

FILED

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

2018 FEB 14 PM 2: 51

U.S. DISTRICT COURT
MIDDLE DISTRICT OF TN

NEIL WOLDMAN,)
individually and on behalf of all)
similarly-situated persons,)
)
Plaintiffs,)
)
v.)
)
AMERICOLOR, LLC, and PAUL)
HERSCHKOWITZ, MATTHEW)
HERSCHKOWITZ, and KORY)
HERSCHKOWITZ, individually,)
)
Defendants)
_____)

Civil No.: _____

COLLECTIVE ACTION COMPLAINT
FOR VIOLATION OF THE FAIR LABOR
STANDARDS ACT OF 1938

COMPLAINT

Comes Neil Woldman and files this lawsuit against the Defendants, AmeriColor, LLC, Paul Herschkowitz, Matthew Herschkowitz, and Kory Herschkowitz, individually, on behalf of himself and all others similarly-situated, pursuant to §216(b) of the Fair Labor Standards Act (hereinafter “FLSA”), and for their cause of action would state as follows:

I. INTRODUCTION

1. Plaintiff brings this action against AmeriColor, LLC, Paul Herschkowitz, Matthew Herschkowitz, and Kory Herschkowitz, individually (hereinafter referred to as “Defendants”), pursuant to the collective action provision of the FLSA found at §216(b), for legal relief to redress unlawful violations of Plaintiff’s rights, and the rights of those similarly-situated to Plaintiff, under the Fair Labor Standards Act of 1938, 29 U.S.C. § 201, *et seq.* (“FLSA”), which have deprived the Plaintiff, as well as others similarly-situated to Plaintiff, of their lawful wages. This suit is brought

on behalf of the Plaintiff and all others similarly-situated, pursuant to §216(b) of the FLSA.

2. Other current and former employees of Defendants are also entitled to receive their proper hourly unpaid wages and/or overtime compensation for the reasons alleged in this Complaint. Plaintiff is permitted to maintain this action “for and on behalf of [himself] and other employees similarly-situated.” 29 U.S.C. §216(b).

3. This action is brought to recover unpaid hourly and overtime compensation owed to the Plaintiff and all current and former employees of Defendants who are similarly-situated to the Plaintiff, pursuant to the FLSA. The Plaintiff and the collective group of similarly-situated employees are, or have been, employed in Defendants’ commercial printing business as non-exempt employees including prepress operators, designers, pressmen, binders, and shippers within the three year period prior to the filing of this Complaint, up through the present.

4. During the three year period prior to the filing of this Complaint through the present, Defendants committed violations of the FLSA by requiring and/or suffering or permitting their non-exempt employees, including Plaintiff, to routinely work more than 40 hours per week without payment of overtime compensation.

5. Plaintiff and all similarly-situated employees who elect to participate in this action seek unpaid compensation, an equal amount of liquidated damages, attorneys’ fees, and costs pursuant to 29 U.S.C. §216(b).

II. THE PARTIES

A. THE PLAINTIFF

6. Plaintiff Neil Woldman currently resides in the Middle Tennessee area and is a citizen of the United States. Plaintiff Woldman was employed by the Defendants from approximately October of 2009 through May of 2017 as a prepress operator.

7. During this employment with Defendants, Plaintiff worked as an hourly paid, non-exempt employee who routinely worked more than 40 hours each workweek. Even though he was non-exempt and worked a substantial number of overtime hours, Defendants failed to pay Plaintiff overtime compensation as required by the FLSA.

8. At all times material to this action, the named Plaintiff and all similarly-situated members of this collective action were “employees” of Defendant AmeriColor, LLC, as defined by §203(e)(1) of the FLSA.

9. At all times material to this action, the named Plaintiff and all similarly-situated members of this collective action were “employees” of Defendant Paul Herschkowitz as defined by §203(e)(1) of the FLSA.

10. At all times material to this action, the named Plaintiff and all similarly-situated members of this collective action were “employees” of Defendant Matthew Herschkowitz as defined by §203(e)(1) of the FLSA.

11. At all times material to this action, the named Plaintiff and all similarly-situated members of this collective action were “employees” of Defendant Kory Herschkowitz as defined by §203(e)(1) of the FLSA.

12. Plaintiff worked for the Defendants within the territory of the United States, and in Middle Tennessee, within the three-year period preceding the filing of this lawsuit.

13. Plaintiff was a non-exempt employee covered by the overtime provisions of §207 of the FLSA throughout the period during which he was employed by Defendants.

B. THE DEFENDANTS

14. Defendant AmeriColor, LLC, is organized under the laws of the state of Tennessee, with its principal office located in Nashville, Tennessee.

15. Defendant AmeriColor, LLC, is a privately owned company which provides commercial printing services for customers in Tennessee and elsewhere.

16. Throughout the three year period prior to the filing of this Complaint, Defendants Paul Herschkowitz, Matthew Herschkowitz, and Kory Herschkowitz were owners and/or co-owners of AmeriColor, LLC.

17. During this three year period, Defendants Paul Herschkowitz, Matthew Herschkowitz, and Kory Herschkowitz hired or fired employees, or they had the authority to hire and fire them, established pay levels and compensation policies for AmeriColor, LLC, employees, and made other decisions which affected the terms and conditions of work for employees such as the Plaintiff.

18. Defendants Paul Herschkowitz, Matthew Herschkowitz, and/or Kory Herschkowitz made the decision to not pay the Plaintiff and similarly-situated employees 150% of their regular hourly rates for the overtime hours they worked in excess of 40 hours in a given workweek.

19. During all or part of the recovery period applicable to this action, Defendants Paul Herschkowitz, Matthew Herschkowitz, and Kory Herschkowitz enforced, approved and/or ratified a

policy and practice of failing to pay Plaintiff and other similarly-situated employees overtime pay at the rate of time and one-half their regular hourly rates as required by the FLSA.

20. Throughout the recovery period applicable to this action, Defendants Paul Herschkowitz, Matthew Herschkowitz, and Kory Herschkowitz knew that the law required that employees of the Defendants be paid overtime pay at the rate of 150% of their regular hourly rates for hours worked in excess of forty hours in a workweek.

21. Defendants are subject to personal jurisdiction in the state of Tennessee for purposes of this lawsuit.

22. At all times material to this action, AmeriColor, LLC, has been an enterprise engaged in commerce or in the production of goods for commerce as defined by §203(s)(1) of the FLSA, and has had a gross volume of sales which has exceeded \$500,000.

23. At all times material to this action, Defendants have been “employers” of the named Plaintiff, as defined by §203(d) of the FLSA, as well as employers of all other persons similarly-situated to the named Plaintiff.

24. The overtime provisions set forth in §207 of the FLSA apply to the Defendants such that the Defendants owe their non-exempt employees overtime pay for each hour they work in excess of 40 hours in a workweek.

III. JURISDICTION AND VENUE

25. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §1331 (federal question jurisdiction); and 29 U.S.C. §216(b) (FLSA).

26. Venue is proper in the Middle District of Tennessee under 28 U.S.C. §1391(b)-(c).

IV. VIOLATIONS OF THE FLSA

A. Defendants' failure to pay overtime compensation

27. Defendants have intentionally and repeatedly engaged in a practice of improperly and unlawfully failing to pay their non-exempt employees overtime pay including, but not limited to, the named Plaintiff and the collective group of similarly-situated employees who worked for Defendants in violation of the provisions of the FLSA and corresponding federal regulations.

28. Specifically, Defendants have intentionally and repeatedly engaged in the practice of failing to pay their non-exempt employees, including the Plaintiff, at the required rate of time and one-half their regular hourly rate of pay, in violation of the provisions of the FLSA.

29. Conservatively, Plaintiff worked an average of at least 65 hours per week for Defendants but was not paid at time and one-half his regular hourly rate as required by the FLSA for the hours he worked in excess of 40 in a workweek.

30. Plaintiff's experience is typical of other employees who worked for Defendants.

V. SCOPE OF DEFENDANTS' LIABILITY

31. On information and belief, there are other similarly-situated present and former employees of Defendants who have been improperly compensated in violation of the FLSA and who would benefit from the issuance of court-supervised notice of the present action. Those similarly-situated employees are known to Defendants and are readily identifiable and locatable through Defendants' records. Specifically, all current and former employees should be notified who, at any time during the three years preceding the filing date of this Complaint, up through and including the date of this Court's issuance of court-supervised notice, have been "suffered or permitted to work"

for Defendants without receiving their proper and lawful overtime wages.

32. Throughout the recovery period applicable to this action, Defendants Paul Herschkowitz, Matthew Herschkowitz, and Kory Herschkowitz shared operational control over the business activities and operations of AmeriColor, LLC, including control over the employees they employed.

