



Plaintiffs spent time donning, doffing, and sanitizing gear and equipment, and walking to and from the production floor. These activities were necessary and indispensable to Plaintiffs' principal work but were not compensated by Townsends.

2. The Named Plaintiffs bring this action on behalf of themselves and all persons who were, are or will be employed by Townsends as hourly production and support employees in Townsends' poultry processing plants, at any time within the three years prior to the filing of this Complaint through the date of the final disposition of this action (the "FLSA Period"), and who have not received full compensation for all hours worked under the Fair Labor Standards Act ("FLSA"). This group is hereinafter referred to as the "FLSA Class."

3. The Named Plaintiffs also bring this class/collective action on behalf of themselves and all persons who were, are or will be employed by Townsends as hourly production and support employees in Townsends' Arkansas poultry processing plant, at any time within the two years prior to the filing of Plaintiff's initial Complaint through the date of the final disposition of this action (the "Arkansas Class Period"), and who have not received full compensation for all hours worked. This group is hereinafter referred to as the "Arkansas Class."

4. The Named Plaintiffs also bring this class/collective action on behalf of similarly situated persons currently or formerly employed by Townsends in states other than the State of Arkansas wherein Townsends' pay practices relating to time employees spend donning, doffing, and sanitizing gear and equipment, and walking to and from the production floor violate state wage and hour law.

5. Each Named Plaintiff has provided his/her written consent to participate in this litigation as required by 29 U.S.C. § 216(b). Copies of Named Plaintiffs Donovan Ford's, Carrie Galan's, James Gilmer's, Judy Mills', and Billie J. Norris' consents to join this action are attached hereto as Exhibit A, and have been filed with the Court in accordance with 29 U.S.C. § 216(b).

6. In addition to the Named Plaintiffs, 12 employees have agreed to join this action as party plaintiffs under the FLSA. Their consents to join this action are attached hereto as Exhibit B, and have been filed with the Court in accordance with 29 U.S.C. § 216(b).

7. In addition to the Named Plaintiffs, all persons presently or formerly employed by Townsends in similar employment positions which are not exempt from the minimum wage and overtime requirements of the FLSA, are entitled to collectively participate in this action by choosing to "opt in" and submit a written consent to join form. The federal cause of action is brought as a collective action under and pursuant to the statutory requirements of the FLSA, 29 U.S.C. § 216(b). After the commencement of this action and in accordance with the Local Rules of the Eastern District of Arkansas, the Named Plaintiffs shall file, pursuant to 29 U.S.C. § 216(b), a motion for certification of their FLSA claims as a collective action, to obtain discovery of potential class members necessary for notice, and for authorization to issue notice to the FLSA Class.

**THE PLAINTIFFS**

8. The Named Plaintiffs are nonexempt production workers employed by Townsends within 3 years of this Complaint.

9. Named Plaintiff Donovan Ford is a current production employee who has been employed by Townsends at its Batesville, Arkansas processing plant.

10. Named Plaintiff Carrie Galan is a current production employee who has been employed by Townsends at its Batesville, Arkansas processing plant.

11. Named Plaintiff James Gilmer is a current production employee who has been employed by Townsends at its Batesville, Arkansas processing plant.

12. Named Plaintiff Judy Mills is a current production employee who has been employed by Townsends at its Batesville, Arkansas processing plant.

13. Named Plaintiff Billie J. Norris is a current production employee who has been employed by Townsends at its Batesville, Arkansas processing plant.

**THE DEFENDANTS**

14. Townsends is a poultry processor which supplies wholesale and retail customers with processed poultry.

15. Upon information and belief, Defendant Townsends of Arkansas, Inc. is incorporated in Arkansas with significant operations throughout Arkansas, including but not limited to a processing plant in Batesville, Arkansas.

16. Upon information and belief, Defendant Townsends, Inc. is incorporated in Delaware with significant operations throughout the United States, including but not limited to processing plants in Batesville, Arkansas; Siler City, North Carolina;

Moncure, North Carolina; Mocksville, North Carolina; and Mount Bethel, Pennsylvania.

17. Upon information and belief, Defendant Townsends of Arkansas, Inc. is a subsidiary or affiliated corporation of Defendant Townsends, Inc.

18. Upon information and belief, Defendant Townsends of Arkansas, Inc. is so organized and controlled and its business conducted in such a manner as to make it merely an agency, instrumentality, adjunct, or alter ego of Defendant Townsends, Inc. In the alternative, to the extent necessary, Plaintiffs should be allowed to pierce the corporate veil of Defendant Townsends of Arkansas, Inc.

