

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
SOUTHERN DIVISION**

**CHARLENE CRAIG, on behalf  
of herself and all others similarly  
situated,**

**Plaintiff,**

**v.**

**Ruby Tuesday, Inc.,**

**Defendant.**

**Civil Action File**

**No. \_\_\_\_\_**

**COLLECTIVE CLASS ACTION**

**COMPLAINT**

Plaintiff Charlene Craig (“Plaintiff”), on her own behalf and on behalf of others similarly situated, brings this suit against Ruby Tuesday, Inc. (“Ruby Tuesday”), alleging that Ruby Tuesday violated the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201, *et seq.*, by failing to pay wages for all hours worked, and minimum wages for non-tipped work. In support of these claims, Plaintiff alleges as follows:

**NATURE OF THE ACTION**

1. This lawsuit arises under the FLSA as a result of Ruby Tuesday’s failure to pay earned wages to Plaintiff and other similarly situated employees.
2. Plaintiff and putative collective class members (“Class Members”) are current and former servers and bartenders at Ruby Tuesday’s 658 company-owned

and operated restaurants in the United States. Plaintiff alleges that Ruby Tuesday violated the FLSA by: (i) failing to pay Plaintiff and Class Members wages for all hours worked and (ii) failing to pay minimum wages for non-tipped work in violation of the FLSA tip credit provisions.

### **JURISDICTION AND VENUE**

3. This Court has subject matter jurisdiction over Plaintiff's FLSA claims pursuant to 29 U.S.C. § 216(b) and 28 U.S.C. § 1331.

4. Venue is proper in this district pursuant to 28 U.S.C. § 1391.

### **CLASS DEFINITION**

5. Plaintiff brings this suit on behalf of the following similarly situated persons:

All current and former servers and bartenders who worked at a Ruby Tuesday-owned domestic Ruby Tuesday restaurant at any time during the applicable limitations period covered by this Complaint (*i.e.*, two years for FLSA violations, and three years for willful FLSA violations) up to and including the date of final judgment in this matter.

### **THE PARTIES**

6. Plaintiff Charlene Craig is a citizen of the State of Tennessee who was employed as a server by Ruby Tuesday at the Ruby Tuesday restaurant at 5595

Highway 153, Hixson, Tennessee 37343, in this district and division during the statutory period covered by this Complaint.

7. Defendant Ruby Tuesday is a Georgia corporation headquartered in this judicial district.

8. Ruby Tuesday owns and operates the Ruby Tuesday casual dining restaurant chain.

9. As of June 2, 2015, Ruby Tuesday owned and operated 658 domestic Ruby Tuesday restaurants (“Ruby Tuesday restaurants”).<sup>1</sup>

10. Ruby Tuesday restaurants can be found in 44 states, with company-owned and operated restaurants concentrated primarily in the Southeast, Northeast, Mid-Atlantic, and Midwest of the United States.

### **COVERAGE UNDER THE FLSA**

11. At all relevant times, Ruby Tuesday and each Ruby Tuesday restaurant have continuously been an employer of multiple employees engaged in interstate commerce within the meaning of the FLSA, 29 U.S.C. §§ 206(a) and 207(a).

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<sup>1</sup> Excluded from this lawsuit and the definition of Ruby Tuesday restaurants are the approximately 29 Ruby Tuesday franchise locations that are not company-owned and operated.

12. At all relevant times, Ruby Tuesday and each Ruby Tuesday restaurant together constituted an enterprise covered by the FLSA and as defined by 29 U.S.C. §§ 203(r) and 203(s).

13. At all relevant times, Ruby Tuesday and each Ruby Tuesday restaurant had annual gross volume of sales made or business done of over \$500,000 for each year in the relevant period.

14. At all relevant times, Ruby Tuesday and each Ruby Tuesday restaurant had multiple employees including Plaintiff and Class Members engaged in commerce or in the production of goods for commerce, or had employees handling, selling, or otherwise working on goods or materials that have been moved in or produced for commerce by any person.

