

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

TERRI MARTIN, GRETA DUNCAN
and **ESTHER IMASUEN**, Individually,
and on behalf of themselves and all other
similarly situated current and former employees,

Plaintiffs,

V.

Case No _____

**STATE OF TENNESSEE and
COMMISSIONER BONNIE
HOMMICH,**

Defendant,

FLSA COLLECTIVE ACTION

TRIAL JURY DEMANDED

FLSA COLLECTIVE ACTION COMPLAINT

COME NOW PLAINTIFFS, Terri Martin, Greta Duncan and Esther Imasuen, and file this Collective Action Complaint under the Fair labor Standards Act.

I.

PARTIES, JURISDICTION AND VENUE

1. This case arises under the Fair Labor Standards Act of 1938, 29 U.S.C. §201 *et seq.*
2. The Court has subject matter jurisdiction over this action pursuant to the Fair labor Standards Act of 1938, 29 U.S.C. §216(b) and 28 U.S.C. §1337 (FLSA).The Court has personal jurisdiction over the Plaintiffs who have performed work for Defendant in this District during the three years preceding the filing of this Complaint. The Court has subject matter jurisdiction over the Defendant, the State of Tennessee.
3. Venue also lies in the Middle District of Tennessee, pursuant to 28 U.S.C §1391, because the Defendant does business in this District and the relevant employment decisions relating to

this matter occurred in this District.

4. Plaintiffs have been employed as hourly-paid Case Managers in the Office of Child Safety (Child Abuse Hotline) of the Tennessee Department of Children's Services during the three years preceding the filing of this action.

5. The Defendant is the State of Tennessee (hereinafter "Defendant"). It is a covered employer under the Fair Labor Standards Act. In addition, Defendant Bonnie Hommich (hereinafter "Hommich") is the Commissioner of the Tennessee Department of Children's Services and is sued in her individual capacity. Named Plaintiffs' Consents to Join this collective action are attached as Collective Exhibit A.

6. In addition to the Named Plaintiffs, Defendant has employed similarly situated hourly-paid Case Managers in the Office of Child Safety (Child Abuse Hotline) of the Tennessee Department of Children's Services during the three years prior to filing of this action.

II.

INTRODUCTION

7. Plaintiffs bring this claim, individually, and part of a collective action, under the Fair Labor Standards Act, 29 U.S.C. §216(b) on behalf of themselves and other similarly situated employees who were not fully relieved from work duties during unpaid meal breaks and, who were denied overtime compensation for such time at one and one-half times their regular hourly rates of pay, within weekly pay periods during the last three years. This collective action claims are for overtime compensation, liquidated damages, interest, and attorneys' fees and costs pursuant to the FLSA, 29 U.S.C. §§ 207, 216(b).

III.

FACTUAL BASIS FOR SUIT

8. Defendant has employed Plaintiffs and other similarly situated employees as hourly-paid

Case Managers in the Office of Child Safety (Child Abuse Hotline) of the Tennessee Department of Children's Services (hereinafter "Hotline employees") during the past three years.

9. Plaintiffs and other similarly situated Hotline employees have been required, forced, induced, expected and, suffered and permitted, to "log out" of Defendant's timekeeping system for one-hour unpaid meal breaks per shift during the past three years.

10. Plaintiffs and other similarly situated Hotline employees have been required, forced, induced, expected and, suffered and permitted, to routinely perform compensable work duties during such one-hour unpaid meal breaks during all times relevant.

11. Plaintiffs and other similarly situated Hotline employees have been required, forced, induced, expected and, suffered and permitted, to routinely eat part and, at times, all of their lunch while continuing to perform compensable work duties during such one-hour unpaid meal breaks, during all times relevant.

12. Defendant never trained Plaintiffs and other similarly situated Hotline employees that time in which meals are eaten, while continuing to perform compensable job duties, during such one-hour unpaid meal breaks was compensable.

13. Plaintiffs and other similarly situated Hotline employees have not been completely relieved of their compensable job duties during such one-hour unpaid meal breaks, during all times relevant herein.

14. Defendant never trained Plaintiffs and other similarly situated Hotline employees that time in which they were not fully relieved of their compensable job duties during such one-hour unpaid meal breaks was compensable.

15. Defendant induced and expected and, suffered and permitted, Plaintiffs and other similarly situated Hotline employees to complete and finalize reports, as well as to perform other

compensable work duties, during such required "logged out" one-hour unpaid meal breaks, during all times relevant herein.

16. Defendant was aware that Plaintiffs and other similarly situated Hotline employees performed compensable work duties, ate part and, at times, all of their lunch while performing compensable job duties, completed and finalized reports and, were not fully relieved of their compensable job duties, while "logged out" for such one-hour unpaid meal breaks, without being compensated for such time at the applicable overtime compensation rate, as required by the Fair Labor Standards Act, during all times relevant herein.

17. Defendant did not prohibit Plaintiffs and other similarly situated Hotline employees from performing compensable work duties during such "logged out" one-hour unpaid meal breaks.