19. Upon information and belief, both Defendant Townsends of Arkansas, Inc. and Defendant Townsends, Inc. are “employers” of the Named Plaintiffs, as that term is defined by the federal and state laws pled herein. 29 U.S.C. § 203(d), Arkansas Code § 11-4-203(4) and Code of Arkansas Rule 010.14-100.

20. Upon further information and belief, the Named Plaintiffs are “employees” of both Defendant Townsends of Arkansas, Inc. and Defendant Townsends, Inc., as that term is defined by the federal and state laws pled herein. 29 U.S.C. § 203(e), Arkansas Code § 11-4-203(3) and Code of Arkansas Rule 010.14-100.

21. Upon information and belief, Defendant Townsends of Arkansas, Inc. and Defendant Townsends, Inc. are “joint employers” of the Named Plaintiffs. Defendants are not “completely disassociated with respect to the employment” of the Named Plaintiffs. 29 C.F.R. § 791.2(b)(3).

22. Upon information and belief, and at all times relevant hereto, Defendant Townsends, Inc. was aware of the applicable federal and state laws and regulations governing overtime compensation as they relate to the compensability of time its employees spend donning, doffing, and sanitizing gear and equipment.

23. Upon information and belief, and at all times relevant hereto, Defendant Townsends, Inc. was aware of the U.S. Department of Labor's long-standing position and public pronouncements against the poultry industry-wide practice of not compensating employees for the time they spend donning, doffing, and sanitizing gear at poultry plants violates federal and state wage and hour laws. Upon further information and belief, Defendant Townsends, Inc. obtained explicit notice of the Department of Labor's position that such practices violate applicable wage and hour laws through its membership in the National Chicken Council.

24. Upon further information and belief, Defendant Townsends, Inc. has previously been involved in litigation involving employee wage and hour claims related to the time employees spent donning, doffing, and sanitizing gear at one of its poultry plants in North Carolina. *Arturo Escalona-Islas and Ramon Martinez Reyes v. Townsends, Inc.*, No. 1:07-cv-622 JAB/WWD (M.D.N.C.).

25. Defendant Townsends, Inc.'s knowledge concerning the compensability of donning, doffing, and sanitation time and its knowledge that it and Defendant Townsends of Arkansas were, at all times relevant hereto, failing to compensate employees for all hours worked, including donning and doffing time, renders it

responsible and liable in whole or in part for the wage and hour violations alleged herein.

### **JURISDICTION AND VENUE**

26. Jurisdiction over Plaintiffs' federal claims is based upon Section 16(b) of the Fair Labor Standards Act of 1938, as amended ("FLSA"), 29 U.S.C. § 216(b), and 28 U.S.C. §§ 1331 and 1337.

27. This Court also has original jurisdiction over this action under the Class Action Fairness Act, 28 U.S.C. § 1332(d).

28. In addition, jurisdiction over the Plaintiffs' claims under Arkansas law is based upon this Court's power to exercise supplemental jurisdiction over these claims under 28 U.S.C. § 1367.

29. The Eastern District of Arkansas has personal jurisdiction over Defendants because Defendants (a) do business in Arkansas, and in the Eastern District, (b) operate a processing plant in Arkansas, and in the Eastern District, (c) employ hundreds of workers in Arkansas, and in the Eastern District, and (c) because many of the acts complained of and giving rise to the claims alleged in Arkansas occurred or are occurring in the Eastern District. Defendants have purposefully availed themselves of the privilege of conducting activities within the State of Arkansas, thus invoking the benefits and protections of its laws.

30. Venue is proper because Defendants reside in this District, a substantial part of the events or omissions giving rise to the claims alleged occurred in this District,

and/or Defendants' contacts within this District are sufficient to subject it to personal jurisdiction in this District. 28 U.S.C. § 1391(b), (c).

### **FACTUAL ALLEGATIONS**

31. Upon information and belief, Townsends operates poultry processing plants in Batesville, Arkansas; Siler City, North Carolina; Moncure, North Carolina; Mocksville, North Carolina; and Mount Bethel, Pennsylvania.

32. Upon information and belief, production and support employees at Townsends' processing plants are nonexempt hourly employees, and the work performed by these employees is nonexempt work.

33. Upon information and belief, Townsends has not compensated its nonexempt employees for all hours worked as required by federal and state law:

A. Townsends has not paid their nonexempt employees full overtime compensation for the hours worked as required by the FLSA and applicable state law.

