

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

FILED

2007 JAN 18 PM 4:41

U.S. DISTRICT COURT
MIDDLE DISTRICT OF TN

JOANIE CHRISTIE,

Plaintiff,

vs.

GUARDIAN ANGEL NURSING, INC.,

Defendant.

No: 3 07 0069

Judge: JUDGE NIXON

COMPLAINT

Comes the Plaintiff and files this lawsuit against Defendant pursuant to Section 216(b) of the Fair Labor Standards Act (hereinafter "FLSA"), and for her cause of action states as follows:

1 Defendant Guardian Angel Nursing, Inc. ("Guardian Angel") is a Tennessee corporation. Its registered agent for service of process is E L Garner, III, 5968 Knight Arnold Road, Memphis, Tennessee, 38187-2194.

2 The Court has subject matter jurisdiction over this action pursuant to 28 U S C. Section 1331.

3 At all times material to this action, the Defendant was an enterprise engaged in commerce or in the production of goods for commerce as defined by Section 203(s)(1) of the FLSA, and had annual gross volume of sales which exceeded \$500,000 00.

4 Plaintiff was employed by Defendant within the last three years before the filing of this lawsuit

5 While Plaintiff worked for Defendant, Defendant was an "employer" of Plaintiff as defined by Section 203(d) of the FLSA.

6 While Plaintiff worked for Defendant, Plaintiff was an "employee" of Defendant

as defined by Section 203(e)(1) of the FLSA, and worked for Defendant within the territory of the United States within three years preceding the filing of this lawsuit.

7 The minimum wage and overtime provisions of the FLSA set forth in Sections 206 and 207, respectively, apply to Defendant.

8. While Plaintiff was employed by Defendant, she was an hourly employee who was entitled to overtime wages at a rate of one and one-half times her regular rate of pay for hours worked over 40 in a given workweek, pursuant to Section 207 of the FLSA

9. While Plaintiff was employed by Defendant, she worked more than 40 hours per work week during certain work weeks, but was not paid overtime wages at a rate of one and one-half times her regular rate of pay for all hours worked over 40 in a given workweek as required by Section 207 of the FLSA.

10. Defendants' violations of Section 207 of the FLSA were willful.

11. Defendants' violations of Section 207 of the FLSA were not in good faith.

12. As a result of Defendants' failure to comply with Section 207 of the FLSA, Defendant is liable to Plaintiff for overtime back pay

13 In addition to the amount of unpaid overtime wages owing to Plaintiff, Plaintiff is also entitled to recover an equal amount of liquidated damages pursuant to 29 U.S.C. Section 216(b).

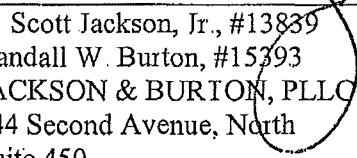
14 Plaintiff is entitled to an award of attorney's fees pursuant to 29 U.S.C. § 216(b).

WHEREFORE, Plaintiff prays for a judgment against the Defendant that includes an award of damages for the following:

- 1 Overtime back pay;
- 2 An equal amount of liquidated damages, pursuant to Section 216(b) of the FLSA;
- 3 Reasonable attorney's fees;

4. The costs and expenses of this action; and
5. Such other, further general legal and equitable relief to which she may be entitled.

Respectfully submitted,



R. Scott Jackson, Jr., #13839
Randall W. Burton, #15393
JACKSON & BURTON, PLLC
144 Second Avenue, North
Suite 450
Nashville, Tennessee 37201
(615) 313-8188

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT

Middle

District of

Tennessee

JOANIE CHRISTIE and JENNY WILSON,
on behalf of themselves and all others similarly
situated,

SUMMONS IN A CIVIL CASE

v.

GUARDIAN ANGEL NURSING, INC., a
Tennessee corporation; GUARDIAN
ANGEL NURSING, INC., a Mississippi
corporation; ON-CALL STAFFING OF
TENNESSEE, INC.; and ON-CALL
STAFFING, INC.

CASE NUMBER: 3:07-0069

TO: (Name and address of Defendant)

On-Call Staffing of Tennessee, Inc.
% Thurman McLean, Registered Agent
608 Bowling Avenue
Nashville, TN 37215

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

R. Scott Jackson, Jr
Jackson & Burton, PLLC
144 Second Avenue, North
Suite 450
Nashville, TN 37201

an answer to the complaint which is served on you with this summons, within 20 days after service
of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against
you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with
the Clerk of this Court within a reasonable period of time after service

~~NATHAN BURTON~~

FEB 27 2007

CLERK

DATE

(By) DEPUTY CLERK

UNITED STATES DISTRICT COURT

Middle

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Tennessee

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TENNESSEE, INC.; and ON-CALL
STAFFING, INC.

CASE NUMBER: 3:07-0069

TO: (Name and address of Defendant)

On-Call Staffing, Inc.
% CT Corporation System, Registered Agent
800 South Gay Street, Suite 2021
Knoxville, TN 37929

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

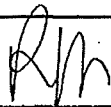
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KEITH THROCKMORTON

FEB 27 2007

CLERK



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(By) DEPUTY CLERK

UNITED STATES DISTRICT COURT

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TENNESSEE, INC.; and ON-CALL
STAFFING, INC.

CASE NUMBER: 3:07-0069

TO: (Name and address of Defendant)

Guardian Angel Nursing, Inc.
% E. L. Garner, III, Registered Agent
314 Cutting Horse Lane
Batesville, MS 38606

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

R. Scott Jackson, Jr.
Jackson & Burton, PLLC
144 Second Avenue, North
Suite 450
Nashville, TN 37201

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CLERK



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SAO 440 (Rev. 8/01) Summons in a Civil Action