

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

OLLIE PERRYMAN)	
<i>On behalf of himself and all others</i>)	
<i>similarly situated</i>)	
Plaintiff,)	
)	Civil Action, Case No.: _____
v.)	
)	JURY DEMANDED
INGRAM DISTRIBUTION MANAGEMENT, INC. A Tennessee Corporation, INGRAM BOOK GROUP, LLC, A Tennessee Limited Liability Company, LIGHTNING SOURCE, LLC, A Delaware Limited Liability Company)	
)	
)	
)	
Defendantss.)	

**VERIFIED COMPLAINT FOR VIOLATION OF
THE FAIR LABOR STANDARDS ACT**

COMES NOW the Plaintiff, Ollie Perryman (hereinafter referred to as “Mr. Perryman,” or “Plaintiff”) on behalf of himself and all others similarly situated, by and through counsel, and for his Complaint against Defendants, Ingram Distribution Management, Inc., Ingram Book Group, LLC, and Lightning Source, LLC (“Lightning”) states as follows:

NATURE OF THE COMPLAINT

1. Mr. Perryman, on behalf of himself and all others similarly situated, brings a cause of action under federal law, specifically the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201, *et seq.*
2. Mr. Perryman, on behalf of himself and all others similarly situated, brings this action against Defendants for unpaid overtime compensation and related penalties and damages.

3. Mr. Perryman is a former employee of Defendants who alleges that Defendants failed and refused to pay him and those similarly situated to him the statutory required overtime premium for all hours worked over forty in a designated work week.

4. Defendants' practices are in direct violation of the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 201, *et seq.* Mr. Perryman, on behalf of himself and all others similarly situated, seeks declaratory relief, overtime premiums for all hours worked over forty in any given work week required, suffered, or permitted by Defendants, liquidated and/or other damages as permitted by applicable law; attorneys' fees, costs, and expenses incurred in this action.

5. Defendants' practice and policy is, and has been since on or about November 2015 to willfully fail and refuse to pay an overtime premium due and owing to Mr. Perryman and all others similarly situated in violation of the FLSA.

6. Defendants institutes and carries out an unlawful policy and practice of refusing to pay Mr. Perryman and all others similarly situated overtime for all hours worked in any given work week over forty, notwithstanding the fact that they are non-exempt employees entitled to an overtime premium under the FLSA.

7. Additionally, Mr. Perryman was terminated in retaliation for engaging in protected activity under the FLSA, in violation of the FLSA and seeks related penalties and damages.

PARTIES

8. Mr. Perryman is an adult resident of Antioch, Davidson County, Tennessee.

9. Mr. Perryman was an employee of Defendants for FLSA purposes.

10. Defendant Ingram Distribution Management, Inc. d/b/a Ingram Distribution Management, LLC is registered to do business in the State of Tennessee. Ingram Distribution Management, Inc.'s principal office is in La Vergne, Tennessee. Ingram Book Group, LLC may

be served through its Registered Agent Eleanor G. McDonald at 4400 Harding Pike Nashville, Tennessee 37205-2204. At all relevant times complained of herein, Defendants was an employer under 29 U.S.C. § 203(e)(1).

11. Defendant Ingram Book Group, LLC is a Limited Liability Company registered to do business in the State of Tennessee. Ingram Book Group, LLC's principal office is in La Vergne, Tennessee. Ingram Book Group, LLC may be served through its Registered Agent Eleanor G. McDonald at 4400 Harding Pike Nashville, Tennessee 37205-2204. At all relevant times complained of herein, Defendants was an employer under 29 U.S.C. § 203(e)(1).

12. Defendant Lightning Source, LLC is a Limited Liability Company registered to do business in the State of Delaware. Lightning Source, LLC's principal office is in La Vergne, Tennessee. Lightning Source, LLC may be served through its Registered Agent Eleanor G. McDonald at 4400 Harding Pike Nashville, Tennessee 37205-2204. At all relevant times complained of herein, Defendants was an employer under 29 U.S.C. § 203(e)(1).

JURISDICTION AND VENUE

13. This action for damages is brought pursuant to the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.* This Court has federal question subject matter jurisdiction pursuant to 29 U.S.C. §§ 216(b) and 217.

14. Defendants are legal entities and have sufficient minimum contacts with the State of Tennessee such that they are subject to service of process in Tennessee. Therefore, this Court has personal jurisdiction over Defendants.

15. Defendants do business in the Middle District of Tennessee. Furthermore, a substantial part of the events giving rise to Mr. Perryman's, and those similarly situated, claims occurred in

the Middle District of Tennessee. Thus, pursuant to 28 U.S.C. § 1391(b), venue for this action properly lies in the Middle District of Tennessee.

REPRESENTATIVE ACTION ALLEGATIONS

16. Plaintiff brings this Complaint as a collective action pursuant to Section 16(b) of the FLSA, 29 U.S.C. § 216(b), on behalf of all persons who were, are, or will be employed by Defendants nationwide as hourly employees with a shift differential within three years from the commencement of this action who have not been compensated at one and one-half times the regular rate of pay for all work performed in excess of forty hours per week.