B. Townsends refuses to fully compensate its hourly production and support employees for the time spent at the beginning of shifts donning and doffing and sanitizing required gear and equipment, including but not limited to, boots, hair nets, beard nets, ear plugs, smocks, safety glasses, liners, gloves, arm guards, plastic sleeves, plastic aprons, and bump caps, and at the end of shifts for removing and cleaning these same items.

C. Similarly, Townsends does not compensate its hourly production and support employees for time spent donning and doffing before and after their unpaid lunch breaks.

D. Additionally, Townsends does not compensate its nonexempt workers for time spent walking to and from changing areas and the production floor.

E. Failing to pay these employees overtime pay for walking time and time spent donning, doffing and sanitizing at the plant violates the FLSA and Arkansas' and other states' wage and hour laws.

34. Townsends did not exercise good faith in willfully failing to fully compensate its employees under the FLSA. Townsends consciously excluded from "hours worked" the time spent by hourly production and support employees donning, doffing, sanitizing, and walking to and from the production lines at its processing plant.

35. At the same time, and for further proof of its failure to exercise good faith, the poultry industry as a whole has continuously been found to violate federal and state wage and hour laws. Despite repeated admonitions by the U.S. Department of Labor that the industry-wide practice of not compensating workers for time spent donning, doffing, and sanitizing at poultry plants violates federal and state law, to date, Townsends adheres to this unlawful practice.

36. Townsends' practices violate, among other things, the FLSA and the Arkansas laws pled herein. Plaintiffs seek overtime compensation for all overtime work

required, suffered or permitted by Townsends, liquidated or other damages and penalties permitted by applicable law, interest, and attorneys' fees and costs.

### **COLLECTIVE ACTION ALLEGATIONS**

37. Plaintiffs' first cause of action is brought under Section 16(b) of the FLSA, 29 U.S.C. § 216(b), as a collective action on behalf of the FLSA Class.

38. The Named Plaintiffs and members of the FLSA Class are similarly situated in that they have substantially similar job requirements and pay provisions, are subject to Townsends' common practice, policy, or plan of unlawfully failing to pay for all hours worked, including pay at overtime rates.

39. The names and addresses of the FLSA Class are available from Townsends' records. Notice should be provided to the FLSA Class via both first class mail and by posting in Townsends' processing plants as soon as possible.

### **ARKANSAS CLASS ACTION ALLEGATIONS**

40. Plaintiffs bring their second, third, fourth, and fifth causes of action for violation of Arkansas' statutes as a class action under Rule 23(a), (b)(2), and (b)(3) of the Federal Rules of Civil Procedure.

41. Members of the putative class are so numerous that joinder of all such members is impracticable. The exact size of the putative class is unknown, but may be determined from records maintained by Townsends. It is believed and alleged that the number of persons currently employed by Townsends at its Batesville plant collectively is more than 1,000 persons. Former employees are also included as putative class members.

42. There are common questions of law and fact applicable to the putative class with respect to the liability issues, relief issues and anticipated affirmative defenses. For example, common questions of fact and law include but are not limited to the compensability of time spent donning and doffing; whether injunctive relief is available to force Townsends into compliance; whether Townsends has acted willfully or in good faith; whether Plaintiffs are entitled to liquidated damages, penalties and attorneys' fees and costs; and whether Townsends has complied with record-keeping obligations under state and federal law.

43. The Named Plaintiffs' claims are typical of the Arkansas Class. The Named Plaintiffs, like the other Arkansas Class members, are and have been subjected to Townsends' common practice and policy of not paying its hourly production and support employees for all compensable work to which they were entitled under Arkansas law.

44. The Named Plaintiffs will fairly and adequately protect the interests of the putative class. They have no conflicts with the putative class members. Their counsel possess the requisite resources and is experienced in class action litigation.

45. Townsends has acted or refused to act on grounds generally applicable to the Arkansas Class, making appropriate declaratory and injunctive relief with respect to the Named Plaintiffs and the Arkansas Class as a whole. The Named Plaintiffs and the Arkansas Class are entitled to injunctive relief to end Townsends' common and uniform practice of failing to properly compensate the Named Plaintiffs and the putative Class for all hours worked for the benefit of Townsends. Fed. R. Civ. P. 23(b)(2).

