

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

ROBERT SOSSAMAN, Individually,)
and on behalf of himself and)
all others similarly situated,)

Plaintiff,)

vs.)

VALET PARKING EXPERTS, INC.,)
a Florida Corporation,)
d/b/a Cubby Caboose Mini Express, and)
JEAN PIERRE PETIT, individually,)

Defendants.)

Case No: _____

JURY TRIAL DEMANDED

FLSA Opt-In Collective Action

COLLECTIVE ACTION COMPLAINT

COMES now the Plaintiff, Robert Sossaman, (hereinafter “Named Plaintiff”) on behalf of himself and those similarly situated (collectively hereinafter “Plaintiffs”), and hereby complains as follows against the named Defendants:

I. NATURE OF THE ACTION

1. This is an individual and Collective Action Complaint brought to obtain declaratory, injunctive, and monetary relief on behalf of the Named Plaintiff and those similarly situated who operate(d) as operator employees and/or were employees classified as “operators” for Defendants, Valet Parking Experts, Inc., d/b/a Cubby Caboose Mini Express and Jean Pierre Petit, (collectively hereinafter “Defendants”), who Defendants either classify or classified as independent contractors or failed to pay overtime pay for hours worked in excess of 40 hours per

week. Named Plaintiff alleges violations of the Federal Fair Labor Standards Act (“FLSA”), 29 U.S.C. §§201, *et seq.*, and seeks permanent injunctive relief, back wages, liquidated damages, and other damages for himself and those similarly situated.

2. The Defendants employ individuals classified as “operators” to operate rides such as electric trains, owned or leased by Defendants, in traditional shopping malls across America. Defendants paid Named Plaintiff and putative class members by the hour.

3. The FLSA collective group consists of all individuals who operate(d) trains or other rides for the Defendants, and are or were misclassified as independent contractors, working for the Defendant Valet Parking Experts, Inc., at any time during the applicable limitations period (“Operators”). The Named Plaintiff, during applicable time periods is and/or was a member of this collective group and also brings individual claims as such.

4. This action challenges both the classification of operators as independent contractors and Defendants’ denial to the Named Plaintiff and those similarly situated of the rights, obligations, privileges, and benefits owed to them as employees under the FLSA.

II. PARTIES

5. The foregoing paragraphs are incorporated herein as if set forth in their entirety.

6. Plaintiff Robert Sossaman is a resident of Shelby County, Tennessee, who worked as an Operator in that state during most of the statutory period. During the past three years he has been classified as an operator for the Defendants. During the past three years he has been classified as an independent contractor by the Defendants. Plaintiff was an operator of Defendants’ train at the Wolfchase Mall in Shelby County, Tennessee. Plaintiff regularly worked in excess of forty (40) hours per week and did not receive overtime premium pay at any time during the class periods. (Named Plaintiff’s Consent to Join collective action is attached hereto as Exhibit A.)

7. Defendant Valet Parking Experts, Inc. (herein “Defendant Valet Parking Experts”) is a Florida corporation with its principal place of business located at 408 Kelly Plantation Drive, Unit 1510, Destin, Florida 32541-8477, and was Plaintiff’s “employer” as that term is defined under the FLSA. Defendant Valet Parking Experts operates under the assumed name of Cubby Caboose Mini Express. Defendant Valet Parking Experts hires individuals, whom it classifies as independent contractors, to operate trains and other rides in shopping malls across the country. Defendant Valet Parking Experts employs operators throughout the United States. Defendant Valet Parking Experts may be served via its registered agent, Corporation Service Company, 2908 Poston Avenue, Nashville, Tennessee 37203-1312. As of the date this Complaint was filed Defendant Valet Parking Experts had been administratively revoked by the Tennessee Secretary of State and has been doing business in Tennessee since January 13, 2015 unlawfully. (Tennessee Secretary of State, Division of Business Services Filing Information Attached hereto as Exhibit B.)

8. Defendant Jean Pierre Petit is an adult individual and believed to be a resident of the State of Florida and who, at times relevant to this Collective Action Complaint, has been the Principal and owner of Valet Parking Experts, Inc. Defendant Petit exercised operational control over significant aspects of Valet Parking Experts’ day-to-day functions and is therefore individually liable for any violation of the FLSA. Defendant Petit may be served for purposes of process at 408 Kelly Plantation drive, Unit 1510, Destin Florida, 32541-8477.

III. JURISDICTION AND VENUE

9. The foregoing paragraphs are incorporated herein as if set forth in their entirety.

10. This Court has jurisdiction over the claims asserted in this action pursuant to 28 U.S.C. §1331, federal question jurisdiction.

11. Venue is proper in this Court under 28 U.S.C. §§1391(b)(2) and 1391(c) because a substantial part of the events giving rise to the claim occurred within this judicial district.