33. In particular, Defendants Paul Herschkowitz, Matthew Herschkowitz, and Kory Herschkowitz directed and controlled work performed by the Plaintiff and all similarly-situated employees who worked for them, or had the right to direct and control their work, and implemented, approved, and/or ratified the policy of not paying proper overtime pay to Plaintiff and other similarly-situated employees.

34. Throughout the three year period prior to the filing of this Complaint, Defendants Paul Herschkowitz, Matthew Herschkowitz, and Kory Herschkowitz were fully aware of the fact that Plaintiff and similarly-situated employees were not paid at the rate of time and one-half their regular hourly rate of pay for all the hours worked in excess of 40 in a workweek.

35. Accordingly, Defendants Paul Herschkowitz, Matthew Herschkowitz, and Kory Herschkowitz acted “directly or indirectly in the interest of an employer in relation to” the named Plaintiff and similarly-situated employees within the meaning of §203(d) of the FLSA, and are thus individually and personally liable for the unpaid wages, liquidated damages, costs and attorneys’ fees, and all other relief sought herein.

VI. COUNT ONE

36. Plaintiff repeats and incorporates by reference the allegations contained in Paragraphs 1-35 herein. By their actions alleged herein, Defendants willfully, knowingly, and/or recklessly violated the provisions of the FLSA and corresponding federal regulations.

37. Defendants willfully and intentionally engaged in a widespread pattern and practice of violating the provisions of the FLSA, as detailed herein, by endeavoring to prevent the proper compensation of Plaintiff and other present and former, similarly-situated employees in accordance with §207 of the FLSA.

38. As a result of Defendants' violations of the FLSA, Plaintiff, as well as all others similarly-situated, has suffered damages by failing to receive their lawful overtime wages in accordance with §207 of the FLSA.

39. Defendants have made no good faith effort to comply with the FLSA with respect to their compensation of Plaintiff or other similarly-situated employees.

40. Defendants' willful conduct is evidenced by its treatment of Plaintiff.

41. As a result of the unlawful acts of Defendants, Plaintiff and all persons similarly-situated to Plaintiff have been deprived of their rightful hourly and/or overtime compensation in an amount to be determined at trial, and are entitled to recovery of such amounts, liquidated damages, prejudgment interest, attorneys' fees, costs, and all other compensation and relief permitted by applicable law.

42. Pursuant to 29 U.S.C. §216(b), a Consent to participate in this action signed by the Plaintiff is attached hereto as Exhibit A.

VII. PRAYER FOR RELIEF

43. WHEREFORE, the named Plaintiff, individually and on behalf of all other similarly-situated persons, pursuant to §216(b) of the FLSA, prays for the following relief:

A. That at the earliest possible time, he be allowed to give notice, or that the Court issue such notice, to all persons who are presently, or have at any time during the three years immediately preceding the filing of this suit, up through and including the date of this Court's issuance of court-supervised notice, been employed as hourly workers for the Defendants. Such notice shall inform them that this action has been filed, the nature of the action, and of their right to opt into this lawsuit pursuant to 29 U.S.C. §216(b).

B. That the Plaintiff, and all similarly-situated employees, be awarded damages in the amount of their respective unpaid compensation, plus an equal amount of liquidated damages and/or prejudgment interest;

C. Reasonable attorneys' fees;

D. The costs and expenses of this action; and

E. Such other, further legal and equitable relief, including but not limited to, any injunctive and/or declaratory relief to which they may be entitled.

HOWELL LAW, PLLC

/s/ Trevor Howell
Trevor Howell, TN Bar # 9496
Customs House
701 Broadway, Suite 401
Box 17
Nashville TN 37203
Trevor@howelllawfirmllc.com

DICKINSON WRIGHT PLLC

/s/ Peter F. Klett

Peter F. Klett, TN Bar #12688

R. Cameron Caldwell, TN Bar #29084

Fifth Third Center

424 Church Street, Suite 800

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NASHVILLE 78086-1 630990v1

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Tel.: 615-739-6938

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.)

FILED

I. (a) PLAINTIFFS

NEIL WOLDMAN, individually and on behalf of all similarly-situated persons

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

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

DEFENDANTS

AMERICOLOR, LLC, and HAILEY HERSCHKOWITZ, MATTHEW HERSCHKOWITZ, and KORY HERSCHKOWITZ, individually

County of Residence of First Listed Defendant Davidson
(IN U.S. PLAINTIFF CASES)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

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

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

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

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

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

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input checked="" type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

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

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

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
29 U.S.C. 201 et seq.