46. The questions of law and fact common to the putative class members predominate over any questions affecting only individual class members, and a class action is superior to other available methods for the fair and efficient adjudication of the controversy. Fed. R. Civ. P. 23(b)(3). More specifically, members of the proposed Arkansas Class have little or no interest in individually controlling the prosecution of separate actions. Fed. R. Civ. P. 23(b)(3)(A). The Named Plaintiffs are not aware of any other litigation concerning the controversy already commenced by the proposed State Class. Fed. R. Civ. P. 23(b)(3)(B). It is desirable to concentrate the litigation of the claims in this Court because Townsends does a substantial amount of business in this District. Fed. R. Civ. P. 23(b)(3)(C).

47. This action is manageable as a class action because, compared to any other method such as individual interventions or the consolidation of individual actions, a class action is more fair and efficient. Fed. R. Civ. P. 23(b)(3)(D).

**FIRST CAUSE OF ACTION**  
**VIOLATION OF THE FAIR LABOR STANDARDS ACT OF 1938**

48. Plaintiffs re-allege and incorporate by reference each and every allegation set forth in the preceding paragraphs.

49. The FLSA regulates, among other things, the payment of all hours worked, including overtime pay by employers whose employees are engaged in commerce, or engaged in the production of goods for commerce, or employed in an enterprise engaged in commerce or in the production of goods for commerce. 29 U.S.C. § 207(a)(1). Townsends is, and was, subject to the pay requirements of the FLSA,

because it is an enterprise engaged in commerce and its employees are engaged in commerce.

50. FLSA requires employers to pay employees for all hours in which the employee is suffered or permitted to work, including preparatory and concluding time. Hours worked includes time spent preparing for and concluding shifts, *i.e.*, donning and doffing and sanitizing required equipment, as well as donning and doffing and sanitizing equipment before and after meals and other breaks. These types of activities are integral and indispensable parts of Townsends' employees' jobs.

51. Section 7(a)(1) of the FLSA, 29 U.S.C. § 207(a)(1), requires employers to pay non-exempt employees who work longer than 40 hours in a workweek overtime rates for hours worked in the workweek in excess of 40 hours. Townsends has at all times been subject to this requirement to pay its hourly production and support employees one and one-half times its employees' regular rate of pay for all hours worked in a workweek in excess of 40 hours. Townsends' employees, including the Named Plaintiffs, regularly worked more than 40 hours per week. Townsends violated the FLSA by requiring hourly production and support employees to perform compensable work in excess of 40 hours without proper compensation.

52. By failing to keep, record, report or preserve records of hours worked by the Named Plaintiffs and members of the FLSA Class, Townsends has failed to make, keep, and preserve records with respect to each of its employees sufficient to determine their wages, hours, and other conditions and practices of employment, in violation of 29 U.S.C. § 201 *et seq.*

53. Members of the FLSA Class are entitled to damages equal to the amount of all uncompensated time, including overtime premium pay within the three years preceding the filing of this Complaint, plus periods of equitable tolling. Townsends' failure to pay overtime to members of the FLSA Class was "willful" within the meaning of Section 6(a) of the Portal-to-Portal Pay Act, as amended, 29 U.S.C. § 255(a), because Townsends did not act in good faith in failing to pay proper overtime pay, and had no reason to believe that its failure to do so was not a violation of the FLSA, within the meaning of Section 11 of the Portal-to-Portal Pay Act, as amended, 29 U.S.C. § 260. Accordingly, the FLSA Class is entitled to an award of liquidated damages in an amount equal to the amount of unpaid overtime pay described above, pursuant to Section 16(b) of the FLSA. Alternatively, should the Court find that Townsends did not act willfully in failing to pay overtime pay, the FLSA Class is entitled to an award of prejudgment interest at the applicable legal rate.

54. The Named Plaintiffs also seek reasonable attorneys' fees and costs, to be paid by Townsends, as provided by Section 16(b) of the FLSA, 29 U.S.C. § 216(b).

**SECOND CAUSE OF ACTION**  
**VIOLATION OF ARKANSAS CODE § 11-4-211**

55. Plaintiffs re-allege and incorporate by reference each and every allegation set forth in the preceding paragraphs.

56. Throughout the relevant time period, Townsends was subject to the requirements of the Minimum Wage Act of the State of Arkansas ("Act"), Ark. Code Tit. 11, Ch. 4, Subch. 2. Ark. Code §§ 11-4-201 *et. seq.*

57. Townsends was an employer within the meaning of Arkansas Code § 11-4-203(4).

58. Townsends was required to pay overtime pay in accordance with Arkansas Code § 11-4-211, which provides in pertinent part:

**Overtime.** [N]o employer shall employ any of his or her employees for a work week longer than forty (40) hours unless the employee receives compensation for his or her employment in excess of the hours above specified at a rate not less than one and one-half (1 ½ ) times the regular rate of pay at which he or she is employed.