18. Defendant has failed to ensure that unauthorized work was not performed by Plaintiffs and other similarly situated Hotline employees during such "logged-out" one-hour unpaid meal breaks, during all times relevant herein.

19. Plaintiffs and other similarly situated Hotline employees had no means or ability to edit-in to Defendant's timekeeping system the unpaid one-hour meal break time deducted from their wages, during all times relevant herein.

20. Defendant has failed to edit-in to its timekeeping system the unpaid one-hour meal break time deducted from the wages of Plaintiffs and other similarly situated Hotline employees, during all times relevant herein.

21. Plaintiffs and other similarly situated Hotline employees were subjected to disciplinary actions and poor performance evaluations if they did not complete and finalize their reports time accurately and timely.

22. Plaintiffs and other similarly situated Hotline employees routinely did not have sufficient

time to complete and finalize their reports prior to their required "logged out" one-hour unpaid meal breaks and, thus, were obligated to complete and finalize them, as well as to perform other compensable work duties, during such unpaid meal period in order to avoid disciplinary action and/or negative performance evaluations.

23. Plaintiffs and other similarly situated Hotline employees have worked in excess of forty hours per week within weekly pay periods during all times relevant herein, when such one-hour unpaid meal break time are added to their other compensable work time.

24. Defendant has denied Plaintiffs and other similarly situated Hotline employees overtime compensation at the rate of one and one-half times their regular hourly rate of pay for such one-hour unpaid meal break times, when added to their other compensable time, exceeded 40 hours per week within weekly pay periods, during all relevant times herein.

25. Employers covered by the FLSA are required to pay employees one and one-half times their regular hourly rate of pay for all hours worked in excess of 40 per week within weekly pay periods.

26. Defendant is covered by the FLSA and has failed to compensate Plaintiffs and other similarly situated Hotline employees for all hours worked in excess of 40 per week within weekly pay periods during the past three years.

27. Accordingly, Plaintiffs and other similarly situated Hotline employees are entitled to one and one-half times their regular hourly rate of pay for all such overtime worked during the past three years.

28. Defendant has had actual and constructive knowledge of its failure to compensate Plaintiffs and other similarly situated Hotline employees for all such unpaid overtime compensation.

29. The net effect of Defendant's common plan, policy and practice of failing to compensate plaintiffs and other similarly situated Hotline employees for all work performed , including all overtime work performed, was a scheme to save payroll costs and payroll taxes, all for which it has unjustly enriched itself at the expense of Plaintiffs and other similarly situated Hotline employees.

30. Defendant failed to accurately record all hours worked by Plaintiffs and other similarly situated Hotline employees as required by the Fair Labor Standards Act, 29 U.S.C §516.2(a)(7).

31. By its failure to accurately record and keep all time worked for Plaintiffs and other similarly situated Hotline employees during all times relevant, Defendant has willfully failed to compensate such employees for all such compensable time worked at the applicable overtime rates of pay, as required by the FLSA.

32. Defendant knew, and was aware at all times relevant, that it was not recording and keeping all of the compensable work time of Plaintiffs and other similarly situated Hot line employees.

33. Defendant's common plan, policy and practice of not compensating Plaintiffs and other similarly situated Hotline employees at the overtime rate of pay violated the provisions of the Fair Labor Standards Act, 29 U.S.C. § 207(a)(1).

34. As a result of Defendant's improper and willful failure to pay Plaintiffs and other similarly situated Hotline employees in compliance with the requirements of the Fair Labor Standards Act, they have suffered lost wages in terms of overtime compensation as well as other damages.

IV.

CONCLUSION

35. Defendant's failure to pay Plaintiffs and other similarly situated employees overtime

compensation, as described hereinbefore, was a willful violation of the FLSA.

36. This action is maintainable as an "opt-in" collective action pursuant to 29 U.S.C. §216(b) as to claims for overtime compensation, liquidated damages, interest and, attorneys' fees and costs under the FLSA.

37. In addition to Plaintiffs, numerous current and former hourly-paid Case Managers of the Office of Child Safety (Child Abuse Hotline) of the Tennessee Department of Children's Services (Hotline employees) are similarly situated to Plaintiffs with regard to their wages and damages in that they too have been denied proper overtime compensation for at least three (3) years prior to filing this action.

38. Plaintiffs are representative of other current and former hourly-paid Case Managers of the Office of Child Safety (Child Abuse Hotline) of the Tennessee Department of Children's Services and, are acting on behalf of their interests as well as Plaintiffs' own interest in bringing this action.

39. The interest of Plaintiffs and those similarly situated are aligned and, Plaintiffs have no interests that would be in conflict with others similarly situated.

40. Plaintiffs have engaged competent counsel to represent their interests and the interest of those similarly situated in this action.

41. Those similarly situated employees are known to Defendant, are readily identifiable and can be located through Defendant's personnel records.

