

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

NOV 21 2017

JAMES W. McCORMACK, CLERK
By: JB DEP CLERK

**RACHAEL SHIRES and SPENCER PILLAY,
Each Individually and on Behalf of all
Others Similarly Situated**

PLAINTIFFS

vs.

No. 4:17-cv- 771-BSM

This case assigned to District Judge Miller
and to Magistrate Judge Ray

**AW LINS ASIAN CUISINE DOWNTOWN
LITTLE ROCK, LLC, and "ANDY" LIU and
"JENNY" LIU**

DEFENDANTS

ORIGINAL COMPLAINT—COLLECTIVE ACTION

COME NOW Plaintiffs Rachael Shires and Spencer Pillay, each individually and on behalf of all others similarly situated ("Plaintiffs"), by and through their attorneys Steve Rauls and Josh Sanford of the Sanford Law Firm, PLLC, and for their Original Complaint—Collective Action against Defendants AW Lins Asian Cuisine Downton Little Rock, LLC, and "Andy" Liu and "Jenny" Liu ("Defendants"), do hereby state and allege as follows:

I. INTRODUCTION

1. This is a collective action for wages owed. Defendants own and/or operate AW Lins, an Asian cuisine restaurant in Pulaski County, located at 17717 Chenal Parkway in Little Rock ("AW Lins").

2. Plaintiff Shires was a server at AW Lins. Plaintiff Pillay was a bartender at AW Lins. They are told that they are paid \$2.63 per hour plus tips, and \$5.00 per hour plus tips, respectively, and they have so far received all of their pay in cash.

3. Defendants, however, did not let Plaintiffs keep all of the tips they received.

4. Rather, when Plaintiffs were hired, they were told that part of their tips would be collected by management as a part of a tip-pooling arrangement.

5. The tips collected were distributed to other AW Lins employees such as busboys and servers, but was also distributed to employees in management positions. Because Defendants did not operate a valid tip pool, they were required to pay Plaintiffs and its other tipped employees at least \$7.50 (and \$8.50 under state law) per hour.

6. Defendants' policies violate the Arkansas Minimum Wage Act ("AMWA") and the Fair Labor Standards Act ("FLSA") because Plaintiffs and others similarly situated are not compensated at a minimum of \$7.50 per hour.

7. Plaintiffs bring this suit individually and on behalf of all other servers and bartenders employed by Defendants.

II. JURISDICTION AND VENUE

8. This is an action brought by Plaintiffs on behalf of themselves and all others similarly situated against Defendants for violations of the FLSA, 29 U.S.C. § 201 *et seq.* and the AMWA, Ark. Code Ann. § 11-4-201, *et seq.*

9. Plaintiffs and all those similarly situated seek a declaratory judgment; monetary damages; liquidated damages; prejudgment interest; and civil penalties and costs, including reasonable attorneys' fees, within the applicable statutory limitations period as a result of Defendants' failure to pay minimum wages under the FLSA and the AMWA.

10. The United States District Court for the Eastern District of Arkansas has

subject matter jurisdiction over this suit under the provisions of 28 U.S.C. § 1331 because this suit raises federal questions under the FLSA.

11. This Complaint also alleges AMWA violations, which arise out of the same set of operative facts as the federal cause of action herein alleged; accordingly, this state cause of action would be expected to be tried with the federal claim in a single judicial proceeding. This Court has pendent jurisdiction over Plaintiffs' AMWA claims pursuant to 28 U.S.C. § 1367(a).

12. The acts complained of herein were committed and had their principal effect against Plaintiffs within the Western Division of the Eastern District of Arkansas. Therefore, venue is proper within this District pursuant to 28 U.S.C. § 1391.

III. THE PARTIES

13. Plaintiffs repeat and re-allege all the preceding paragraphs of this Original Complaint as if fully set forth in this section.

