meaning of 29 U.S.C §203(e)(1).

13. Plaintiff was classified (aka “misclassified”) by Defendant as an exempt salaried employee.

14. Upon information and belief, Defendant reclassified all Account Managers in November 2016 as NON-exempt hourly employees.

15. Defendant employs thousands of employees in similar capacities and positions under such titles as Account Representatives, working for various companies such as HP, MOPAR, T-mobile and may others in which it sends employees out to retail locations to promote those companies products and services.

16. Plaintiff’s work duties and responsibilities dictate that she should have been classified and compensated as a non-exempt employee under the FLSA.

17. Throughout the course of her employment by Marketsource, Plaintiff was always denied overtime compensation even though she routinely worked

overtime hours with the knowledge, encouragement and behest of Marketsource management.

18. Plaintiff spent a substantial part of her workweek traveling, and incurring miles and related travel expenses, even hotel stays in order to cover an assigned large geographic area.

19. Plaintiff routinely left her home very early, worked through some or all of her lunch break, and stayed later in the evenings at car dealerships in order to meet the required visits but was not paid any premium for her overtime hours.

20. Plaintiff was assigned to work on the FORD ESP account, (extended service program) by Marketsource, and assigned a specific territory in California to service comprised of car dealerships.

21. Plaintiff was given scripts and a “playbook” to follow in order to train and assist car dealership employees, specifically service advisors, on how to sell the ESP contracts.

22. For purposes of the Class, Plaintiff consents in writing to be a party to this action pursuant to 29 U.S.C. §216(b).

23. At all times relevant to this action, Representative Plaintiff, Sivi Hoel worked from her home, as a field employee traveling a large percentage of her week.

24. Plaintiff also spent significant time working on weekends.

25. Plaintiff was trained with other reps in a group setting to perform her job duties and responsibilities according to nationalized standards which sought uniformity, as directed by Defendant and FORD Motor Company.

26. Plaintiff attend ongoing training programs and other management commanded meetings where it was made clear by Defendant that all Account Managers were expected and required to perform their job duties in a similar manner.

27. Plaintiff was paid a base salary and entitled to a monthly non-discretionary bonus based upon sales in the territory, paid out in a percentage of the stated goal.

28. For purposes of the Class, Plaintiff consents in writing to be a party to this action pursuant to 29 U.S.C. §216(b), and is ready, willing and able, and by her experience suited to be a representative plaintiff of the putative class.

29. At no time did Plaintiff sell any service contracts or take orders for the sales of service contracts, as all such sales were handled, negotiated and consummated by the car dealership employees.

### **SUMMARY OF CLASS**

30. The case is brought by Plaintiff as a collective action to recover from Defendant, unpaid overtime wages, liquidated damages, and the costs of reasonable attorney's fees under 29 U.S.C. §216(b), on behalf of the Plaintiff and all similarly situated persons composed of the following class:

All persons employed by Marketsource, Inc. (MARYLAND) as an Account Manager, or any other title used to describe the same position, working on the FORD ESP Program in the **three (3)** years preceding the filing of this lawsuit anywhere in the United States and its territories.

31. In the course of her employment with Marketsource, Plaintiff, and all other employees in the Putative Class, regularly worked in excess of forty (40) hours per work week and were not paid overtime compensation at the lawful overtime rate for all of the overtime hours worked, based on Defendant's custom and practice of misclassifying employees as exempt employees.

32. Plaintiff alleges on behalf of herself and the Putative Class that they are entitled to be paid a premium for all overtime hours worked at rates of one and one half times their regular rates of pay as required by the FLSA, and that such rates must include the value of all bonuses earned.

### **GENERAL COLLECTIVE ACTION ALLEGATIONS**

33. Marketsource had a common pay practice and policy of denying its Account Managers overtime pay for hours worked in excess of forty (40) hours per work week without any good faith basis under the FLSA for doing so.

34. From the time Plaintiff was hired in April 2012 until her last date of employment or about March 2016, Marketsource treated Plaintiff and all others in the putative class as salaried exempt employees.

35. Upon information and belief, sometime in or about November, 2016, Defendant announced it was changing everyone in these positions to hourly, non-exempt employees because of alleged “changes in the Federal Law”.