59. The Named Plaintiffs and members of the Arkansas Class are employees within the meaning of Arkansas Code § 11-4-203(3), and are entitled to the protections of the Act and its overtime provision.

60. When walking, donning and doffing time, and sanitation time is included as compensable work during a regular work week, such compensable work time is in addition to the more than 40 hours of already compensated work each individual Named Plaintiffs and member of the Arkansas Class engaged in each work week. As such, the uncompensated walking, donning and doffing time, and sanitation time should have been compensated at an overtime rate of pay under Section 11-4-211.

61. By failing to keep, record, report or preserve records of hours worked by Named Plaintiffs and members of the Arkansas Class, Townsends has failed to make, keep, and preserve records with respect to each of its employees sufficient to determine their wages, hours, and other conditions and practices of employment, in violation of Arkansas Code § 11-4-217 and Code of Arkansas Rule 010.14-102.

62. Townsends has willfully violated the above provisions by excluding these hours worked and not paying 1 ½ times the rate of hourly pay for compensable work in excess of 40 hours.

63. Townsends is liable to the Named Plaintiffs and the Arkansas Class for compensatory and liquidated damages, plus costs, disbursements, witness and attorneys' fees, pursuant to Arkansas Code § 11-4-218.

**THIRD CAUSE OF ACTION**  
**VIOLATION OF ARKANSAS CODE § 11-4-218 AND**  
**CODE OF ARKANSAS RULE 010.14-108**

64. Plaintiffs re-allege and incorporate by reference each and every allegation set forth in the preceding paragraphs.

65. Arkansas Code § 11-4-218 and Arkansas Code, Tit. 11, Ch. 4, Subch. 4, require Townsends to pay its employees all wages due within the time specified by law. Section 11-4-218 provides that if an employer fails to pay such wages, the employer is liable to the employee for the full amount of wages, plus an additional amount as provided in Arkansas Code § 11-4-218(a)(2).

66. In addition, throughout the relevant time period, Townsends was an employer within the meaning of Arkansas Code § 11-4-203(4) and Code of Arkansas Rule 010.14-100, and subject to the requirements of Code of Arkansas Rule 010.14-108.

67. Rule 010.14-108 requires employers to compensate all employees for each hour worked.

68. The Named Plaintiffs and members of the Arkansas Class are employees within the meaning of Arkansas Code § 11-4-203(3), and are entitled to the protections of Code of Arkansas Rule 010.14-108.

69. Townsends has willfully violated Section 11-4-218 and Code of Arkansas Rule 010.14-108 by regularly and repeatedly failing to compensate the Named Plaintiffs and members of the Arkansas Class for all hours worked, including uncompensated walking, donning and doffing time, and sanitation time.

70. Townsends is liable to the Named Plaintiffs and the Arkansas Class for compensatory and liquidated damages, plus costs, disbursements, witness and attorneys' fees, pursuant to Arkansas Code § 11-4-218.

**FOURTH CAUSE OF ACTION**  
**VIOLATION OF ARKANSAS CODE 11-4-218 AND**  
**CODE OF ARKANSAS RULE 010.14-108**

71. Plaintiffs re-allege and incorporate by reference each and every allegation set forth in the preceding paragraphs.

72. In addition, throughout the relevant time period, Townsends was an employer within the meaning of Arkansas Code § 11-4-203(4) and Code of Arkansas Rule 010.14-100, and subject to the requirements of Code of Arkansas Rule 010.14-108, subsection C, which provides that employers shall provide employees "bona fide meal periods":

**C. Rest and meal periods**

.....

2. Bona fide meal periods are not worktime. Bona fide meal periods do not include coffee breaks or time for snacks. These are rest periods. The employee must be completely relieved from duty for the purposes of eating regular meals.

Ordinarily 30 minutes or more is long enough for a bona fide meal period. A shorter period may be long enough under special conditions. The employee is not relieved if he is required to perform any duties, whether active or inactive, while eating.

73. The Named Plaintiffs and members of the Arkansas Class are employees within the meaning of Arkansas Code § 11-4-203(3), and are entitled to the protections of Code of Arkansas Rule 010.14-108.