17. This Complaint may be brought and maintained as an “opt-in” collective action pursuant to Section 16(b) of the FLSA, 29 U.S.C. § 216(b), for all claims asserted by Plaintiff, Mr. Perryman, the Representative Plaintiff, because the claims of Plaintiff are similar to the claims of the plaintiffs of the representative action.

18. Mr. Perryman is similarly situated to the putative members of the collective employees for Defendants, had substantially similar job requirements and pay provisions, and was subject to Defendants’ common practice, policy, or plan of refusing to pay employees for all hours worked and of refusing to pay overtime in violation of the FLSA.

FACTUAL BACKGROUND

19. Defendants employed Mr. Perryman, with Mr. Perryman’s employment beginning in approximately April 2017.

20. Ingram Distribution Management, Inc. is listed as the employer on Mr. Perryman’s paystub.

21. “Ingram Content Group/Lightning Source” is listed as the employer on Mr. Perryman’s separation notice.

22. Defendants hired Mr. Perryman to work as a Shipping Clerk.
23. Defendants paid Mr. Perryman and those similarly situated hourly employees on an hourly rate basis.
24. Mr. Perryman and those similarly situated regularly worked more than forty (40) hours per week.
25. Mr. Perryman worked between approximately forty-one (41) and sixty (60) hours per week in an average workweek.
26. Mr. Perryman and those similarly situated were paid an hourly rate and an overtime premium for hours worked over forty (40) in a workweek.
27. Mr. Perryman and those similarly situated were paid a shift differential in addition to their regular hourly rate.
28. Defendants failed to include the shift differential to calculate the regular rate to calculate the proper overtime premium.
29. Defendants failed to properly compensate Mr. Perryman and those similarly situated for their overtime work.
30. Mr. Perryman reported Defendants' failure to include the shift differential when calculating the overtime premium to Human Resources.
31. Defendants never corrected their incorrect pay practices.
32. Mr. Perryman and all others similarly situated were non-exempt employees.
33. Defendants failed to properly compensate Mr. Perryman and all others similarly situated for their overtime work.
34. Defendants failed to include the shift differential when calculating the overtime premium.

35. Therefore, Mr. Perryman and those similarly situated have suffered damages for Defendants' failure to include the shift differential when calculating the overtime premium and Defendants did not properly pay overtime compensation under the FLSA.

Mr. Perryman was terminated in retaliation for reporting and complaining about Defendants' violation of the Fair Labor Standards Act.

36. Mr. Perryman reported Defendants FLSA violations to Human Resources.

37. Mr. Perryman reported that his overtime premium was incorrect.

38. Further, Mr. Perryman reported FLSA violations to his co-workers.

39. Additionally, Mr. Perryman discussed his intent to file a lawsuit against Defendants with his co-workers and encouraged his co-workers to reach out to an attorney.

40. When Mr. Perryman discussed filing a lawsuit against Defendants with his co-workers, Mr. Perryman engaged in protected activity.

41. Merely days after engaging in protected activity with his co-workers, Defendants terminated Mr. Perryman.

42. Mr. Perryman's termination was in retaliation for reporting and complaining about the FLSA violation.

43. Defendants do not have a legitimate, non-discriminatory reason for terminating Mr. Perryman.

COUNT I

VIOLATION OF THE FAIR LABOR STANDARDS ACT

44. Mr. Perryman and all others similarly situated re-allege and incorporate herein the allegations contained in Paragraphs 1 through 43 as they were set forth fully herein.

45. Upon information and belief, at all relevant times, Defendants has been, and continues to be, an “employer” engaged in the interstate “commerce” and/or in the production of “goods” for “commerce” within the meaning of the FLSA, 29 U.S.C. § 203.
46. Upon information and belief, at all relevant times, Defendants employed “employee[s],” including Mr. Perryman and all others similarly situated.
47. Upon information and belief, at all relevant times, Defendants had gross operating revenues in excess of \$500,000.00 (Five Hundred Thousand Dollars).
48. The FLSA requires each covered employer, such as Defendants, to compensate all non-exempt employees at a rate of not less than one and one-half the regular rate of pay for work performed in excess of forty hours in a work week.
49. Mr. Perryman and all others similarly situated are not exempt from the right to receive overtime pay.
50. Defendants paid Mr. Perryman and all others similarly situated at an hourly rate plus a shift differential.
51. Because Defendants paid Mr. Perryman and all others similarly situated hourly rates, they could not qualify as exempt employees.
52. Defendants was required to pay Mr. Perryman and all others similarly situated overtime compensation for all hours worked in excess of forty (40) within a workweek.
53. The overtime compensation for all hours worked in excess of forty was to include a shift differential.
54. The shift differential was not added to the hourly rate to determine the regular rate to calculate the proper overtime premium.