36. At no time did Defendant offer to pay Plaintiff or the classes of similarly situated employees overtime wages for all their hours worked prior to November, 2016; and Defendant never made any inquiry about the overtime hours Plaintiff and the class of similarly situated worked prior to this date.

37. Further, Defendant never discussed the exemption previously claimed and the rights of the Plaintiff and the classes of similarly situated to overtime pay, the applicable and proper overtime rates they were now entitled to be paid for overtime hours worked, and the fact that bonuses were required to be included in the calculation of the regular rate and overtime rates of pay.

38. At all material times, Marketsource required its Account Managers to work in excess of forty (40) hours a week, and knew by communications with Account Managers, review of records and assessment of the territories assigned that the position required over 40 hours routinely in order to meet job requirements.

39. Defendant knew that in order for Plaintiff and the classes of similarly situated account managers meet metrics and goals that they had to work overtime hours, including travel times which would compel them to work from early in the morning until late at night, as well as on the weekends and days off.



40. All Account Managers were paid on the same common compensation plan of a base salary and a bonus based upon sales in their territories of the FORD ESP contracts.

41. Defendant also knew that Account Managers would have to travel large distances, and incur substantial expenses including hotels in order to cover their territories.

42. Defendant willfully misclassified Plaintiff and the Class of similarly situated present and former account managers as exempt employees on a uniform basis, without regard to any individualized analysis of the work performed.

43. Upon information and belief, for the three-year period of time before this filing, (the “Class Period”), the continued violations of the FLSA §207 that are complained of herein have been practiced and imposed upon all inside sales representatives, all sales and business development representatives, and all have regularly worked in excess of forty hours per week.

44. Plaintiff and the Putative Class are not considered exempt because “[a] job title alone is insufficient to establish the exempt status of any particular employee ... [but rather] [t]he exempt or nonexempt status of any particular employee must be determined on the basis of whether the employee’s salary and duties meet the requirements of the regulations in this part.” 29 C.F.R. § 541.2.

45. The Defendant will likely argue to no avail that the Plaintiff and members of the Putative Class of Account Managers are exempt under the administrative exemption, but, the primary job duty of the Account Manager was promotion of the FORD ESP program, as well as providing training and assistance to ford car dealership employees according to standardized scripts and procedures.

46. The primary job duty of the Account Manager did not involve the exercise of independent discretion and judgment in matters of significance, and alternatively, involved production regardless.

47. Plaintiff and all other Account managers did not supervise two or more full time employees or the equivalent.

48. Plaintiff and the Account Managers similarly fail the outside sales exemption as their primary job duty was NOT sales, and, not obtaining Orders for contract of services, as that was the role of the car dealership employees.

49. Under the FLSA, an administrative employee is defined as an employee who has “discretion and independent judgment with respect to matters of significance.” 29 C.F.R. §541.200. In order to possess such discretion the employee must have the authority to make “independent choice[s], free from immediate direction or supervision...even if their decisions or recommendations are reviewed at a higher level.” 29 C.F.R. §541.202(c).

50. Plaintiff and similarly situated account managers do not qualify for the administrative exemption because they were not allowed to hire, fire, train, mentor, or discipline any employees, and their primary job duty did not involve the exercise and discretion of independent judgment in matters of significance.

51. Plaintiff and the Account Managers of the putative class adhered to standardized techniques and procedures created by Ford and Marketsource, the job requirements of which foreclosed deviation and account managers did not create their own training programs or selling techniques or strategies.

52. The members of the Putative Class are so numerous that joinder of all members is impracticable. The exact number of the members of the Class is unknown to the Plaintiff at this time, and can only be ascertained through appropriate discovery.

53. Upon information and belief there are approximately 90 currently employed account managers working throughout the United States and given turnover in the past three years, the estimated putative class is approximately 300 or more persons.

54. Plaintiff will fairly and adequately protect the interests of the Putative Class and has retained counsel that is experienced and competent in collective actions and employment litigation. Plaintiff has no interest that is contrary to, or in conflict with, members of the Putative Class.

55. Notice of the pendency and any resolution of this action should be provided to Putative Class Members by email, U.S. Mail, text and by web publication.

56. All account managers were trained the same in a week long, classroom type environment.

57. All account managers were given a base salary weekly salary, plus a monthly bonus structure which was based upon percentage of goal set by Marketsource. During such training and subsequent continuous training through meetings, memorandums, and webinars, Defendant expected and required all account managers to perform their job duties in similar manners.