Brief description of cause:
Failure to pay proper hourly wages and/or overtime in violation 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: 02/14/2018 SIGNATURE OF ATTORNEY OF RECORD: s/Peter F. Klett

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 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.

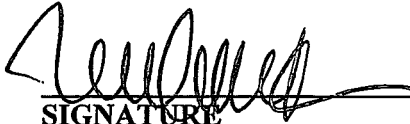
Date and Attorney Signature. Date and sign the civil cover sheet.

EXHIBIT A

**FLSA ACTION AGAINST AMERICOLOR, LLC
PLAINTIFF CONSENT FORM**

By my signature below, I hereby authorize the filing and prosecution of a Fair Labor Standards Act action in my name and on my behalf by the named Plaintiffs and designate them as my agent to make decisions on my behalf concerning the litigation, the method and manner of conducting this litigation, the entering of an agreement with Plaintiffs' Counsel concerning attorneys' fees and costs, to file a proof of claim on my behalf in the event Defendant(s) file for bankruptcy protection under Chapters 7 or 11 of the Bankruptcy Act, to negotiate and to take any other action necessary to present or preserve my wage and hour claim against Defendant, AmeriColor, LLC, its successors, affiliates, owners, and/or principals.

12/14/17
DATE


SIGNATURE

Neil Woldman
(Print Name)

UNITED STATES DISTRICT COURT

for the

Middle District of Tennessee

NEIL WOLDMAN, individually and on behalf of all
similarly- situated persons

Plaintiff

v.

FIVE STAR MEDICAL STAFFING, LLC, and CATHY
L. TAYLOR, individually

Defendant

)
)
)
)
)
)
)

Civil Action No.

3-18 0151

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) AmeriColor, LLC
Agent For Service: Matthew Hershkowitz
1007 Old Tree Ct
Nashville, TN 37210-3507

A lawsuit has been filed against you.

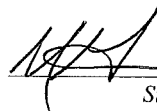
Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Peter F. Klett
Dickinson Wright PLLC
424 Church Street, Suite 800
Nashville, Tennessee
(615) 244-6538

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

KEITH THROCKMORTON

CLERK OF COURT



Signature of Clerk or Deputy Clerk

Date: FEB 14 2018

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT

for the

Middle District of Tennessee

NEIL WOLDMAN, individually and on behalf of all
similarly- situated persons

Plaintiff

v.

FIVE STAR MEDICAL STAFFING, LLC, and CATHY
L. TAYLOR, individually

Defendant

)
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Civil Action No.

3-18 0151

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Paul Hershkowitz
1007 Old Tree Ct
Nashville, TN 37210-3507

A lawsuit has been filed against you.

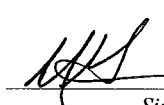
Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Peter F. Klett
Dickinson Wright PLLC
424 Church Street, Suite 800
Nashville, Tennessee
(615) 244-6538

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

KEITH THROCKMORTON

CLERK OF COURT



Signature of Clerk or Deputy Clerk

Date: **FEB 14 2018**

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT

for the

Middle District of Tennessee

NEIL WOLDMAN, individually and on behalf of all
similarly- situated persons

Plaintiff

v.

FIVE STAR MEDICAL STAFFING, LLC, and CATHY
L. TAYLOR, individually

Defendant

)
)
)
)
)
)
)

Civil Action No.

3-18 0151

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Kory Hershkowitz
1007 Old Tree Ct
Nashville, TN 37210-3507

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Peter F. Klett
Dickinson Wright PLLC
424 Church Street, Suite 800
Nashville, Tennessee
(615) 244-6538

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

KEITH THROCKMORTON

CLERK OF COURT



Signature of Clerk or Deputy Clerk

Date: FEB 14 2018

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

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on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT

for the

Middle District of Tennessee

NEIL WOLDMAN, individually and on behalf of all
similarly- situated persons

Plaintiff

v.

FIVE STAR MEDICAL STAFFING, LLC, and CATHY
L. TAYLOR, individually

Defendant

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)

Civil Action No.

3-18 0151

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Matthew Hershkowitz
1007 Old Tree Ct
Nashville, TN 37210-3507

A lawsuit has been filed against you.


Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Peter F. Klett
Dickinson Wright PLLC
424 Church Street, Suite 800
Nashville, Tennessee
(615) 244-6538

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

KEITH THROCKMORTON

CLERK OF COURT



Signature of Clerk or Deputy Clerk

FEB 14 2018

Date: _____

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I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Printing Company AmeriColor, LLC Hit with Unpaid OT Collective Action](#)