12. Named Plaintiff brings this action on behalf of himself and the Collective Class or Group.

IV. FLSA COLLECTIVE ACTION ALLEGATIONS

13. The foregoing paragraphs are incorporated herein as if set forth in their entirety.

14. Named Plaintiff brings Cause of Action-Count I of this Complaint as a collective action, alleging violations of the FLSA on behalf of himself and all similarly situated individuals.

This Collective Group is defined as:

all individuals who, through a contract with Defendants or otherwise, performed or perform as Operators for Defendants under an agreement with Valet Parking Experts, Inc. and who were classified by Defendants as “independent contractors” (collectively “Covered Position”) anywhere in the United States at any time from the date that is three years preceding the commencement of this action through the close of the Court-determined opt-in period and who file a consent to join this action pursuant to 29 U.S.C. §216(b).

The Collective Group also includes the Named Plaintiff in this action. Named Plaintiff reserves the right to modify this definition prior to conditional certification of the collective class or group.

15. The Named Plaintiff, along with current and former employees of Defendants, in Covered Positions are similarly situated in that they have substantially similar job requirements, pay provisions, and are subject to Defendants’ common practice, policy, or plan of controlling their daily job functions.

16. Defendants regularly permitted and required the Named Plaintiff and members of the Collective Group to work more than 40 hours per week without overtime compensation.

17. Upon information and belief, Defendants knew that the Named Plaintiff and all similarly situated individuals performed work that required overtime pay.

18. Defendants have therefore operated under a scheme to deprive these employees of overtime compensation by failing to properly compensate them for all time worked.

19. Defendants' conduct, as set forth in this Complaint, was willful and has caused significant damages to the Named Plaintiff and all similarly situated individuals.

20. Count I of this Complaint for violations of the FLSA may be brought and maintained as an "opt-in" collective action pursuant to 29 U.S.C. § 216(b) because the claims of the Named Plaintiff is similar to the claims of current and former "independent contractors" who work and/or have worked for Defendants. Therefore, the Named Plaintiff should be permitted to bring this action as a collective action and on behalf of himself and those similarly situated individuals pursuant to the "opt-in" provision of the FLSA, 29 U.S.C. § 216(b).

21. Defendants are liable under the FLSA for failing to properly compensate the Named Plaintiff and all similarly situated individuals, and notice of this lawsuit should be sent to all similarly situated individuals. Those similarly situated individuals are known to Defendants and are readily identifiable through Defendants' payroll and other personnel records.

V. STATEMENT OF FACTS

22. The foregoing paragraphs are incorporated herein as if set forth in their entirety.

23. Defendant Valet Parking Experts is a corporation whose business consists of operating trains and other rides in shopping malls across America.

24. Defendants own and/or lease the rides Plaintiffs operate.

25. Defendants set Plaintiffs' work hours and conditions.

26. Defendants pay Plaintiffs an hourly wage and additional compensation based on the number of riders during a certain period of time.

27. Defendants set the rate of pay Plaintiffs are paid per hour and the rate of additional

compensation.

28. Defendant Petit required Plaintiff Sossaman to report to him every day the number of riders the train serviced.

29. Defendant Petit required Plaintiff Sossaman to inform him immediately if anything went wrong.

30. An employee of Defendant Valet Parking Experts (first name Glenda, last name unknown) trained Plaintiffs on its procedures and how to operate the train.

31. Defendant Petit informed Plaintiff of changes on the train in person from time to time.

32. The relationship between each member of the Collective Group and Defendants is essentially the same in all material respects.

33. The Named Plaintiff and members of the proposed Collective Group must strictly follow Defendants' instructions and adhere to the pricing, policies, and procedures set by Defendants.

34. Defendants denied the named Plaintiff and other Operators the benefits of exercising the following rights of actual independent contractors:

- a. The right to negotiate the price of the rides;
- b. The right to establish all sales and promotions and to require Operators to follow them;
- c. The right to discipline Operators, up to and including termination, for reasons including hiring employees to run their ride or taking time off work;
- d. The right to handle customer complaints against the Operators and to take disciplinary action;

- e. The right to withhold pay for certain specified expenses;
- f. The right to unilaterally terminate the employment relationship;
- g. The right to unilaterally vary the standards, guidelines, and operating procedures; and
- h. Various other rights reserved by Defendants.

35. The Named Plaintiff and the Collective Group members were, or are, required to accept Defendants' conditions of employment or face termination.

36. Defendants not only retained the rights listed above, but exercised the rights as well.

37. The job performed by the Named Plaintiff and members of the proposed Operator Collective Group does not require specialized skills.