14. Plaintiff Rachael Shires is a citizen and resident of Pulaski County.

15. Plaintiff Shires has worked for Defendants as a server since October of 2017.

16. Plaintiff Spencer Pillay is a citizen and resident of Pulaski County.

17. Plaintiff Pillay has worked for Defendant as a bartender since November of 2017.

18. Plaintiffs, as employees of Defendants, are or were engaged in commerce or in the production of goods for commerce.

19. Defendant AW Lins Asian Cuisine Downtown Little Rock, LLC, is an Arkansas for-profit corporation that owns and operates AW Lins.

20. Defendant “Andy” Liu is an owner/incorporator of AW Lins and manages the day-to-day operations of AW Lins.

21. Defendant “Jenny” Liu is an owner/incorporator of AW Lins and manages the day-to-day operations of AW Lins.

22. Defendant AW Lins’s registered agent for service of process is Andy Liu, and can be served at 13111 West Markham Street, Apartment 291, Little Rock, Arkansas 72201.

23. Defendants employ individuals who engage in interstate commerce or business transactions, or who produce goods to be transported or sold in interstate commerce, or who handle, sell, or otherwise work with goods or materials that have been moved in or produced for interstate commerce.

24. Defendants were Plaintiffs’ employers within the meaning of the FLSA, 29 U.S.C. § 203(d), and the Arkansas Minimum Wage Act, A.C.A. § 11-4-203, at all times relevant to this lawsuit.

IV. FACTUAL ALLEGATIONS

25. Plaintiffs repeat and re-allege all the preceding paragraphs of this Original Complaint as if fully set forth in this section.

26. Plaintiffs were employed by Defendants as servers and/or bartenders at AW Lins during the time period relevant to this lawsuit.

27. Plaintiffs and those similarly situated work as hourly, non-exempt servers and/or bartenders at AW Lins.

28. Defendants pay its servers and other tipped employees less than the minimum wage of \$7.50 per hour. Instead of paying the required minimum wage,

Defendants take advantage of the tip credit allowed by 29 U.S.C. § 203(m).

29. Defendants do not inform their employees of the provisions of 29 U.S.C. § 203(m).

30. Defendants do not allow their servers or bartenders to keep all of the tips they receive. Instead, Defendants require the servers and bartenders to enter into a tip-pooling agreement as a condition of employment.

31. Defendants share the servers' and other tipped employees' tips with managers and other employees who "do not customarily and regularly receive tips" within the meaning of 29 U.S.C. § 203(m).

32. Some of the employees who were provided funds from the tip pool are not employees who customarily and regularly receive tips. As a result, Defendants' tip pool did not satisfy the requirements of the FLSA, and Defendants are not eligible to take the tip credit.

33. Plaintiffs and all those similarly situated are entitled to the return of their tips and wages and compensation based on the standard minimum wage for all hours worked.

V. COLLECTIVE ACTION ALLEGATIONS

34. Plaintiffs repeat and re-allege all previous paragraphs of this Complaint as though fully set forth herein.

35. At all relevant times, Plaintiffs and all others similarly situated have been entitled to the rights, protections and benefits provided by the FLSA and the AMWA.

36. Plaintiffs bring this action on behalf of themselves and all other similarly situated employees, former and present, who were and/or are affected by Defendants'

willful and intentional violation of the FLSA pursuant to 29 U.S.C §§ 207 and 216(b), specifically as follows:

All persons who Defendants paid as tipped employees at any time within the three years prior to the filing of Plaintiffs' Original Complaint.

37. At all relevant times, Defendants directly hired members of the Collective Action Class to work in restaurants, paid them wages, controlled their work schedules, duties, protocols, applications, assignments and employment conditions, and kept at least some records regarding their employment.

38. At all relevant times, each member of the Collective Action Class regularly engaged in interstate commerce or handled, sold, or otherwise worked with goods or materials that had been moved in or produced for interstate commerce.

39. Plaintiffs are unable to state the exact number of the class, but believe the number to be between twenty and forty. Defendants can readily identify the members of the class, who are a certain portion of the current and former employees of Defendants.