58. Defendant created a pre-populated timesheet showing 40 hours for each workweek, which did not reflect the actual work hours of the Plaintiff and the class of similarly situated.

59. Defendant did not maintain an accurate and contemporaneous time tracking system for account managers to log in and out of for the work hours.

60. All members of the putative class adhered to a single company employee manual, employee policies and procedures.

**COUNT I**  
**VIOLATION OF FLSA SECTION 29 U.S.C. § 207,**  
**FAILURE TO PAY OVERTIME WAGES**

61. The Plaintiff readopts and re-alleges the allegations all preceding paragraphs as if fully set forth herein, and further alleges:

62. Plaintiff brings this FLSA claim on behalf of herself and all other similarly situated comprised of all current and/or former employees of Marketsource who work now or have worked as Account Managers or worked under any other titles used by Marketsource to describe the same position, at any time in the three (3) years preceding this filing to the present anywhere in the U.S. and its territories.

63. At all relevant times, Marketsource has been and continues to be an employer engaged in commerce and/or the productions of goods for commerce within the meaning of FLSA 29 U.S.C. §§ 206(a) and 207(a).

64. At all relevant times, Marketsource employed Plaintiff and the Putative Class within the meaning of the FLSA.

65. At all relevant times, Plaintiff and the Putative Class regularly worked overtime, with the behest, encouragement, knowledge and expectations of Defendant.

66. As stated herein, Marketsource has a common policy and practice of refusing to pay overtime compensation for employees Account Manager position for

hours worked in excess of forty (40) hours per work week, regardless of the actual job duties performed or any individualized variances by each employee.

67. Marketsource willfully failed to compensate Plaintiff and the Putative Class for overtime hours they regularly worked without explanation of the reasons or the exemption claimed to be applicable.

68. Prior to November 2016, Defendant, upon information and belief classified all account reps, account managers for all its clients as Exempt, solely paying all a base salary and a monthly commission or bonus, but did not pay Plaintiff and all others similarly situated overtime wages.

69. Upon information and belief, Defendant recognized a violation of the FLSA in November 2016, and commenced with reclassifying many of its account managers and account reps as hourly non-exempt.

70. However, Defendant did not offer to pay, and refused to pay all such employees for all overtime hours incurred prior to this change.

71. Defendant did not even have a time tracking or time submission system in place for Plaintiff and the class of similarly situated as of the last date of Plaintiff's employment.

72. Marketsource failure to pay Plaintiff and the Putative Class overtime compensation or any premium for overtime hours, at a rates not less than one and one-half times their regular rates of pay (or any other premium) for work performed

beyond the forty (40) hour work week, was, and remains a willful violation of the FLSA, in particular 29 U.S.C. §§ 206 and 207.

73. Marketsource has not made a good faith effort to comply with the FLSA and the overtime compensation requirements with respect to Plaintiff and the Putative Class. Marketsource's violations of the FLSA are willful and deliberate, and upon intended to save the Defendant millions of dollars in labor costs at the expenses of the Plaintiff and classes of similarly situated.

74. Upon information and belief, Marketsource never verified, investigated or obtained any legal opinion as to the application of any exemptions under the FLSA for the Account Manager position; or alternatively, despite knowledge of questions or challenges to the exemption classification, continued to classify the position as exempt.

75. Defendant never explained why Plaintiff and the classes were not entitled to be paid for all overtime hours worked, or the reasons or legal basis they deemed them exempt.

76. The foregoing conduct, as alleged, constitutes a willful violation of the FLSA within the meaning of 29 U.S.C. § 255(a).

77. The primary job duties and responsibilities for account manager position does not meet or satisfy the elements of any exemption under the FLSA,

including the retail § 7(i) exemption, the outside sales exemption, the administrative exemption or the executive exemption.

78. Plaintiff and the classes of similarly situated routinely worked overtime hours during the workweek, as well as incurring overtime hours on weekends, all of which was being performed without being paid a premium for all overtime hours worked.

79. As a result of Defendant's willful, and reckless disregard for its FLSA violations, Plaintiff and the Putative Class of similarly situated have suffered damages and are entitled to recover from Marketsource, wages for all unpaid overtime hours worked and all hours if any paid at less than time and one half the employee's regular rates of pay including bonuses in the rates, plus an equal sum as liquidated damages, reasonable attorney's fees and expenses of this litigations.

