

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION**

CARLOS WARDLAW and LEVERTIS)
VICKERS, individually and on behalf of)
all those similarly situated,)

Plaintiffs,)

v.)

FREEDOM TRAILERS, LLC, and)
MARK BAXLEY,)

Defendants.)

CIVIL ACTION NO.: 5:17-cv-10

COMPLAINT

PLAINTIFFS CARLOS WARDLAW and LEVERTIS VICKERS,
individually and on behalf of all others similarly situated, hereby file this
Complaint against DEFENDANTS FREEDOM TRAILERS, LLC and MARK
BAXLEY and for this cause of action state the following:

Nature of the Claim

1. Plaintiffs bring this action individually and on behalf of all others
similarly situated – pursuant to the collective action provision of 29 U.S.C.
§ 216(b) – to redress Defendants’ violations of the Fair Labor Standards Act, 29
U.S.C. § 201 *et seq.* (“FLSA”), which have deprived Plaintiffs and others similarly
situated of their lawful wages.

2. This action seeks unpaid overtime compensation, liquidated damages, expenses of litigation, reasonable attorneys' fees, and other relief under the FLSA, on the grounds set forth below.

Jurisdiction and Venue

3. This Court has subject-matter jurisdiction over Plaintiffs' claims pursuant to 28 U.S.C. § 1331 because this action arises under the laws of the United States. Subject-matter jurisdiction is also conferred upon this Court by 28 U.S.C. § 1337 because this action arises under Acts of Congress regulating commerce. Additionally, Defendants are subject to service in this judicial district; thus, this Court has personal jurisdiction.

4. Under 28 U.S.C. § 1391(b), venue is appropriate in this district because a substantial part of the events or omissions giving rise to the claims at issue occurred in this judicial district.

The Parties

5. Defendant Freedom Trailers is organized under the laws of the State of Georgia and its principal place of business is located in Willacoochee, Georgia.

6. At all times relevant to this action, Defendant Baxley acted in the interest of an employer toward Plaintiffs, exercised responsibility and control over Plaintiffs' compensation and terms of employment, and was a corporate officer

with operational control of the corporation's covered enterprise. Therefore, Defendant Baxley may be held liable in his individual capacity as an "employer" for Defendant Freedom Trailers' FLSA violations.

7. Plaintiff Wardlaw is a resident of Georgia and has been employed by Defendants since approximately 2009 at Defendants' plant in Willacoochee, Georgia.

8. During this employment, Plaintiff Wardlaw has worked for Defendants in maintenance on the trailer production and maintenance line.

9. Plaintiff Vickers is a resident of Georgia and has been employed by Defendants since approximately 2007 at Defendants' plant in Willacoochee, Georgia.

10. During his employment, Plaintiff Vickers has worked for Defendants driving tractors on the trailer production and maintenance line.

Factual Allegations

11. At all times relevant to this action, Defendants were "employers" within the meaning of 29 U.S.C. § 203(s).

12. At all times relevant to this action, Defendant Freedom Trailers was an enterprise engaged in commerce or in the production of goods for commerce

within the meaning of the FLSA because it had employees engaged in commerce and because it's annual gross sales volume exceeds \$500,000.

13. Defendant Freedom Trailers builds and sells trailers. According to its website, Freedom Trailers is "#1 in BBQ, Concession and Vending Trailers." *See* <http://www.freedomtrailers.com/>, last visited December 19, 2016.

14. Plaintiffs were "employees" of Defendants' within the meaning of 29 U.S.C. § 203(e) within the three years preceding the filing of this Complaint.

15. At all times relevant to this action, Plaintiffs were non-exempt employees under the FLSA.

16. At all times relevant to this action, Plaintiffs were subject to the FLSA's overtime provisions.

17. Throughout their employment, Plaintiffs regularly worked hours in excess of 40 hours per workweek.

18. In particular, Plaintiffs regularly began their work days at 7:00 a.m. and finished work anywhere from 5:00 p.m. to 12:00 a.m. each day. During Plaintiffs' employment, they also regularly received breaks from 9:30 a.m. to 9:45 a.m., and from 12:15 p.m. to 1:00 p.m.

19. During Plaintiffs' employment with Defendants, Defendants required Plaintiffs to clock in and out each day using a timecard system.

20. During Plaintiffs' employment with Defendants, Plaintiffs were not compensated on an hourly basis.

21. Instead, Defendants compensated Plaintiffs on a purported "production" basis.

22. At all times relevant to this action, Defendants compensated Plaintiffs by providing them with a lump sum each week which sometimes fluctuated. According to Defendants, the fluctuation was due to fluctuation in the plant's weekly production.

23. In compensating Plaintiffs in this manner, Defendants did not take into account the hours, including the overtime hours, that Plaintiffs worked.

24. By failing to take into account the hours Plaintiffs worked, including the overtime hours, Defendants failed to properly compensate Plaintiffs by denying them their proper overtime compensation.

25. Defendants compensated other former and current employees on the trailer production and maintenance line at the Willacoochee plant on the same "production" basis.

26. By failing to take into account the hours that the other current and former employees worked, including their overtime hours, Defendants failed to

properly compensate those employees as well by denying them their proper overtime compensation.

27. Plaintiffs' supervisors were aware of the hours Plaintiffs and other current and former employees worked for which they were not properly compensated.

28. Defendants' practice of compensating employees on a purported "production" basis deprived Plaintiffs and other current and former employees of compensation to which they are entitled, including overtime compensation – *i.e.*, a rate of pay equal to one and one-half times their regular rate – for all hours worked over 40 within each workweek in violation of the FLSA.

29. As a result of these customs, policies, and/or practices, Defendants failed to credit and pay Plaintiffs and other current and former employees properly for all overtime hours they worked – *i.e.*, all hours worked over 40 within each workweek – in violation of the FLSA.

30. Defendants have willfully and intentionally failed and/or refused to compensate Plaintiffs and other current and former employees in accordance with the FLSA.

31. Upon information and belief, Defendants had no reasonable grounds for believing that their failure to pay an overtime premium to Plaintiffs and other current and former employees was appropriate under the FLSA.

32. Instead, Defendant Baxley informed production and maintenance line employees at the Willahoochee plant that he needed to keep the labor budget below a certain percentage of overall sales, and therefore employee compensation would be limited to that percentage.

33. Plaintiffs have retained the law firms listed below to represent them in this action and accordingly have incurred and will continue to incur attorneys' fees and costs, which are a proper portion of the relief sought in this action.

Collective Action Allegations

34. Numerous current and former employees of Defendants exist who are similarly situated to Plaintiffs, were denied proper compensation in violation of the FLSA, and who would benefit from issuance of Court-supervised notice of this lawsuit. Those similarly situated current and former employees are known to Defendants and are readily identifiable and locatable through Defendants' records.

35. Those current and former employees similarly situated to Plaintiffs include all individuals employed by Defendants on the trailer production and maintenance line at Defendants' plant in Willahoochee, Georgia who were paid on

a purported “production” basis and who worked in excess of 40 hours during one or more workweeks during any pay period falling within three chronological years immediately preceding the filing of this Complaint and continuing thereafter through the date on which final judgment is entered in this action.

36. Plaintiffs consent to participate in this collective action. Plaintiffs’ consents are attached hereto as Exhibit 1 and are a part hereof for all purposes pursuant to Fed. R. Civ. P. 10(c).

COUNT 1

(Overtime Compensation Due Under 29 U.S.C. § 207)

37. Plaintiffs re-allege paragraphs 1 through 36 above and incorporate them here by reference.

38. By engaging in the conduct described above, Defendants failed to pay Plaintiffs and all similarly situated individuals at a rate of pay not less than one and one half times their regular rate for all work performed in excess of forty hours in a workweek, in violation of 29 U.S.C. § 207.

39. Specifically, Defendants failed to properly compensate Plaintiffs and similarly situated current and former employees for all overtime hours worked through their custom, policy, and/or practice of failing to compensate non-exempt employees at the overtime rate – *i.e.*, a rate of pay equal to one and one-half times

their regular rate – for all hours worked over 40 within each workweek in violation of the FLSA.

40. Defendants’ actions in failing to compensate Plaintiffs and persons similarly situated in accordance with the FLSA were willful, within the meaning of 29 U.S.C. § 255(a), and committed with a conscious disregard for the rights of Plaintiffs and similarly situated individuals.

41. As a result of Defendants’ violation of the FLSA, Plaintiffs and all similarly situated individuals are entitled to recover their unpaid overtime compensation and an equal amount as liquidated damages as well as prejudgment interest, reasonable attorneys’ fees, and costs of suit, pursuant to 29 U.S.C. § 216(b), all in amounts to be determined at trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court:

- i. Take jurisdiction of this matter;
- ii. Permit the case to proceed as an FLSA collective action for those employees who opt in to participate by filing proper written notice with the Court;
- iii. Issue an Order holding Defendants to be “employers” as that term is defined under the FLSA;