15. At all relevant times, Plaintiff and Class Members were “employees” of Ruby Tuesday and a Ruby Tuesday restaurant as that term is used in 29 U.S.C. § 203(e)(1).

16. At all relevant times, Ruby Tuesday employed, and/or continues to employ, Plaintiff and Class Members within the meaning of the FLSA.

17. Ruby Tuesday is an employer and/or a joint employer of Plaintiff and Class Members within the meaning of the FLSA.

## FACTS

### **I. Ruby Tuesday Restaurants are Centrally Controlled and Subject to Uniform Policies, Practices, and Standards.**

18. Ruby Tuesday operates a centralized Restaurant Support Center located in Tennessee in this district.

19. Through this Support Center, Ruby Tuesday maintains control, oversight, and direction over the operation of the Ruby Tuesday restaurants, including their employment and labor practices.

20. This Support Center houses its company-wide Training and Culinary Facility.

21. Legal, Finance, Accounting, Supply Systems, Human Resources, Marketing, and Information Technology are all centrally headquartered at the Support Center. *See* [www.rubytuesday.com/careers/](http://www.rubytuesday.com/careers/).

22. All Ruby Tuesday restaurants are directly managed and controlled by Ruby Tuesday to make sure that they conform to Ruby Tuesday's policies and practices.

23. All Ruby Tuesday restaurants are visited regularly by all levels of supervision of Ruby Tuesday to help ensure that the Ruby Tuesday restaurants adhere to all aspects of Ruby Tuesday's standards.

24. All Ruby Tuesday restaurants are operated pursuant to operations

manuals issued by Ruby Tuesday that cover all aspects of restaurant operations.

25. Plaintiff and Class Members received substantially similar training.

26. Plaintiff and Class Members were required to review the same or substantially similar employment training pamphlets and training videos.

27. Ruby Tuesday implements centralized training for the managers of each of the Ruby Tuesday restaurants.

28. Ruby Tuesday promotes a “One Team One Dream” slogan and philosophy with the idea and understanding that all Ruby Tuesday restaurant managers throughout the country are part of a single team. *See* [www.rubytuesday.com/careers/](http://www.rubytuesday.com/careers/).

29. Ruby Tuesday maintains uniform job descriptions for servers and bartenders.

30. Ruby Tuesday maintains uniform task checklists for servers and bartenders at all Ruby Tuesday restaurants.

31. Ruby Tuesday has a companywide policy of limiting overtime work.

32. Ruby Tuesday has a centralized timekeeping system that allows Ruby Tuesday to track each restaurant’s overtime record.

33. Ruby Tuesday has a uniform bonus policy that applies to all restaurant managers.

34. The restaurant manager bonus policy takes into account the

restaurant's labor costs.

35. Ruby Tuesday utilizes a centralized system of staffing all of its restaurants using the same software program.

36. Ruby Tuesday updates the Ruby Tuesday restaurants' staffing plans on a quarterly basis at the level of its regional directors, rather than at the level of individual restaurants.

37. Plaintiff and Class Member servers and bartenders are similarly situated at all Ruby Tuesday restaurants: they perform similar job functions pursuant to national employment standards set by Ruby Tuesday.

## **II. Ruby Tuesday Violates the FLSA by Requiring Plaintiff and Class Members To Perform Substantial Non-Tip-Producing Tasks Without Being Paid Minimum Wage.**

38. Under the FLSA, as interpreted by the Department of Labor (the "DOL"), employers may not take the tip credit for time the employee is engaged in a non-tipped job and instead must be paid at the minimum wage. The DOL has formalized this concept under the "Dual Jobs" regulation:

**Dual jobs.** In some situations an employee is employed in a dual job, as for example, where a maintenance man in a hotel also serves as a waiter. In such a situation the employee . . . is a tipped employee only with respect to his employment as a waiter. He is employed in two occupations, and no tip credit can be taken for his hours of employment in his occupation of maintenance man. Such a situation is distinguishable from that of a waitress who spends part of her time cleaning and setting tables, toasting bread, making coffee and occasionally washing dishes or glasses. . . . Such related duties in an occupation that is a tipped occupation need not by themselves be

directed toward producing tips.