74. The Named Plaintiffs and members of the Arkansas Class are not completely relieved from duty during their regularly scheduled meal break.

75. Walking, donning, doffing, and sanitation time regularly shortens a typical meal break well below 30-minutes.

76. Townsends has willfully violated Rule 010.14-108 by failing to permit a full 30-minute meal break.

77. The Named Plaintiffs and the Arkansas Class were damaged by Townsends' conduct.

78. Townsends is liable to the Named Plaintiffs and the Arkansas Class for compensatory and liquidated damages, plus costs, disbursements, witness and attorneys' fees, pursuant to Arkansas Code § 11-4-218.

**FIFTH CAUSE OF ACTION**  
**ARKANSAS COMMON LAW BREACH OF CONTRACT/QUANTUM MERUIT**

79. Plaintiffs re-allege and incorporate by reference each and every allegation set forth in the preceding paragraphs.

80. As at-will employees, the Named Plaintiffs and members of the Arkansas Class are entitled to compensation for all time they work, as consideration for the services they provide to Townsends.

81. Townsends promises its employees, at the time employees are hired, that they will be compensated at specified hourly rates for the hours they work. Townsends also promises its employees, at times during their employment, that they will be given additional consideration, in the form of raises or shift differentials, for the hours they work. The specified hourly rates provide the basis for calculating the overtime compensation owed the Named Plaintiffs and members of the Arkansas Class.

82. Townsends breached the terms of the employment agreements by failing to provide the Named Plaintiffs and the Arkansas Class with full payment based upon all of the hours they worked.

83. Townsends is liable to the Named Plaintiffs and the Arkansas Class for damages incurred as a result of its breach.

84. In the alternative, because the Named Plaintiffs and members of the Arkansas Class performed compensable work without receiving full compensation, Townsends enjoyed reduced overhead and realized additional profits for its processing operations to the detriment of the Named Plaintiffs and members of the Arkansas Class. For Townsends to retain the benefits would be contrary to fundamental principles of justice, equity and good conscience. Accordingly, Townsends is liable to the Named Plaintiffs and the Arkansas Class in an amount equal to the benefits Townsends unjustly retained.

**DEMAND FOR JURY**

85. The Plaintiffs hereby demand a trial by jury of twelve (12) for all issues in this case.

**PRAYER FOR RELIEF**

**WHEREFORE**, Named Plaintiffs Donovan Ford, Carrie Galan, James Gilmer, Judy Mills, and Billie J. Norris, on behalf of themselves and all members of the FLSA Class, pray for relief as follows:

1. Designation of this action as a collective action on behalf of the proposed FLSA Class and prompt issuance of notice to all similarly situated members, apprising them of the pendency of this action, and permitting them to assert timely FLSA claims by filing individual Consents to Sue;
2. Designation of the Named Plaintiffs as Representatives of the FLSA Class;
3. A declaratory judgment that the practices complained of herein are unlawful under the FLSA;
4. An award of damages, according to proof, including liquidated damages, to be paid by Townsends;
5. Costs of the action incurred herein, including expert fees;
6. Attorneys' fees, including fees pursuant to 29 U.S.C. § 216;
7. Pre- and post-judgment interest, as provided by law; and
8. For any other and further relief the Court may deem just or equitable.


**WHEREFORE**, Named Plaintiffs Donovan Ford, Carrie Galan, James Gilmer, Judy Mills, and Billie J. Norris, on behalf of themselves and all members of the Arkansas Class, pray for relief as follows:

9. Certification of this action as a class action on behalf of the proposed Arkansas Class pursuant to Fed. R. Civ. P. 23;
10. Designation of the Named Plaintiffs as Representatives of the Arkansas Class;
11. A declaratory judgment that the practices complained of herein are unlawful under Arkansas law;
12. Appropriate equitable and injunctive relief to remedy Townsends' violations of Arkansas law, including but not necessarily limited to an order enjoining Townsends from continuing its unlawful practices;
13. Appropriate statutory penalties;
14. An award of damages and restitution, including civil penalties, meal and rest break violation payments; recordkeeping penalties, and overtime wages to be paid by Townsends according to proof;
15. Costs of the action incurred herein, including expert fees;
16. Attorneys' fees and costs of suit, including expert fees;
17. Pre and post-judgment interest, as provided by law; and
18. For any other and further relief the Court may deem just or equitable.

Dated: \_\_\_\_\_, 2008

Respectfully Submitted,

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