38. Because they were misclassified as non-employees, the Named Plaintiff and members of the proposed Collective Group were denied the rights and benefits of employment, including, but not limited to overtime premium wages.

39. Operators work well in excess of forty (40) hours during a five to seven-day work week for which neither the Named Plaintiff nor, upon information and belief, members of the proposed Collective Group have received overtime premium wages.

40. During the relevant time period, the Named Plaintiff worked in excess of 40 hours during many weeks of the year. In addition, the Named Plaintiff is aware of numerous Operators who worked 40 hours or more per week on average.

41. Defendants' mischaracterization of the Operators as independent contractors, the concealment or non-disclosure of the true nature of the relationship between Defendants and the Operators, and the attendant deprivation of substantial rights and benefits of employment are part of an on-going unlawful practice by Defendants which this Court should enjoin.

VI. CAUSE(S) OF ACTION

COUNT I

FAILURE TO PAY OVERTIME TO THE PLAINTIFFS INDIVIDUALLY AND ON BEHALF OF THE COLLECTIVE GROUP FLSA, 29 U.S.C. §§ 201, et seq.

42. Plaintiff re-alleges and incorporates by reference each and every allegation set forth in the preceding Paragraphs.

43. Section 206(a)(1) of the FLSA provides in pertinent part:

Except as otherwise provided in this section, no employer shall employ any of his employees who in any work week is engaged in commerce or in the production of goods for commerce, for a work week longer than forty hours unless such employee receives compensation for his employment in excess of the hours above specified at a rate not less than one and one-half times the regular rate at which he is employed.

29 U.S.C. § 207(a)(1)

44. There are no exemptions applicable to the Named Plaintiff or to other members of the Collective Group.

45. For purposes of the FLSA, the employment practices of Defendants were and are uniform in all respects material to the claims asserted in this Complaint throughout the portions of United States in which Defendants conduct business.

46. The Named Plaintiff and other members of the Collective Group, either regularly or from time to time, worked more than 40 hours per week but did not receive overtime pay.

47. Upon information and belief, at all times relevant hereto, Defendants have had annual gross operating revenues well in excess of \$500,000.00.

48. In committing the wrongful acts alleged to be in violation of the FLSA, Defendants acted willfully in that they knowingly, deliberately, and intentionally failed to pay overtime premium wages to the Named Plaintiff and other members of the Collective Group.

49. As a result of Defendants' failure to pay overtime premium wages, the Named Plaintiff and the other members of the Collective Group were damaged in an amount to be proved at trial.

50. Therefore, the Named Plaintiff demands that he and the other members of the Collective Group be paid overtime compensation as required by the FLSA for every hour of overtime worked in any work week for which they were not compensated, plus liquidated damages, interest, damages, penalties, and attorneys' fees as provided by law.

VII. PRAYERS FOR RELIEF

WHEREFORE, Named Plaintiff requests of this Court the following relief on behalf of himself, all members of the Collective Action, and all other similarly situated individuals:

- a. That the Court certify the collective group named in the instant suit as an opt-in collective action under 29 U.S.C. § 216(b);
- b. That the Court declare the rights and duties of the parties consistent with the relief sought by Named Plaintiff;
- c. That the Court issue a declaratory judgment that Defendants' acts, policies, practices, and procedures complained of herein violated provisions of the Fair Labor Standards Act;
- d. That the Court enjoin the Defendants from committing further violations of the Fair Labor Standards Act;

e. That the Court award the Named Plaintiff and collective group members compensatory damages (back pay) and an equal amount of liquidated damages as provided under the law and pursuant to 29 U.S.C. § 216(b);

f. That the Court award the Named Plaintiff and the collective group reasonable attorney's fees, costs, pre-and post judgment interest pre-judgment interest and expenses;

g. That the Court order the Defendants to make the Named Plaintiff and the collective group members whole by providing appropriate back pay and other benefits wrongly denied, as well as liquidated damages, in an amount to be shown at trial and other affirmative relief;

h. That the Court award the Named Plaintiff and the collective group members such additional relief as the interests of justice may require;

i. That a jury be impaneled to try this cause.

Dated: August 3, 2017

Respectfully Submitted,

/s/ J. Russ Bryant

Gordon E. Jackson (TN Bar No. 08323)

J. Russ Bryant (TN Bar No. 033830)

Paula R. Jackson (TN Bar No. 20149)

JACKSON, SHIELDS, YEISER & HOLT

262 German Oak Drive

Memphis, TN 38018

Telephone: (901) 754-8001

Facsimile: (901) 754-8524

gjackson@jsyc.com

rbryant@jsyc.com

pjackson@jsyc.com

Attorneys for Named Plaintiff, individually, on behalf of himself, and others similarly situated

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

ROBERT SOSSAMAN, Individually,)
and on behalf of himself and)
all others similarly situated,)

Plaintiff,)

vs.)