29 CFR 541.56(e)

39. The Dual Jobs regulation imposes both quantitative and qualitative restrictions on the employer's ability to take the tip credit for non-tip-producing tasks, as explained in the DOL's Field Operations Handbook (the "Handbook" or "FOH").

40. The quantitative restriction limits the amount of time an employee can spend on tasks related to the tipped occupation, as follows:

29 CFR 531.56(e) permits the employer to take a tip credit for time spent in duties related to the tipped occupation of an employee, even though such duties, are not by themselves directed toward producing tips, provided such related duties are incidental to the regular duties of the tipped employees and are generally assigned to the tipped employee. For example, duties related to the tipped occupation may include a server who does preparatory or closing activities, rolls silverware and fills salt and pepper shakers while the restaurant is open, cleans and sets tables, makes coffee, and occasionally washes dishes or glasses.

FOH § 30d00(e)(2) (rev. 668, June 20, 2012).

41. The Handbook continues:

[W]here the facts indicate that tipped employees spend a substantial amount of time (in excess of 20 percent of the hours worked in the tipped occupation in the workweek) performing such related duties, no tip credit may be taken for the time spent in those duties. All related duties count toward the 20 percent tolerance.

FOH § 30d00(e)(3).



42. This “20 percent tolerance,” which is one method of determining whether an employee is effectively engaged in a dual jobs position, is referred to as the “20 Percent Rule.” Courts have routinely utilized this quantitative standard.<sup>2</sup>

43. The qualitative aspect of the Dual Jobs regulation prohibits taking the tip credit for work that is “not related to the tipped occupation. For example, maintenance work (e.g., cleaning bathrooms and washing windows) are not related to the tipped occupation of a server; such jobs are non-tipped occupations.” FOH § 30d00(e)(4).

44. Ruby Tuesday instituted a national policy requiring Plaintiff and Class Members to work dual jobs that included tipped tasks (directed toward producing tips) and substantial non-tip-producing tasks (“Non-Tipped Work”), exceeding 20 percent of their time, for which they were not paid the applicable minimum wage.

45. Such Non-Tipped Work for servers includes but is not limited to: setting up the dining room areas, brewing beverages, cutting lemons, filling ice bins, baking bread, restocking and cleaning the salad bar, polishing and stocking glassware, helping pack to-go orders, restocking salt/pepper and sugar caddies, pulling away tables to clean under booths, cleaning the server alley, sweeping floors, placing and removing silverware from dishwashing machine, polishing and

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<sup>2</sup> See e.g., *Driver v. AppleIllinois, LLC*, 739 F.3d 1073, 1075 (7th Cir. 2014); *Fast v. Applebee’s Int’l, Inc.*, 638 F.3d 872, 881 (8th Cir. 2011); *Ash v. Sambodromo, LLC*, 676 F. Supp. 2d 1360, 1366-67 (S.D. Fla. 2009); *Flood v. Carlson Restaurants Inc.*, 94 F. Supp. 3d 572, 581-84 (S.D.N.Y. 2015) (collecting cases).

rolling silverware, wiping wood, starting and warming the oven, maintaining and cleaning sanitation buckets, and cleaning and setting floor mats.

46. Such Non-Tipped Work for bartenders includes but is not limited to: setting up and cleaning the bar area (front and back), stocking glassware, wiping and washing glassware; cleaning sinks, keg coolers, gaskets, and ice baths; handling to-go orders for the restaurant; cashing out servers; and performing server side work.

47. Ruby Tuesday has a policy and practice of paying Plaintiff and Class Members, sub-minimum, tip-credit wages, even when Ruby Tuesday requires them to perform Non-Tipped Work that is not related to their tipped occupation, such as baking bread and performing other tasks, including but not limited to those previously set forth in this Complaint, not related to their tipped occupation.