40. The names and physical and mailing addresses of the probable FLSA collective action Plaintiffs are available from Defendants, and notice should be provided to the probable FLSA collective action Plaintiffs via first class mail to their last known physical and mailing addresses as soon as possible.

41. The email addresses of many of the probable FLSA collective action Plaintiffs are available from Defendants, and notice should be provided to the probable FLSA collective action Plaintiffs via email to their last known email address as soon as possible.

42. Defendants regularly communicate with Plaintiffs and the collective action class members via text message. Defendant can and should provide the last-known cell phone numbers of the class so that Plaintiffs can distribute notice of the collective action via text message.

43. The proposed FLSA class members are similarly situated in that they have been subject to uniform practices by Defendants which violated the FLSA, including Defendants' failure to pay members of the class lawful overtime compensation in violation of the FLSA, 29 U.S.C. § 201 *et seq.*

44. Defendants' actions in denying tips and wages to Plaintiffs and all other similarly-situated employees were intentional and constitute a willful violation of the FLSA.

VI. FIRST CLAIM FOR RELIEF

(Collective Action Claim for Violation of the Fair Labor Standards Act)

45. Plaintiffs repeat and re-allege all previous paragraphs of this Complaint as though fully set forth herein.

46. This is a collective action filed on behalf of all non-exempt tipped employees who were subject to an illegal tip-pooling arrangement under the FLSA.

47. At all relevant times, Plaintiffs and all similarly-situated employees have been entitled to the rights, protection, and benefits provided by the FLSA.

48. At all relevant times, Plaintiffs and all similarly-situated employees have been "employees" of Defendants', as defined by 29 U.S.C. § 203(e).

49. At all relevant times, Defendants were "employers" of Plaintiffs and all other similarly-situated employees, as defined by 29 U.S.C. § 203(d).

50. Under FLSA regulations, tips are the property of the employee whether or not the employer has taken a tip credit under 29 U.S.C. § 203(m).

51. Furthermore, valid mandatory tip pools can only include those employees who customarily and regularly receive tips. An employer may not retain any of the employees' tips for any other purpose.

52. An employer can only retain an employee's tips in furtherance of a valid tip-pooling arrangement or as a credit towards its minimum wage obligations.

53. Defendants failed to pay Plaintiffs and all similarly-situated employees the minimum wages required under the FLSA for tipped work and for non-tipped work.

54. At all relevant times, Defendants willfully failed and refused to compensate Plaintiffs and other similarly-situated employees for all hours worked at the standard minimum wage under the FLSA because it retained their tips in furtherance of an invalid tip-pooling arrangement.

55. Defendants violated and continues to violate the FLSA by withholding Plaintiffs' and all other similarly-situated employees' tips in furtherance of an invalid tip-pooling arrangement.

56. Defendants willfully violated and continues to violate the FLSA by withholding Plaintiffs' and all other similarly situated employees' tips and wages in furtherance of an invalid tip-pooling arrangement.

57. Defendants' violations entitle Plaintiffs and all other similarly-situated employees to compensatory damages calculated as the full amount of wages owed at the minimum wage of \$7.50 per hour less the amount of wages actually received and a return of the tips withheld.

58. Defendants' violations entitle Plaintiffs and all other similarly-situated employees to liquidated damages pursuant to 29 U.S.C. § 216(b) of an amount equal to compensatory damages.

59. Plaintiffs and all other similarly-situated employees are entitled to an award of their attorney's fees and court costs pursuant to 29 U.S.C. § 216(b).

VII. SECOND CLAIM FOR RELIEF

(Individual Claims for Violation of the Fair Labor Standards Act)

60. Plaintiffs repeat and re-allege all previous paragraphs of this Complaint as though fully set forth herein.

61. At all relevant times, Plaintiffs have been entitled to the rights, protection, and benefits provided by the FLSA.

62. At all relevant times, Plaintiffs have been "employees" of Defendants' as defined by 29 U.S.C. § 203(e).

63. At all relevant time, Defendants were "employers" of Plaintiffs as defined by 29 U.S.C. § 203(d).

64. Under FLSA regulations, tips are the property of the employee whether or not the employer has taken a tip credit under 29 U.S.C. §203(m).