Case No: _____

JURY TRIAL DEMANDED

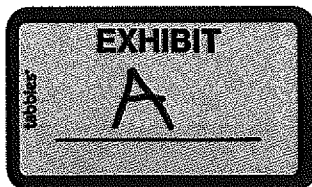
VALET PARKING EXPERTS, INC.,)
a Florida Corporation,)
d/b/a Cubby Caboose Mini Express, and)
JEAN PEIRRE PETIT, individually,)

FLSA Opt-In Collective Action

Defendants.)

CONSENT TO JOIN

1. I have been employed by Valet Parking Experts, Inc. and, classified as an independent contractor Operator within the past three (3) years.
2. I hereby consent to join this or any subsequent action against the Defendants as a Party-Plaintiff to assert claims for violations of the FLSA 29 U.S.C. § 201, *et seq.*, and unpaid overtime wages as specified in the Complaint.
3. I understand that 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, agree, and opt-in to become a Party-Plaintiff in this action.
4. I agree to be represented by Jackson, Shields, Yeiser & Holt and Attorneys Gordon E. Jackson, James L. Holt, Jr., J. Russ Bryant, and Paula R. Jackson, counsel for the Named Plaintiff, as well as any other attorneys with whom they may associate.
5. If this case does not proceed collectively, I also consent to join any subsequent action to assert claims against these Defendants and any other related entities for unpaid overtime.





Tre Hargett
Secretary of State

Division of Business Services
Department of State
State of Tennessee
312 Rosa L. Parks AVE, 6th FL
Nashville, TN 37243-1102

Filing Information

Name: **Valet Parking Experts, Inc.**

General Information

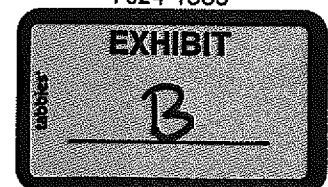
SOS Control # 000682153 Formation Locale: FLORIDA
Filing Type: For-profit Corporation - Foreign Date Formed: 04/27/2004
 03/28/2012 11:17 AM Fiscal Year Close 12
Status: Inactive - Revoked (Revenue)
Duration Term: Perpetual

Registered Agent Address
CORPORATION SERVICE COMPANY
2908 POSTON AVE
NASHVILLE, TN 37203-1312

Principal Address
408 KELLY PLANTATION DR UNIT 1510
DESTIN, FL 32541-8477

The following document(s) was/were filed in this office on the date(s) indicated below:

<u>Date Filed</u>	<u>Filing Description</u>	<u>Image #</u>
01/13/2015	Dissolution/Revocation - Revenue	*B0038-5210
	Filing Status Changed From: Inactive - Revoked (Administrative) To: Inactive - Revoked (Revenue)	
08/09/2014	Dissolution/Revocation - Administrative	A0259-1118
	Filing Status Changed From: Active To: Inactive - Revoked (Administrative)	
	Inactive Date Changed From: No Value To: 08/09/2014	
	Name Status Changed From: Active (Cubby Caboose Mini Express) To: Inactive - Name Cancelled (Cubby Caboose Mini Express)	
06/03/2014	Notice of Determination	A0245-1878
08/29/2013	Registered Agent Change (by Entity)	A0200-2317
	Registered Agent Organization Name Changed From: CORPORATE CREATIONS NETWORK INC. To: CORPORATION SERVICE COMPANY	
	Registered Agent Physical Address 1 Changed From: 205 POWELL PL To: 2908 POSTON AVE	
	Registered Agent Physical City Changed From: BRENTWOOD To: NASHVILLE	
	Registered Agent Physical County Changed From: WILLIAMSON COUNTY To: DAVIDSON COUNTY	
	Registered Agent Physical Postal Code Changed From: 37027-7522 To: 37203-1312	
03/22/2013	2012 Annual Report	A0165-0112
03/28/2012	Initial Filing	7024-1380
03/28/2012	Assumed Name	7024-1383
	New Assumed Name Changed From: No Value To: Cubby Caboose Mini Express	
7/5/2017 5:24:56 PM		



Filing Information

Name: **Valet Parking Experts, Inc.**

Active Assumed Names (if any)

Date

Expires

JS 44 (Rev. 06/17)

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
ROBERT SOSSAMAN, Individually, and on behalf of himself and all other similarly situated,

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

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

DEFENDANTS
VALET PARKING EXPERTS, INC., et al.,

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"/> 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 <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): _____

Brief description of cause: _____

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: 08/03/2017 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.

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Lawsuit: Electric Train Operator Not on Board with Former Employer's OT Policies](#)