48. Even if the Non-Tipped Work Ruby Tuesday requires Plaintiff and Class Members to perform was related to their tipped occupation, Ruby Tuesday violates the FLSA by its policy and practice of requiring Plaintiff and Class Members to perform such work for more than 20 percent of their time worked during the workweek.

49. Plaintiff was required to perform substantial non-tip-producing tasks for more than 20 percent of her hours in the workweek without being paid a minimum wage.

50. Plaintiff also was required to perform tasks that were unrelated to and not incidental to her tip-producing occupation without being paid a minimum wage.

51. Ruby Tuesday's policy and practice of requiring Plaintiff and Class Members to perform excessive and/or unrelated Non-Tipped Work while paying them sub-minimum, tip-credit wages violates the FLSA.

**III. Ruby Tuesday Violates the FLSA by Failing to Pay Plaintiff and Class Members for Off-the-clock Work.**

52. Ruby Tuesday encourages Plaintiff and Class Members to work off the clock by limiting the hours that they are permitted to be clocked in.

53. Ruby Tuesday requires Plaintiff and Class Members to perform substantial non-tip-producing work when they are clocked in.

54. Ruby Tuesday refuses to pay Plaintiff and Class Members minimum wage for non-tip-producing work that exceeds 20 percent of the hours in a workweek.

55. Plaintiff and Class Members worked off the clock without pay, with the knowledge, expectation, and acquiescence of Ruby Tuesday.

56. The willful refusal to pay wages for off-the-clock work constitutes a violation of the FLSA.

**COUNT I**  
**FAIR LABOR STANDARDS ACT VIOLATIONS**  
**FAILURE TO PAY MINIMUM WAGE**  
**(On Behalf of Plaintiff and the Class)**

57. Plaintiff, on behalf of herself and the Class, repeats and realleges each paragraph above as though it were fully set forth herein.

58. At all relevant times, Ruby Tuesday has been and continues to be an employer engaged in interstate commerce, within the meaning of the FLSA, 29 U.S.C. §§ 206(a) and 207(a).

59. At all relevant times, Ruby Tuesday employed, and/or continues to employ, Plaintiff and each of the Class Members within the meaning of the FLSA.

60. At all relevant times, Ruby Tuesday failed to compensate its employees, including Plaintiff and the Class Members, at the applicable federal minimum wage for Non-Tipped Work exceeding 20 percent of hours worked in the workweek in violation of the FLSA, 29 U.S.C. §§ 201, *et seq.*

61. At all relevant times, Ruby Tuesday failed to compensate its employees, including Plaintiff and Class Members, at the applicable federal minimum wage for tasks that were unrelated to and non-incident to a tip-producing occupation.

62. Ruby Tuesday's conduct constitutes a willful violation of the FLSA

within the meaning of 29 U.S.C. § 255(a).

63. Due to Ruby Tuesday's FLSA violations, Plaintiff and the Class Members were damaged and are entitled to recover from Ruby Tuesday compensation for unpaid wages; an additional equal amount as liquidated damages; and reasonable attorneys' fees, costs, and expenses of this action, pursuant to 29 U.S.C. § 216(b).

**COUNT II**  
**FAIR LABOR STANDARDS ACT VIOLATIONS**  
**UNPAID WAGES**  
**(On Behalf of Plaintiff and the Class)**

64. Plaintiff, on behalf of herself and the Class, repeats and realleges paragraphs Nos. 1 through 56 above as though they are fully set forth herein.

65. At all relevant times, Ruby Tuesday has been and continues to be an employer engaged in interstate commerce, within the meaning of the FLSA, 29 U.S.C. §§ 206(a) and 207(a).

66. At all relevant times, Ruby Tuesday employed, and/or continues to employ, Plaintiff and each of the Class Members within the meaning of the FLSA.

67. At all relevant times, Ruby Tuesday had a uniform policy and practice of knowingly permitting Plaintiff and Class Members to work off the clock without compensation.