65. Furthermore, valid mandatory tip pools can only include those employees who customarily and regularly receive tips. An employer may not retain any of the employees' tips for any other purpose.

66. An employer can only retain an employee's tips in furtherance of a valid tip-pooling arrangement or as a credit toward its minimum wage obligations.

67. At all relevant times, Defendants willfully failed and refused to compensate Plaintiffs for all hours worked at the standard minimum wage under the FLSA because they retained their tips in furtherance of an invalid tip-pooling arrangement.

68. Defendants violated and continue to violate the FLSA by withholding Plaintiffs' tips in furtherance of an invalid tip-pooling arrangement.

69. Defendants failed to pay Plaintiffs the minimum wages required under the FLSA for tipped work and for non-tipped work.

70. Defendants' violations entitle Plaintiffs to compensatory damages calculated as the full amount of wages owed at the minimum wage of \$7.50 per hour less the amount of wages actually received and a return of the tips withheld.

71. Defendants' violations entitle Plaintiffs to liquidated damages pursuant to 29 U.S.C. § 216(b) of an amount equal to compensatory damages.

72. Plaintiffs are entitled to an award of their attorney's fees and court costs pursuant to 29 U.S.C. § 216(b).

VIII. THIRD CLAIM FOR RELIEF

(Individual Claims for Violation of AMWA Minimum Wage Provisions)

73. Plaintiffs repeat and re-allege all previous paragraphs of this Complaint as though fully set forth herein.

74. At all relevant times, Plaintiffs have been entitled to the rights, protection, and benefits provided by the AMWA.

75. At all relevant times, Plaintiffs have been "employees" of Defendants', as defined by Ark. Code Ann. § 11-4-203(3).

76. At all relevant times, Defendants were “employers” of Plaintiffs as defined by Ark. Code Ann. § 11-4-203(4).

77. Defendants have failed and refused to comply with the AMWA wage requirements by failing to allow Plaintiffs to keep their tips to offset the gratuity allowance permitted by Ark. Code Ann. § 11-14-212.

78. Defendants took advantage of the gratuity allowance permitted by Ark. Code Ann. §11-14-212, but also required Plaintiffs to give a portion of their tips to non-tipped managers, thus preventing Plaintiffs from receiving minimum wage as required by Ark. Code Ann. § 11-14-210.

79. Defendants failed to pay Plaintiffs the minimum wages required under the AMWA for tipped work and for non-tipped work.

80. Defendants’ conduct and practice, as described above, has been and is willful, intentional, unreasonable, arbitrary and in bad faith.

81. By reason of the unlawful acts alleged herein, Defendants are liable to Plaintiffs for monetary damages, liquidated damages and costs, including reasonable attorney’s fees provided by the AMWA for all violations which occurred beginning at least three (3) years preceding the filing of this Complaint, plus periods of equitable tolling.

82. Defendants have not acted in good faith nor with reasonable grounds to believe their actions and omissions were not a violation of the AMWA, and, as a result thereof, Plaintiffs are entitled to recover an award of liquidated damages in an amount equal to the amount of unpaid overtime premium pay and unpaid minimum wages described above pursuant to Ark. Code Ann. § 11-4-218.

83. Alternatively, should the Court find that Defendants acted in good faith in failing to pay Plaintiffs as provided by the AMWA, they are entitled to an award of prejudgment interest at the applicable legal rate.

IX. PRAYER FOR RELIEF

WHEREFORE, premises considered, Plaintiffs Rachael Shires and Spencer Pillay, each individually and on behalf of all members of the putative class respectfully request this Court grant the following relief:

- (a) That each Defendant be summoned to appear and answer herein;
- (b) That each Defendant be required to account to Plaintiffs, the class members, and the Court for all of the hours worked by Plaintiffs and the class members and all monies paid to them;
- (c) A declaratory judgment that Defendants' practices alleged herein violate the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.*, and attendant regulations at 29 C.F.R. § 516 *et seq.*;
- (d) Certification of, and proper notice to, together with an opportunity to participate in the litigation, the class of all qualifying current and former employees;
- (e) Judgment for damages for all unpaid overtime compensation under the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.*, and attendant regulations at 29 C.F.R. § 516 *et seq.*;
- (f) Judgment for liquidated damages pursuant to the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.*, and attendant regulations at 29 C.F.R. § 516 *et seq.*, in an amount equal to all unpaid overtime compensation owed to Plaintiffs and members of the Class during the applicable statutory period;

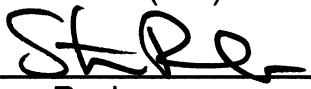
- (g) An order directing Defendants to pay Plaintiffs and members of the Class prejudgment interest, reasonable attorney's fees and all costs connected with this action;
- (h) Reservation of the right to amend this Complaint as provided by law; and
- (i) Such other and further relief as this Court may deem necessary, just and proper.

Respectfully submitted,

**RACHAEL SHIRES and SPENCER
PILLAY, Each Individually and on
Behalf of all Others Similarly
Situated, PLAINTIFFS**


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and



Josh Sanford
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josh@sanfordlawfirm.com

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

**RACHAEL SHIRES and SPENCER
PILLAY, Each Individually and on
Behalf of All Others Similarly Situated**

PLAINTIFFS

vs.

No. 4:17-cv-_____

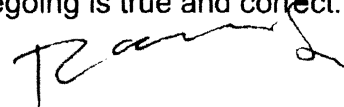
**AW LINS ASIAN CUISINE DOWNTOWN
LITTLE ROCK, LLC, and "ANDY" LIU and
"JENNY" LIU**

DEFENDANTS

CONSENT TO JOIN COLLECTIVE ACTION

I was employed as a TIPPED EMPLOYEE on or after November 20, 2014, by AW Lins. I understand this suit is being brought under the Fair Labor Standards Act (FLSA) for unpaid minimum wages and overtime compensation. As an employee or former employee of Defendants, I consent to become a party-plaintiff in this lawsuit, to be represented by Sanford Law Firm, PLLC, and to be bound by any settlement of this action or adjudication of the Court.

I declare under penalty of perjury that the foregoing is true and correct.



RACHAEL SHIRES

Date: November 15, 2017

**Josh Sanford
Sanford Law Firm, PLLC
One Financial Center
650 South Shackleford, Suite 411
Little Rock, Arkansas 72211
Telephone: (501) 221-0088
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josh@sanfordlawfirm.com**

JS 44 (Rev. 06/17)

CIVIL COVER SHEET 4:17-cv-771-BSM

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

RACHAEL SHIRES and SPENCER PILLAY, Each Individually and on Behalf of All Others Similarly Situated

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

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

Josh Sanford, SANFORD LAW FIRM, PLLC; One Financial Center, 650 South Shackleford, Suite 411, Little Rock, Arkansas 72211; 501-221-0088; iosh@sanfordlawfirm.com

DEFENDANTS

AW LINS ASIAN CUISINE DOWNTOWN LITTLE ROCK, LLC, and "ANDY" LIU and "JENNY" LIU

County of Residence of First Listed Defendant Pulaski
(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)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input checked="" type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 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)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS			
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

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

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from Another District (specify)
- 6 Multidistrict Litigation - Transfer
- 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

29 USC 201 et seq

Brief description of cause:

FLSA Violation: Unpaid Overtime

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

11/21/2017

SIGNATURE OF ATTORNEY OF RECORD

/s/ Josh Sanford 

FOR OFFICE USE ONLY

RECEIPT # _____

AMOUNT _____

APPLYING IFP _____

JUDGE _____

MAG. JUDGE _____

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [AW Lins' Employees Sue Restaurant Over Alleged Tip Pool Violations](#)
