

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

TERRY RATCLIFFE, on behalf of herself and all
others similarly situated,

Plaintiff,

v.

FOOD LION, LLC,

Defendant.

**COLLECTIVE ACTION
COMPLAINT**

Jury Trial Demanded

Civil Action No. _____

COLLECTIVE ACTION COMPLAINT

Plaintiff Terry Ratcliffe (“Plaintiff” or “Ratcliffe”), individually and on behalf of all others similarly situated, by her attorneys, for claims against Defendant Food Lion, LLC, (“Food Lion” or “Defendant”) alleges and complains as follows:

NATURE OF THE ACTION

1. This lawsuit seeks to recover unpaid overtime compensation for Plaintiff and her similarly situated co-workers who worked for Defendant in the United States as exempt-classified Assistant Store Managers (“ASMs”).

2. Plaintiff brings this action to recover unpaid overtime compensation for herself and similarly situated employees as a collective action under the Fair Labor Standards Act, 29 U.S.C. §§ 201 et seq. (“FLSA”).

3. Although ASMs’ primary duty is to perform non-managerial manual duties similar to those performed by non-exempt employees, Food Lion classifies all ASMs as “executives” exempt from the overtime requirements of federal and state laws.

4. Food Lion required Plaintiff and all of its other ASMs to work long overtime hours without paying them any overtime compensation.

5. Regardless of the number of hours worked, ASMs do not receive overtime compensation.

6. Plaintiff and other ASMs performed substantially the same duties in all Food Lion stores.

7. Plaintiff and other ASMs spent the majority of their time performing the same duties that hourly employees performed, including unloading trucks and stocking shelves; building displays; cleaning the store; and standing in as cashiers, stockers, or other hourly workers.

8. Throughout the relevant period, it has been Food Lion's policy to deprive its non-exempt ASMs of earned wages by failing to pay them overtime premiums for the hours they work in excess of 40 hours in a workweek, as required by the federal and state law.

9. By the conduct described in this Complaint, Food Lion violated and continues to violate the Fair Labor Standards Act ("FLSA") by failing to pay ASMs, including Plaintiff, proper overtime wages as required by law. These violations arise out of Food Lion's uniform company-wide policies and their pattern or practice of violating wage and hour laws. Food Lion's payroll and compensation policies and practices with respect to ASMs are uniform and do not vary from ASM to ASM.

THE PARTIES

Plaintiff Terry Ratcliffe

10. Plaintiff Terry Ratcliffe is an adult individual who is a resident of Woodbury, Tennessee.

11. Ratcliffe was employed by Defendant as an ASM in Charlottesville, Virginia from approximately June 2012 to March 2013, and then worked as an ASM in Livingston, Tennessee from approximately March 2013 to November 2016, when she was promoted to Store Manager.

12. As an ASM, Ratcliffe regularly worked more than 40 hours per week and often worked between 50 and 55 hours per week.

13. Ratcliffe is a covered employee within the meaning of the FLSA.

14. Ratcliffe's written Consent to Join form is attached as Exhibit A.

Defendant Food Lion

15. Defendant Food Lion is a corporation and a wholly-owned subsidiary of Ahold Delhaize, an international retail group that is based in the Netherlands and primarily active in the United States and Europe.

16. Food Lion has more than 1,000 grocery store locations in ten states, mainly throughout the Southeastern and Mid-Atlantic United States. Food Lion employs approximately 63,000 people and serves about 10 million customers a week.

17. Throughout the relevant period, Defendant has been a covered employer within the meaning of the FLSA.

18. At all times relevant, Food Lion maintained control, oversight, and direction over Plaintiff and similarly situated employees, including with respect to the timekeeping, payroll, and other employment practices that applied to them.

19. Food Lion applies the same employment policies, practices, and procedures to all ASMs at all Food Lion stores, including policies, practices, and procedures with respect to the payment of overtime compensation.

20. Throughout the relevant period, Defendant's annual gross volume of sales made or business done was not less than \$500,000.

JURISDICTION AND VENUE

21. This Court has original subject matter jurisdiction over the FLSA claims pursuant to 28 U.S.C. § 1331.

22. The United States District Court for the Middle District of Tennessee has personal jurisdiction over Defendant because the Company does business in Tennessee and in this District, and because some of the acts complained of and giving rise to the claims alleged occurred in and emanated from this District.

23. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b) because a substantial part of the events giving rise to the claims occurred in this District.

COLLECTIVE ACTION ALLEGATIONS

24. Plaintiff brings the First Cause of Action, on behalf of herself and all similarly situated persons who have worked for Defendant as ASMs between March 17, 2015 through the date of final judgment in this matter who elect to opt in to this action (the "FLSA Collective"). Pursuant to applicable tolling agreements, the statute of limitations for any claim under the FLSA for Plaintiff and the FLSA Collective was tolled for 219 days.

25. Defendant is liable under the FLSA for, *inter alia*, failing to properly compensate Plaintiff and the FLSA Collective.

26. The FLSA claims in this lawsuit should be adjudicated as a collective action. Upon information and belief, there are many similarly situated current and former employees of Defendant who have been underpaid in violation of the FLSA who would benefit from the issuance of a court-supervised notice of the present lawsuit and the opportunity to join the present lawsuit. Those similarly situated employees are known to Defendant, are readily

identifiable, and can be located through Defendant's records. Notice should be sent to the FLSA Collective pursuant to 29 U.S.C. § 216(b).

COLLECTIVE-WIDE FACTUAL ALLEGATIONS

27. All of the work that Plaintiff and the FLSA Collective performed has been assigned by Defendant and/or Defendant has been aware of all of the work that Plaintiff and the members of the FLSA Collective have performed.

28. Upon information and belief, Defendant's business is a centralized, top-down operation controlled by Defendant.

29. Consistent with Defendant's policy and pattern or practice, Plaintiff and the members of the FLSA Collective were not paid premium overtime compensation when they worked beyond 40 hours in a workweek.

30. As part of its regular business practice, Defendant has intentionally, willfully, and repeatedly engaged in a pattern, practice, and/or policy of violating the FLSA with respect to Plaintiff and the members of FLSA Collective. This policy and pattern or practice includes, but is not limited to:

- a. willfully failing to pay its employees, including Plaintiff and the members of the FLSA Collective, premium overtime wages for hours that they worked in excess of 40 hours per workweek;
- b. willfully misclassifying Plaintiff and the members of the FLSA collective as exempt from the protections of the FLSA; and
- c. willfully failing to record all of the time that its employees, including Plaintiff and the members of the FLSA Collective, have worked for the benefit of Defendant.

31. Defendant is aware or should have been aware that federal law required it to pay Plaintiff and the members of the FLSA Collective overtime premiums for hours worked in excess of 40 per workweek.

32. Defendant's unlawful conduct has been widespread, repeated, and consistent.

33. There are many similarly situated current and former ASMs who have been underpaid in violation of the FLSA who would benefit from the issuance of a court-supervised notice of this lawsuit and the opportunity to join it.

34. Notice should be sent to the FLSA Collective pursuant to 29 U.S.C. § 216(b). Similarly situated employees are known to Defendant, are readily identifiable, and can be located through Defendant's records.

35. Throughout their employment with Defendant, Plaintiff and the members of the FLSA Collective consistently worked more than 40 hours per week.

36. The primary job duties of Plaintiff and the members of the FLSA Collective are uniform throughout Defendant's stores.

37. Defendant was aware that Plaintiff and the members of the FLSA Collective worked more than 40 hours per workweek, yet Defendant failed to pay overtime compensation for hours worked over 40 in a workweek.

38. Defendant did not keep accurate records of hours worked by Plaintiff or the members of the FLSA Collective.

39. The work hours of Plaintiff and the members of the FLSA Collective are not recorded on paystubs.

40. Defendant did not require Plaintiff or the members of the FLSA Collective to clock in or out, or otherwise record their time.

41. The primary duties of Plaintiff and the Members of the FLSA Collective were routine, non-exempt tasks including, but not limited to:

- a. working the cash register;

- b. performing customer service tasks;
- c. stocking;
- d. unloading the truck; and
- e. cleaning the store.

42. Plaintiff and the members of the FLSA Collective spent the majority of their time performing these duties that were the same as or similar to tasks performed by hourly, non-exempt employees.

43. The primary job duties of Plaintiff and the members of the FLSA Collective as ASMs did not include:

- a. hiring;
- b. firing;
- c. making recommendations for hiring, firing, or other employment decisions;
- d. scheduling; or
- e. disciplining other employees.

44. The primary job duties of Plaintiff and the members of the FLSA Collective were not directly related to Defendant's management or general business operations.

45. The primary job duties of Plaintiff and the members of the FLSA Collective did not include the exercise of discretion or independent judgment regarding matters of significance.

46. Plaintiff and the members of the FLSA Collective were not involved in planning Defendant's long or short term business objectives.

47. Plaintiff and the members of the FLSA Collective did not formulate, affect, implement or interpret Defendant's management policies or operating practices.

48. Plaintiff and the members of the FLSA Collective did not carry out major assignments that affected Defendant's business operations.

49. Plaintiff and the members of the FLSA Collective did not have authority to commit Defendant in matters that had significant financial impact.

50. Plaintiff and the members of the FLSA Collective could not waive or deviate from Defendant's established policies or procedures without prior approval.

FIRST CAUSE OF ACTION
Fair Labor Standards Act, 29 U.S.C. §§ 201 *et seq.*
On behalf of Plaintiff and the FLSA Collective

51. Plaintiff realleges and incorporates by reference all allegations in all preceding paragraphs.

52. Defendant engaged in a widespread pattern, policy, and practice of violating the FLSA, as detailed in this Collective Action Complaint.

53. At all times relevant, Plaintiff and the members of the FLSA Collective were engaged in commerce and/or the production of goods for commerce within the meaning of 29 U.S.C. §§ 206(a) and 207(a).

54. The overtime wage provisions set forth in the FLSA apply to Defendant and protect Plaintiff and the FLSA Collective.

55. Defendant was an employer engaged in commerce and/or the production of goods for commerce within the meaning of 29 U.S.C. §§ 206(a) and 207(a).

56. At all times relevant, Plaintiff and the members of the FLSA Collective were or have been employees within the meaning of 29 U.S.C. §§ 203(e) and 207(a).

57. Defendant employed Plaintiff and the members of the FLSA Collective as an employer and/or a joint employer.

58. Defendant failed to pay Plaintiff and the members of the FLSA Collective the overtime wages to which they are entitled under the FLSA.

59. Defendant's violations of the FLSA, as described in this Collective Action Complaint, have been willful and intentional.

60. Defendant did not make a good faith effort to comply with the FLSA with respect to their compensation of Plaintiff and the members of the FLSA Collective.

61. Because Defendant's violations of the FLSA were willful, a three-year statute of limitations applies, pursuant to 29 U.S.C. § 255.

62. As a result of Defendant's violations of the FLSA, Plaintiff and the members of the FLSA Collective have suffered damages by being denied overtime wages in accordance with the FLSA in amounts to be determined at trial, and are entitled to recovery of such amounts, liquidated damages, prejudgment interest, attorneys' fees, costs, and other compensation pursuant to 29 U.S.C. §§ 201 *et seq.*

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, individually and on behalf of all other similarly situated persons, prays for the following relief:

A. That, at the earliest possible time, Plaintiff be allowed to give notice of this collective action, or that the Court issue such notice, to all persons who are presently, or have at any time since March 17, 2015, been employed by Defendant as ASMs. Such notice shall inform them that this civil action has been filed, of the nature of the action, and of their right to join this lawsuit if they believe they were denied proper wages;

B. A trial by jury;

C. Unpaid overtime under the FLSA;

- D. Liquidated damages permitted under the FLSA;
- E. Appropriate equitable and injunctive relief to remedy Defendant's violations, including but not necessarily limited to an order enjoining Defendant from continuing their unlawful practices;
- F. Pre-Judgment and Post-Judgment interest, as provided by law;
- G. Attorneys' fees and costs of suit, including expert fees; and
- H. Such other injunctive and equitable relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury on all issues so triable.

Dated: October 22, 2018

Respectfully submitted,

YEZBAK LAW OFFICES PLLC

By: /s/ Charles P. Yezbak
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Attorneys for Plaintiff and the Putative FLSA Collective

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

Terry Ratcliffe, on behalf of herself and all others similarly situated

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

(c) Attorneys (Firm Name, Address, and Telephone Number)

Yezbak Law Offices PLLC
2002 Richard Jones Rd. Suit B-200
Nashville, Tennessee 37215 (615) 250-2000

DEFENDANTS

Food Lion, LLC

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)

	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
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			

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:
Unpaid overtime compensation

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 10/22/2018 SIGNATURE OF ATTORNEY OF RECORD /s/ Chuck Yezbak

FOR OFFICE USE ONLY

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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.

Exhibit A

**CONSENT TO JOIN COLLECTIVE ACTION
UNDER SECTION 16(b) OF THE FAIR LABOR STANDARDS ACT, 29 U.S.C. § 216(b).**

By signing and returning this consent form I consent to:

1. Be a party plaintiff in a lawsuit against Food Lion, LLC and/or related entities and individuals (collectively, "Food Lion") in order to seek redress for alleged violations of the Fair Labor Standards Act, pursuant to 29 U.S.C. § 216(b); and

2. Designate Outten & Golden LLP (the "Firm") to represent me in this case and to make decisions on my behalf concerning the litigation; the method and manner of conducting the case; the negotiation, terms, and approval of any settlement; and all other matters pertaining to this lawsuit. I understand that these decisions and agreements made and entered into will be binding on me by joining the lawsuit. I understand that reasonable costs expended on my behalf will be deducted from any settlement or judgment amount on a pro rata basis among all other plaintiffs. I understand that the Firm will ask the Court for attorneys' fees from any settlement or judgment in the amount of the greater of: (1) the "lodestar" amount, calculated by multiplying reasonable hourly rates by the number of hours expended on the lawsuit, or (2) 1/3 of the gross settlement or judgment amount. I agree to be bound by any ruling, settlement or judgment relating to the FLSA claims, whether favorable or unfavorable.

Terry Ratcliffe

Full Legal Name (please PRINT clearly)

DocuSigned by:



4735740E27A1404...
Signature

10/18/2018

Date

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Food Lion Assistant Store Managers Owed Unpaid Overtime, Lawsuit Claims](#)
