

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NORTHEASTERN DIVISION**

TERRY RICH, individually and)	
on behalf of himself and all)	
others similarly situated,)	Case No:
)	
Plaintiffs,)	JURY TRIAL DEMANDED
)	
v.)	Collective Action
)	
PUTNAM COUNTY, TENNESSEE,)	
)	
Defendant.)	

COLLECTIVE ACTION COMPLAINT

INTRODUCTION

Comes now the Plaintiff, Terry Rich, on behalf of himself and other similarly situated employees, and for this collective action complaint against Defendant Putnam County, Tennessee (“Defendant”), states as follows:

PARTIES

1. Plaintiff is an employee of the Putnam County Emergency Medical Services (“EMS”) Department; he brings this action to remedy Defendant’s violations of federal law. Plaintiff brings this lawsuit on behalf of himself and all other employees similarly situated as a collective action under the Fair Labor Standards Act of 1938 (“FLSA”), 29 U.S.C. § 216(b), because of Defendant’s unlawful deprivation of plaintiff’s rights to overtime compensation. Plaintiff seeks a declaratory judgment under 28 U.S.C. § 2201 and compensation, damages, equitable relief, and other relief available under the FLSA, *id.* §§ 201–19.

2. Plaintiff has given his written consent to be a party plaintiff in this action.

Id. § 216(b). Such written consent is appended to this Collective Action Complaint.

JURISDICTION AND VENUE

3. This Court has subject-matter jurisdiction over the instant collective action. 28

U.S.C. §§ 1331, 1337; 29 U.S.C. § 216(b).

4. Venue is proper in this District. 28 U.S.C. § 1391.

FACTS

5. Plaintiff Terry Rich (“Rich”) has been, at all material times herein, employed by Defendant Putnam County in the position of Paramedic.

6. Plaintiff brings this action for a declaratory judgment, back pay, and other relief under the FLSA to remedy Defendant’s willful and unlawful violations of federal law. 29 U.S.C. §§ 207, 216(b).

7. At all times material herein, Plaintiff and all those similarly situated were “employees” within the meaning of the FLSA, *id.* § 203(e)(1).

8. Defendant Putnam County is a political subdivision organized under the laws of the State of Tennessee, with the power to sue and be sued in its own name, and at all times material herein, Defendant has been a “public agency” and “employer” within the meaning of the FLSA, *id.* §§ 203(x), 203(d). Defendant operates an EMS Department, which is distinct and separate from the Fire and Police Departments. Defendant’s EMS Department provides emergency medical services to the citizens, residents and visitors of Putnam County. Defendant is located within the United States District Court for the Middle District of Tennessee, Northeastern Division. Defendant has a principal office and place of business located at 300 E Spring St., Room 8, Cookeville, TN 38501.

9. Within the last three years, while working as a Paramedic on behalf of Defendant, Plaintiff's job duties have included, but are not limited to: responding to emergency and non-emergency medical calls, treating and caring for sick and injured patients in the location in which they are found, transporting patients to appropriate facilities, appropriately documenting all patient encounters, collecting and processing billing information from patients, completing "trip tickets" for each call, maintaining a clean station, cleaning and regularly disinfecting his assigned ambulance, and checking and documenting the operating status of the ambulance and equipment prior to assuming ready status at the start of each shift.

10. Defendant employs approximately 48 individuals in the positions of EMT-Basic, EMT-Advanced, Paramedic, and Critical Paramedic, who all perform the same basic job duties set out in paragraph 9 and are similarly situated to Plaintiff.

11. Plaintiff and all others similarly situated work a repeating shift schedule of 7 days on duty and 7 days off duty. In each two-week period, 3 regularly scheduled shifts fall on the first week, and 4 regularly scheduled shifts fall on the second week. For Plaintiff and all those similarly situated, each regular shift is scheduled for 12 hours, leading them to work 36 regularly scheduled hours in the first week of each two-week period and 48 regularly scheduled hours in the second week of each two-week period.

12. Defendant's EMS Department operates 24 hours per day. Twelve-hour shifts begin at 7:00 a.m. and 7:00 p.m. The shifts do not overlap.

Uncompensated, Off-the-Clock Overtime

13. Plaintiff and all others similarly situated "punch in" at the start of each scheduled shift, but Defendant's uniformly applicable policy prohibits punching in more than 5 minutes before the start of a scheduled shift, subject to limited exceptions.

14. Prior to clocking in, Plaintiff and all others similarly situated perform an average of approximately 12–17 minutes of uncompensated, off-the-clock work preparing for the start of each shift. This work includes checking their assigned ambulance and equipment to ensure it is in operational status, taking inventory of medical supplies, exchanging information with the preceding shift’s crew, and completing paperwork such as “trip tickets” from the previous shift.

15. As a result, in workweeks in which Plaintiff and all others similarly situated perform more than 40 hours of on-the-clock work, Defendant has suffered or permitted them to perform an additional 12–17 minutes of uncompensated, off-the-clock overtime work for each shift. For example, in a week in which Plaintiff worked four regularly scheduled 12-hour shifts, he has also performed an additional 48–68 minutes of uncompensated, off-the-clock work.

16. Defendant, at all times material herein, has known and should have known that Plaintiff and all others similarly situated were performing uncompensated overtime work. Defendant’s supervisory employees have witnessed employees performing uncompensated overtime work before clocking in, and Defendant’s established policies discourage pre-shift overtime reporting and lead Plaintiff and all others similarly situated to perform work prior to the permitted clock-in time.

Failure to Fully Compensate for On-the-Clock Overtime

17. Defendant suffers or permits Plaintiff and all others similarly situated to work on-the-clock overtime but fails to pay the required one-and-one-half times their regular rate for that overtime work.

18. For example, in the workweeks of February 10, 2019, to February 16, 2019, and February 17, 2019, to February 24, 2019, Plaintiff performed a total of 93.25 hours of on-the-clock work. In the first week, he performed 43.25 hours of on-the-clock work, including one

additional 4.75-hour shift outside his normal schedule. In the second week, he performed 50 hours of on-the-clock work. Defendant, however, paid Plaintiff only his regular salary, plus additional reduced-rate straight-time pay for the additional 4.5-hour shift below his regular rate of pay, and an “overtime” premium at the half-time rate of pay. As a result, Plaintiff was paid less than one-and-one-half times his regular rate of pay for all hours of overtime worked in those workweeks.

19. Defendant has violated the FLSA, *id.* § 207(a), by failing to pay Plaintiff and all others similarly situated overtime at the rate of one-and-one-half times the regular rate for all hours worked over 40 in a workweek.

CLAIMS FOR RELIEF FOR VIOLATIONS OF THE FLSA

COUNT I

FAILURE TO PAY ONE-AND-ONE-HALF TIMES THE REGULAR RATE OF PAY: OFF-THE-CLOCK OVERTIME WORK

20. Plaintiff hereby incorporates by reference paragraphs 1 through 19 in their entirety and restates them herein.

21. Section 7(a) of the FLSA, *id.* § 207(a)(1), provides that employees shall be paid overtime compensation at a rate of not less than one-and-one-half times their regular rate of pay for all hours worked in excess of 40 hours per work week.

22. At all times material herein, Defendant has failed to compensate Plaintiff and all others similarly situated for all hours that Defendant has suffered or permitted them to work off the clock, such as work performed prior to clocking in at the start of each scheduled shift, checking equipment, taking inventory, exchanging information, and completing paperwork.

23. Defendant has violated, and continues to violate FLSA § 207(a) by failing and refusing to compensate Plaintiff and other similarly situated employees at a rate of not less than

one-and-one-half times the regular rate at which the Plaintiff and all others similarly situated are employed in workweeks in which Plaintiff and all others similarly situated work 40 or more hours per week by instead paying Plaintiff and all others similarly situated reduced-rate straight time for overtime hours.

24. Defendant's violations of the FLSA have been done in a willful and bad-faith manner.

25. As a result of the Defendant's willful and purposeful violations of the FLSA, there has become due and owing to the Plaintiff, and those similarly situated, an amount that has not yet been precisely determined. The employment and work records for the Plaintiff are in the exclusive possession, custody, and control of Defendant, and the Plaintiff is unable to state at this time the exact amount owing to him. From Defendant's payroll records, Plaintiff will be able to ascertain the precise extent of these violations of FLSA § 207(a). Defendant is under a duty, imposed under the FLSA § 211(c) and various other statutory and regulatory provisions, to maintain and preserve payroll and other employment records with respect to the Plaintiff and other employees similarly situated from which the amount of Defendant's liability can be ascertained.

26. Pursuant to FLSA § 216(b), Plaintiff and all others similarly situated are entitled to recover liquidated damages in an amount equal to their back-pay damages for the Defendant's failure to pay overtime compensation.

27. Plaintiff and all others similarly situated are entitled to recover attorneys' fees and costs under FLSA § 216(b).

COUNT II

FAILURE TO PAY ONE AND ONE-HALF TIMES THE REGULAR RATE OF PAY: ON-THE-CLOCK OVERTIME WORK

28. Plaintiff hereby incorporates by reference paragraphs 1 through 27 in their entirety and restates them herein.

29. During the times that Plaintiff and others similarly situated have worked in excess of 40 hours in a week, Defendant has compensated work time at a rate that is less than their regular rate of pay.

30. Section 7(a) of the FLSA, *id.* § 207(a)(1), provides that employees shall be paid overtime compensation at a rate of not less than one-and-one-half times their regular rate of pay for all hours worked in excess of forty 40 hours per work week.

31. Defendant has violated, and continues to violate, FLSA § 207(a)(1) by failing and refusing to compensate Plaintiff and other similarly situated employees at a rate of not less than one-and-one-half times the regular rate at which the Plaintiff and all others similarly situated are employed in workweeks in which Plaintiff and all others similarly situated work 40 or more hours per week by instead paying Plaintiff and all others similarly situated reduced-rate straight time for overtime hours.

32. Defendant's violations of the FLSA have been done in a willful and bad-faith manner.

33. As a result of the Defendant's willful and purposeful violations of the FLSA, there has become due and owing to the Plaintiff, and those similarly situated, an amount that has not yet been precisely determined. The employment and work records for the Plaintiff are in the exclusive possession, custody, and control of Defendant, and the Plaintiff is unable to state at this time the exact amount owing to him. From Defendant's payroll records, Plaintiff will be able to

ascertain the precise extent of these violations of FLSA § 207(a). Defendant is under a duty, imposed under FLSA § 211(c) and various other statutory and regulatory provisions, to maintain and preserve payroll and other employment records with respect to the Plaintiff and other employees similarly situated from which the amount of Defendant's liability can be ascertained.

34. Pursuant to FLSA § 216(b), Plaintiff and all others similarly situated are entitled to recover liquidated damages in an amount equal to their back-pay damages for the Defendant's failure to pay overtime compensation.

35. Plaintiff and all others similarly situated are entitled to recover attorneys' fees and costs under FLSA § 216(b).

DEMAND FOR A JURY TRIAL

Under Rule 38 of the Federal Rules of Civil Procedure, Plaintiff hereby demands that this Court impanel a jury to try his claims.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that this Court:

- a. Issue process against Defendant and require it to answer within the period provided by law;
- b. Require Defendant to provide Plaintiff the names, phone numbers, e-mail addresses, and addresses for each EMS employee similarly situated to him and permit Plaintiff to issue notice to all similarly situated employees;
- c. Give all similarly situated employees the opportunity to join this collective action as party-plaintiffs by filing written consents under FLSA § 216(b);

- d. Enter judgment declaring that Defendant has willfully and wrongfully violated its statutory obligations and deprived Plaintiff, and all those similarly situated, of their rights;
- e. Order a complete and accurate accounting of all the compensation to which Plaintiff, and all those similarly situated, are entitled;
- f. Award Plaintiff, and all those similarly situated, compensatory relief equal to their unpaid compensation and liquidated damages equal to their unpaid compensation;
- g. Award Plaintiff, and all those similarly situated, interest on their unpaid compensation;
- h. Award Plaintiff, and all those similarly situated, their reasonable attorneys' fees to be paid by Defendant, as well as the costs and disbursements of this action; and
- i. Grant such other relief as may be just and proper.

Dated: July 17, 2019

Respectfully submitted,

/s/ Charles P. Yezbak, III

Charles P. Yezbak, III

/s/ N. Chase Teeples

N. Chase Teeples
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/s/ Gregory K. McGillivary

Gregory K. McGillivary

Motion for Pro Hac Vice Admission Forthcoming

/s/ Hillary D. LeBeau

Hillary D. LeBeau

Motion for Pro Hac Vice Admission Forthcoming

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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.)