42. Those similarly situated employees may readily be notified of this action and allowed to "op-in" pursuant to 29 U.S.C. §216(b), for purposes of collectively adjudicating their claims for overtime compensation, liquidated damages, interest and, attorneys' fees and costs, under the FLSA.

V.

CLASS DESCRIPTION

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

All current and former hourly-paid Case Managers of the Office Of Child Safety (Child Abuse Hotline) of the Tennessee Department of Children's Services who worked for Defendant at any time during the applicable limitation's period covered by this Collective Action Complaint (*i.e.* two years for FLSA violations and, three years for willful FLSA violations) up to and including the date of final judgment in this matter, and who are the Named Plaintiffs and those who elect to opt-in to this action pursuant to the said FLSA, 29 U.S.C. § 216(b).

VI.

CAUSES OF ACTION

44. The foregoing facts and conclusions are incorporated by reference as if fully stated herein.

45. Plaintiffs, on behalf of themselves and class members, bring the following cause of action against Defendant and Hommich, based on the foregoing factual allegations and conclusions, for their:

A. Willful failure to pay compensable overtime compensation to Plaintiffs and class members in violation of the Fair Labor Standards Act of 1938.

B. Failure to keep accurate overtime and other required timekeeping records of Plaintiffs and class members in violation of the Fair Labor Standards Act of 1938.

C. Breach of Contract, or in the alternative, unjust enrichment.

46. Plaintiffs demand a jury to try this action.

VII.

PRAYER FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, PLAINTIFFS pray for the following relief:

47. Authorization to issue notice pursuant to 29 U.S.C. §216(b) at the earliest possible time to current and former hourly-paid Case Managers of the Office of Child Safety (Child Abuse Hotline) of the Tennessee Department of Children's Services who have been denied overtime compensation relating to unpaid meal breaks, as hereinbefore described, during the three years immediately preceding the filing of this action, informing them that this action has been filed, of the nature of the action, and of their right to opt into this lawsuit;
48. A declaratory judgment that Defendant has violated the overtime provisions of the FLSA, 29 U.S.C. §207, as to Plaintiffs and class members who opt into this action;
49. A declaratory judgment that Defendant's violations of the FLSA were willful;
50. An award to Plaintiffs and class members who opt into this action of damages in the amount of unpaid compensation to be proven at trial.
51. An award to Plaintiffs and class members who opt-into this action of interest and liquidated damages in an amount equal to the overtime compensation shown to be owed to them pursuant to 29 U.S.C. §216(b).
52. An award to Plaintiffs and class members who opt into this action of reasonable attorneys' fees and costs, pursuant to 29 U.S.C. §216(b).
53. An award of such other and further legal and equitable relief as may be appropriate.

Dated: June 2, 2017

Respectfully submitted,

s/Gordon Jackson

Gordon E. Jackson (BPR #08323)

James L. Holt, Jr. (BPR #12123)

J. Russ Bryant (BPR #33830)

Paula R. Jackson (BPR #20149)

JACKSON, SHIELDS, YEISER & HOLT

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

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
TERRI MARTIN, et al.,

DEFENDANTS
STATE OF TENNESSEE, et al.,

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

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.

(c) Attorneys (Firm Name, Address, and Telephone Number)
JACKSON SHIELDS YEISER & HOLT, 262 German Oak Drive,
Memphis, Tennessee 38018, (901) 754-8001

Attorneys (If Known)

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

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 4 Diversity (Indicate Citizenship of Parties in Item III)

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

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

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

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark 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))	<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 <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	LABOR <input checked="" type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

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:
FLSA collective action for the recovery of 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 06/02/2017 SIGNATURE OF ATTORNEY OF RECORD
s/Gordon E. Jackson

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.

COLLECTIVE EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

TERRI MARTIN, GRETA DUNCAN
and **ESTHER IMASUEN**, Individually,
and on behalf of themselves and all other
similarly situated current and former employees,

Plaintiffs,

V.

Case No _____

**STATE OF TENNESSEE and
COMMISSIONER BONNIE
HOMMICH**

FLSA COLLECTIVE ACTION

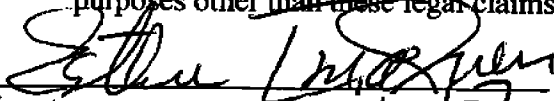
Defendant.

TRIAL JURY DEMANDED

CONSENT TO JOIN

1. I have been employed by Defendant as a hourly-paid Case Manager in the Office of Child Safety (Child Abuse Hotline) of the Tennessee Department of Children's Services within the past 3 years.
2. I hereby consent to join this or any subsequent action against the Defendant as a Named Representative Plaintiff to assert claims for violations of the FLSA 29 U.S.C. § 201, *et seq.*, for minimum wage and overtime compensation as specified in the Complaint.
3. I understand this lawsuit is brought under the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. § 216(b), *et seq.* I hereby consent 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.

Signature


6/2/17 Date

Full Legal Name

ESTHER IMASUEN

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Tennessee, Commissioner Facing Child Safety Case Managers' FLSA Lawsuit](#)