80. Plaintiff is entitled to an award of reasonable attorney's fees, and costs and disbursements of this action, pursuant to 29 U.S.C. § 216(b).

81. Plaintiff and the classes of similarly situated should be paid time and one half their regular rates of pay for all overtime hours, and the commissions included in such calculations.

82. Since Defendant did not track and record any of Plaintiff's work hours as required by the FLSA Plaintiff may establish the hours she worked solely by her



testimony and the burden of overcoming such testimony shifts to the employer. *See Anderson v. Mt. Clemens Pottery Co.*, 328 U.S. 680 (1946).

**PRAYER FOR RELIEF**

WHEREFORE Plaintiff prays for:

- a. A ruling that Marketsource has violated the FLSA and that the Account Manager position, should have been, and should now be classified as non-exempt;
- b. An order conditionally designating this action as a collective action and approving the issuance of supervised notice pursuant to 29 U.S.C. § 216(b) to all similarly situated individuals with instructions to permit them to file consents to join this action to §216(b);
- c. An order appointing Plaintiff and their counsel to represent the Putative Class;
- d. An order enjoining Marketsource from any further violations of the FLSA;
- e. An award of prejudgment interest;
- f. An order awarding reasonable attorneys' fees and costs pursuant to 29 U.S.C. § 216(b);

- g. That the Court finds Marketsource has willfully, and with a lack of good faith, violated the overtime provisions of the FLSA, including the time tracking requirements for non-exempt employees;
- h. That the Court and apply a three (3) year statute of limitations;
- i. That the Court enjoin Defendant, pursuant to 29 U.S.C. § 217, from withholding future payment of overtime compensation owed to members of the Putative Class;
- j. That the Court award Plaintiff and members of the Putative Class overtime compensation for all the previous hours worked over forty (40) hours in any work week, during the past three years; liquidated damages of an equal amount of the overtime compensation pursuant to § 216 of the FLSA;
- k. That the Court award Plaintiff a collective action representative service fee for her efforts and time dedicated to bringing justice through this action for the class of similarly situated; AND
- l. That the Court award any other legal and equitable relief as this Court may deem appropriate.

**DEMAND FOR JURY TRIAL**

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff demands a trial by jury on all questions of fact raised by this Complaint.

Dated this 29<sup>th</sup> day of December, 2017.

Respectfully submitted,

/s/ Mitchell L. Feldman

Mitchell L. Feldman Esq.

Georgia Bar No.: 257791

**FELDMAN WILLIAMS PLLC**

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**Attorney for Plaintiff**

***Attorney for Plaintiff and Classes***

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
SIVI HOEL, Individually, and on behalf of all Others Similarly Situated,
(b) County of Residence of First Listed Plaintiff Ventura County
(c) Attorneys (Firm Name, Address, and Telephone Number)
Mitchell L. Feldman, Esq., FELDMAN WILLIAMS, PLLC, 1201 Peachtree Street, NE, 400 Colony Square, #200, Atlanta, Georgia 30361; Tel: (813) 639-9366/Fax: (813) 639-9376

DEFENDANTS
MARKETSOURCE INC. (MARYLAND),
County of Residence of First Listed Defendant Anne Arundel County
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
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
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
Citizen of Another State
Citizen or Subject of a Foreign Country
PTF DEF
1 1 Incorporated or Principal Place of Business In This State
2 2 Incorporated and Principal Place of Business In Another State
3 3 Foreign Nation
PTF DEF
4 4
5 5
6 6

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

Table with 5 columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories like Insurance, Personal Injury, Labor Standards, etc.

V. ORIGIN (Place an "X" in One Box Only)
1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from Another District (specify)
6 Multidistrict Litigation

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
29 U.S.C. 216(b) of the Fair Labor Standards Act.
Brief description of cause:
Collective Action Complaint for violations of the 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 12/29/2017 SIGNATURE OF ATTORNEY OF RECORD /s/ Mitchell L. Feldman, Esq.

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 the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six 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. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- 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: [Suit Claims Former Marketsource Account Managers Owed Unpaid Overtime Wages](#)

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