<p>I. (a) PLAINTIFFS TERRY RICH, individually and on behalf of himself and all others similarly situated,</p> <p>(b) County of Residence of First Listed Plaintiff _____ <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i></p> <p>(c) Attorneys <i>(Firm Name, Address, and Telephone Number)</i> Charles P. Yezbak, III -- Yezbak Law Offices PLLC 2002 Richard Jones Rd, Ste. B-200 Nashville, TN 37215 -- (615) 250-2000</p>	<p>DEFENDANTS PUTNAM COUNTY, TENNESSEE,</p> <p>County of Residence of First Listed Defendant <u>Putnam</u> <i>(IN U.S. PLAINTIFF CASES ONLY)</i></p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>Attorneys <i>(If Known)</i></p>
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<p>II. BASIS OF JURISDICTION <i>(Place an "X" in One Box Only)</i></p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input checked="" type="checkbox"/> 3 Federal Question <i>(U.S. Government Not a Party)</i></p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 4 Diversity <i>(Indicate Citizenship of Parties in Item III)</i></p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES <i>(Place an "X" in One Box for Plaintiff and One Box for Defendant)</i></p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%;"></td> <td style="width: 10%; text-align: center;">PTF</td> <td style="width: 10%; text-align: center;">DEF</td> <td style="width: 55%;"></td> <td style="width: 10%; text-align: center;">PTF</td> <td style="width: 10%; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>		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
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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 <i>(Place an "X" in One Box Only)</i>					
<p>CONTRACT</p> <p><input type="checkbox"/> 110 Insurance</p> <p><input type="checkbox"/> 120 Marine</p> <p><input type="checkbox"/> 130 Miller Act</p> <p><input type="checkbox"/> 140 Negotiable Instrument</p> <p><input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment</p> <p><input type="checkbox"/> 151 Medicare Act</p> <p><input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)</p> <p><input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits</p> <p><input type="checkbox"/> 160 Stockholders' Suits</p> <p><input type="checkbox"/> 190 Other Contract</p> <p><input type="checkbox"/> 195 Contract Product Liability</p> <p><input type="checkbox"/> 196 Franchise</p>	<p>TORTS</p> <p>PERSONAL INJURY</p> <p><input type="checkbox"/> 310 Airplane</p> <p><input type="checkbox"/> 315 Airplane Product Liability</p> <p><input type="checkbox"/> 320 Assault, Libel & Slander</p> <p><input type="checkbox"/> 330 Federal Employers' Liability</p> <p><input type="checkbox"/> 340 Marine</p> <p><input type="checkbox"/> 345 Marine Product Liability</p> <p><input type="checkbox"/> 350 Motor Vehicle</p> <p><input type="checkbox"/> 355 Motor Vehicle Product Liability</p> <p><input type="checkbox"/> 360 Other Personal Injury</p> <p><input type="checkbox"/> 362 Personal Injury - Medical Malpractice</p>	<p>PERSONAL INJURY</p> <p><input type="checkbox"/> 365 Personal Injury - Product Liability</p> <p><input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability</p> <p><input type="checkbox"/> 368 Asbestos Personal Injury Product Liability</p> <p>PERSONAL PROPERTY</p> <p><input type="checkbox"/> 370 Other Fraud</p> <p><input type="checkbox"/> 371 Truth in Lending</p> <p><input type="checkbox"/> 380 Other Personal Property Damage</p> <p><input type="checkbox"/> 385 Property Damage Product Liability</p>	<p>FORFEITURE/PENALTY</p> <p><input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881</p> <p><input type="checkbox"/> 690 Other</p>	<p>BANKRUPTCY</p> <p><input type="checkbox"/> 422 Appeal 28 USC 158</p> <p><input type="checkbox"/> 423 Withdrawal 28 USC 157</p> <p>PROPERTY RIGHTS</p> <p><input type="checkbox"/> 820 Copyrights</p> <p><input type="checkbox"/> 830 Patent</p> <p><input type="checkbox"/> 840 Trademark</p>	<p>OTHER STATUTES</p> <p><input type="checkbox"/> 375 False Claims Act</p> <p><input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))</p> <p><input type="checkbox"/> 400 State Reapportionment</p> <p><input type="checkbox"/> 410 Antitrust</p> <p><input type="checkbox"/> 430 Banks and Banking</p> <p><input type="checkbox"/> 450 Commerce</p> <p><input type="checkbox"/> 460 Deportation</p> <p><input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations</p> <p><input type="checkbox"/> 480 Consumer Credit</p> <p><input type="checkbox"/> 490 Cable/Sat TV</p> <p><input type="checkbox"/> 850 Securities/Commodities/Exchange</p> <p><input type="checkbox"/> 890 Other Statutory Actions</p> <p><input type="checkbox"/> 891 Agricultural Acts</p> <p><input type="checkbox"/> 893 Environmental Matters</p> <p><input type="checkbox"/> 895 Freedom of Information Act</p> <p><input type="checkbox"/> 896 Arbitration</p> <p><input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision</p> <p><input type="checkbox"/> 950 Constitutionality of State Statutes</p>
<p>REAL PROPERTY</p> <p><input type="checkbox"/> 210 Land Condemnation</p> <p><input type="checkbox"/> 220 Foreclosure</p> <p><input type="checkbox"/> 230 Rent Lease & Ejectment</p> <p><input type="checkbox"/> 240 Torts to Land</p> <p><input type="checkbox"/> 245 Tort Product Liability</p> <p><input type="checkbox"/> 290 All Other Real Property</p>	<p>CIVIL RIGHTS</p> <p><input type="checkbox"/> 440 Other Civil Rights</p> <p><input type="checkbox"/> 441 Voting</p> <p><input type="checkbox"/> 442 Employment</p> <p><input type="checkbox"/> 443 Housing/Accommodations</p> <p><input type="checkbox"/> 445 Amer. w/Disabilities - Employment</p> <p><input type="checkbox"/> 446 Amer. w/Disabilities - Other</p> <p><input type="checkbox"/> 448 Education</p>	<p>PRISONER PETITIONS</p> <p>Habeas Corpus:</p> <p><input type="checkbox"/> 463 Alien Detainee</p> <p><input type="checkbox"/> 510 Motions to Vacate Sentence</p> <p><input type="checkbox"/> 530 General</p> <p><input type="checkbox"/> 535 Death Penalty</p> <p>Other:</p> <p><input type="checkbox"/> 540 Mandamus & Other</p> <p><input type="checkbox"/> 550 Civil Rights</p> <p><input type="checkbox"/> 555 Prison Condition</p> <p><input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement</p>	<p>LABOR</p> <p><input checked="" type="checkbox"/> 710 Fair Labor Standards Act</p> <p><input type="checkbox"/> 720 Labor/Management Relations</p> <p><input type="checkbox"/> 740 Railway Labor Act</p> <p><input type="checkbox"/> 751 Family and Medical Leave Act</p> <p><input type="checkbox"/> 790 Other Labor Litigation</p> <p><input type="checkbox"/> 791 Employee Retirement Income Security Act</p>	<p>SOCIAL SECURITY</p> <p><input type="checkbox"/> 861 HIA (1395ff)</p> <p><input type="checkbox"/> 862 Black Lung (923)</p> <p><input type="checkbox"/> 863 DIWC/DIWW (405(g))</p> <p><input type="checkbox"/> 864 SSID Title XVI</p> <p><input type="checkbox"/> 865 RSI (405(g))</p>	<p>FEDERAL TAX SUITS</p> <p><input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)</p> <p><input type="checkbox"/> 871 IRS—Third Party 26 USC 7609</p>

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. 216(b)

Brief description of cause:
Unpaid overtime compensation

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. **DEMAND \$** _____

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY *(See instructions):*

JUDGE _____ DOCKET NUMBER _____

DATE: 07/17/2019 SIGNATURE OF ATTORNEY OF RECORD: Charles P. Yezbak, III

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.

**CONSENT TO SUE
REQUEST TO BECOME PARTY-PLAINTIFF – FLSA OVERTIME LAWSUIT**

I hereby consent to become a party plaintiff in a lawsuit concerning my employment with Putnam County, Tennessee, to recover damages and other relief under the Fair Labor Standards Act.

NAME: Rich Terry David
Last Name First Middle

HOME ADDRESS: 1248 Grider Rd

Cookeville TN 38506
City State Zip Code

SIGNATURE: Terry Rich