55. Defendants failed to include the shift differential when calculating the overtime premium.

56. As a result of Defendants' failure to compensate Mr. Perryman and all others similarly situated for all hours worked and to compensate them at a rate of not less than one and one-half times the regular rate of pay for all work performed in excess of forty (40) hours in a workweek, Defendants violated, and continues to violate, the FLSA, including 29 U.S.C. § 207(a)(1).

57. The foregoing conduct, as alleged, constitutes a willful violation and lack of good faith compliance with the FLSA within the meaning of 29 U.S.C. § 255(a) as Defendants knew, or showed reckless disregard for the fact that its compensation practices were in violation of the law.

COUNT II

RETALIATION IN VIOLATION OF THE FLSA

58. Mr. Perryman and all others similarly situated re-allege and incorporate herein the allegations contained in Paragraphs 1 through 57 as they were set forth fully herein.

59. Mr. Perryman reported violations of the FLSA to Human Resources.

60. Mr. Perryman reported violation of the FLSA in conversations with his co-workers.

61. Mr. Perryman reported to his co-workers that he was not being properly compensated for his overtime hours.

62. Mr. Perryman reported to his co-workers that he was considering filing a lawsuit due to the FLSA violation.

63. Mr. Perryman engaged in protected activity when he reported and/or complained of pay violation of Defendants.

64. As a result of engaging in this protected activity, Defendants terminated Mr. Perryman in violation of 29 U.S.C. § 215(a)(3).

65. Mr. Perryman was terminated less than a week after he informed his co-workers of the FLSA pay violations and discussed his intent to file a lawsuit against Defendants.

66. Mr. Perryman can show that any proffered legitimate, non-discriminatory reason for termination is pre-text.

67. Defendants' violation of the law was not a good faith error under 29 U.S.C. § 260.

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

PRAYER FOR RELIEF

WHEREFORE, Mr. Perryman and all others similarly situated prays for relief as follows:

1. A declaratory judgment that the practices complained of herein are unlawful under the FLSA;
2. Judgement against Defendants that its violations of the FLSA were willful;
3. Pre-Judgment and Post-Judgment interest, as provided by law;
4. An award of money damages for unpaid wages, including liquidated damages, pre-judgment and post-judgment interest, front pay, back pay and compensatory damages, and penalties in an exact amount to be determined at trial;
5. Designation of this action as a collective action on behalf of the proposed members of the FLSA representative action and prompt issuance of notice pursuant to 29 U.S.C. § 216(b) to all similarly situated members of the FLSA opt-in class apprising them of the pendency of this action and permitting them to assert timely FLSA claims in this action by filing individual Consents to Sue pursuant to 29 U.S.C. § 216(b);
6. Designation of Plaintiff Mr. Perryman as Representative Plaintiff of the putative members of the FLSA representative action;

7. Award him costs and expenses of this action incurred herein, including reasonable attorneys' fees and expert fees; and
8. Any and all such other and further legal and equitable relief as this Court deems necessary, just and proper.

DEMAND FOR JURY TRIAL

Mr. Perryman hereby demands a jury trial on all causes of action and claims with respect to which he has a right to jury trial.

Dated: December 7, 2018

Respectfully submitted,

s/ Alan G. Crone

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Laura Ann E. Bailey, TN Bar No. 027078
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lbailey@cronelawfirmplc.com

Attorneys for Plaintiff

DECLARATION AND VERIFICATION IN SUPPORT OF COMPLAINT

I, Ollie Perryman, verify and declare that the facts stated in the foregoing Complaint for violation of the Fair Labor Standards Act are true to the best of my knowledge and belief, and that the Complaint was not made out of levity or by collusion with Defendants, but in sincerity and truth for the causes mentioned in the Complaint.

I consent to join and authorize my attorneys to file this Complaint as a collective action pursuant to section 216(b) of the Fair Labor Standards Act, and I agree to continue to fulfill the obligations and duties of a representative party, if so certified by the Court.

Ollie Perryman

Ollie Perryman

11/17/2018

Date

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

Mr. Ollie Perryman on behalf of himself and all others similarly situated

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

(c) Attorneys (Firm Name, Address, and Telephone Number)
The Crone Law Firm, PLC
88 Union Ave. 14th Floor
Memphis, TN 38103

DEFENDANTS

INGRAM DISTRIBUTION MANAGEMENT, INC. INGRAM BOOK GROUP, LLC, LIGHTNING SOURCE, LLC

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

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

Attorneys (If Known)

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

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

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

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

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

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

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 USCS 201 et seq.

Brief description of cause:

Failure to pay wages required under FLSA and retaliation under FLSA

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

12/05/2018

SIGNATURE OF ATTORNEY OF RECORD

s/ Alan G. Crone

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPOINTED

JUDGE

CLERK

Print

Save As...

Reset

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 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: [Ex-Shipping Clerk Files Suit in Tennessee Over Allegedly Improper OT Wages, Retaliatory Discharge](#)