- iv. Grant a trial by jury as to all matters properly triable to a jury;
- v. Issue a judgment declaring that Plaintiffs and the class they represent are covered by the provisions of the FLSA and that Defendants have failed to comply with the requirements of the FLSA;
- vi. Award the Plaintiffs proper payment for each overtime hour worked in the three years preceding the filing of this Complaint, calculated at one and one-half times the regular rate, and liquidated damages equaling 100% of overtime due the Plaintiffs, as required by the FLSA;
- vii. Award the other current and former employees proper payment for each overtime hour worked in the three years preceding each class member's joining of this collective action, calculated at one and one-half times the regular rate, and liquidated damages equaling 100% of overtime due each class member Plaintiff, as required by the FLSA;
- viii. Award Plaintiffs and the other current and former employees prejudgment interest on all amounts owed;

- ix. Award Plaintiffs and the other current and former employees nominal damages;
- x. Award each Plaintiff and the other current and former employees their reasonable attorneys' fees and costs of litigation pursuant to 29 U.S.C. § 216(b); and
- xi. Award any and such other further relief this Court deems just, equitable and proper.

DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a jury trial on all claims for which they have a right to a jury.

DATED: January 18, 2017

By: /s/ John F. Beasley, Jr.
John F. Beasley, Jr.
Georgia Bar No. 045010
JF BEASLEY LLC
31 North Main Street
P.O. Box 309
Watkinsville, GA 30677
Tel: (706) 769-4410
Fax: (706) 769-4471
jfbeasley@jfbeasleylaw.com

Andrew L. Weiner (*pro hac application to be filed on docketing*)

Georgia Bar No. 808278

Jeffrey B. Sand (*pro hac application to be filed on docketing*)

Georgia Bar No. 181568

THE WEINER LAW FIRM
LLC

3525 Piedmont Road

7 Piedmont Center, 3rd Floor

Atlanta, Georgia 30305

(404) 205-5029 (Tel.)

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(866) 800-1482 (Fax)

aw@atlantaemployeelawyer.com

js@atlantaemployeelawyer.com

Oscar E. Prioleau, Jr. (*pro hac application to be filed on docketing*)

Georgia Bar No. 588510

PRIOLEAU & MILFORT,
LLC

BB&T Building-Atlantic
Station

271 17th Street, NW, Suite 520

Atlanta, Georgia 30363

(404) 526-9400 (Tel.)

(404) 880-9360 (Fax)

oprioleau@mindspring.com

COUNSEL FOR PLAINTIFFS

CONSENT TO JOIN LAWSUIT

I hereby consent and agree to join the action brought under the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.* (the "FLSA"), against Freedom Trailers and/or anyone responsible for its violations of the FLSA, or any other action alleging violations of the FLSA against Freedom Trailers and/or anyone responsible for its violations of the FLSA. I hereby authorize The Weiner Law Firm LLC and Prioleau & Milfort, LLC to represent me and make decisions with respect to the conduct and handling of this action, including the settlement thereof, as it deems appropriate and necessary. I hereby agree to be bound by any adjudication of this action by the Court, whether it is favorable or unfavorable. I further agree to be bound by any settlement that may be negotiated by my attorneys and approved by the named Plaintiffs (as they may be substituted or amended) on behalf of all plaintiffs in this action.

Carlos D. Wardlaw

Signature

10/10/2016

Date

Carlos D. Wardlaw

Printed Name

1103-B N. Gaskin Av

Address

Douglas, Ga

City, State

31533

Zip Code

CONSENT TO JOIN LAWSUIT

I hereby consent and agree to join the action brought under the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.* (the "FLSA"), against Freedom Trailers and/or anyone responsible for its violations of the FLSA, or any other action alleging violations of the FLSA against Freedom Trailers and/or anyone responsible for its violations of the FLSA. I hereby authorize The Weiner Law Firm LLC and Prioleau & Milfort, LLC to represent me and make decisions with respect to the conduct and handling of this action, including the settlement thereof, as it deems appropriate and necessary. I hereby agree to be bound by any adjudication of this action by the Court, whether it is favorable or unfavorable. I further agree to be bound by any settlement that may be negotiated by my attorneys and approved by the named Plaintiffs (as they may be substituted or amended) on behalf of all plaintiffs in this action.

Sherrita McAdams
Signature
Sherrita McAdams

10-10-16
Date

Printed Name

P.O. BOX 706 Pearson GA
Address

Pearson GA
City, State

31622
Zip Code

JS 44 (Rev. 12/12)

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

Carlos Wardlaw and Levertis Vickers

DEFENDANTS

Freedom Trailers, LLC and Mark Baxley

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

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

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

JF Beasley LLC, 31 N. Main Street, P.O. Box 309, Watkinsville, GA 30677; (706) 769-4410

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	<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"/> 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

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:
Violations of the Fair Labor Standards Act

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

1/18/2017

SIGNATURE OF ATTORNEY OF RECORD

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 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 six 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.** (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- 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: [Freedom Trailers Hitched to Class Action Over Unpaid Wages](#)