68. While purporting to prohibit off-the-clock work, Ruby Tuesday's

policies and practices of limiting hours worked, and not paying minimum wage for non-tip-producing work actually encouraged Plaintiff and Class Members to work off the clock without compensation.

69. Ruby Tuesday failed to pay Plaintiff and Class Members wages for off-the-clock work.

70. Ruby Tuesday's conduct constitutes willful violations of the FLSA within the meaning of 29 U.S.C. § 255(a).

71. Due to Ruby Tuesday's FLSA violations, Plaintiff and the Class Members were damaged and are entitled to recover from Ruby Tuesday compensation for unpaid wages; an additional equal amount as liquidated damages; and reasonable attorneys' fees, costs and expenses of this action, pursuant to 29 U.S.C. § 216(b).

### **JURY TRIAL DEMAND**

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff demands a trial by jury on all issues so triable.

### **PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff, individually and on behalf of all other similarly situated Class Members, requests that this Court grant the following relief against Ruby Tuesday:

A. Designation of this action as a collective action on behalf of the Class, and prompt issuance of notice pursuant to 29 U.S.C. § 216(b), apprising them of the pendency of this action, and permitting them to assert timely FLSA claims in this action by filing individual Consents pursuant to 29 U.S.C. § 216(b);

B. On the first claim for relief, an award of compensation for unpaid minimum wages at the applicable minimum wage rate (either the applicable state minimum wage or the federal minimum wage, whichever is higher) to Plaintiff and Class Members;

C. On the second claim for relief, an award of compensation for unpaid wages to Plaintiff and the Class Members;

D. An award of liquidated damages to Plaintiff and the Class Members;

E. An award of prejudgment and post-judgment interest to Plaintiff and the Class Members;

F. An award of costs and expenses of this action together with reasonable attorneys' and expert fees, costs, and expenses of litigation to Plaintiff and Class Members; and

G. Such other and further relief as this Court deems just and proper.

**HALL & LAMPROS, LLP**

/s/ Andrew Lampros  
Andrew Lampros

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ATTORNEYS FOR THE PLAINTIFF



# 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

Charlene Craig, on behalf of herself and all others similiary situated,

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

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

Andrew Lampros / Chris Hall  
Hall & Lampros, LLP, 1230 Peachtree St. NE, Suite 950  
Atlanta, GA 30309 (404)876-8100

### DEFENDANTS

Ruby Tuesday, Inc.

County of Residence of First Listed Defendant Knox  
(IN U.S. PLAINTIFF CASES ONLY)

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

Attorneys (If Known)

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

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

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

- |   |                            |                            |   |                            |                            |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
|   | <b>PTF</b>                 | <b>DEF</b>                 |   | <b>PTF</b>                 | <b>DEF</b>                 |
| 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	<b>PERSONAL INJURY</b> <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	<b>PERSONAL INJURY</b> <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 <b>PERSONAL PROPERTY</b> <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  <b>LABOR</b> <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  <b>IMMIGRATION</b> <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  <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark  <b>SOCIAL SECURITY</b> <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))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS		FEDERAL TAX SUITS	
<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	<b>Habeas Corpus:</b> <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 <b>Other:</b> <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		<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

### 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. Sec. 201, et seq.

Brief description of cause:  
Collective Action under 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: 03/30/2016 SIGNATURE OF ATTORNEY OF RECORD: /S/ Andrew Lampros

### FOR OFFICE USE ONLY

## 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.

UNITED STATES DISTRICT COURT

for the

Eastern District of Tennessee



Charlene Craig, on behalf of herself
and all others similarly situated,

Plaintiff(s)

v.

Ruby Tuesday, Inc.

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Ruby Tuesday, Inc.
c/o C T Corporation System
800 S. Gay St.
Suite 2021
Knoxville, TN 37929

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:

Andrew Lampros / Chris Hall
Hall & Lampros, LLP
1230 Peachtree St.
Suite 950
Atlanta, GA 30309

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.

CLERK OF COURT

Date: 03/30/2016

Signature of Clerk or Deputy Clerk

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: