

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION**

-----  
CHRISTOPHER LITTARES, *individually*, :  
*and on behalf of all others similarly situated* :

Plaintiff, :

v. :

TCOM, L.P. :

Defendant. :

Civil Action No.: \_\_\_\_\_

**JURY TRIAL DEMANDED**

**COLLECTIVE ACTION COMPLAINT**

Plaintiff Christopher Littares (“Plaintiff”) hereby brings this action against TCOM, L.P. (“Defendant”) and alleges, upon personal belief as to his own acts, and upon information and belief as to the acts of others, as follows:

**NATURE OF THE ACTION**

1. Plaintiff brings this complaint on a collective action basis contending that Defendant unlawfully failed to pay Field Operations and Support employees overtime compensation for hours worked in excess of forty (40) in a workweek pursuant to the requirements of the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201, *et seq.*

2. Defendant is a provider is aerial surveillance equipment.

3. Defendant employs persons in positions including Field Service Representatives, Field Service Engineers, Production Employees, Ground Systems Technicians, Production Foremen, Logistics Analysts, Logistics Coordinators, and Logistics Planners, who are responsible for assembling, testing, fixing, and maintaining aerial surveillance equipment (collectively “Field Operations and Support employees” or “FOS employees”).

4. Plaintiff is a former FOS employee of Defendant.

5. Defendant willfully misclassifies FOS employees as exempt from overtime pay during their training period, despite knowing that FOS employees' primary job duties during their training periods do not fall within any of the FLSA's exemptions to the statute's overtime pay requirements. *See* 29 U.S.C. § 207(a)(1).

6. As a result, Defendant unlawfully failed to pay FOS employees, including Plaintiff, for overtime compensation for work performed in excess of forty (40) hours during a workweek during their training period.

7. Plaintiff asserts his FLSA claims individually and pursuant to 29 U.S.C. § 216(b) on behalf of a putative "FLSA Collective," defined as: *all current and former FOS employees who worked for Defendant in any place covered by the FLSA, including, but not limited to, the United States, Puerto Rico, the Virgin Islands, American Samoa, and Guam, at any time within three (3) years preceding the commencement of this action and the date of judgment.*

8. Plaintiff seeks to send a Notice pursuant to 29 U.S.C. § 216(b) to all putative FLSA Collective members, informing them of their right to assert FLSA claims in this collective action by filing consent forms.

9. Plaintiff seeks unpaid overtime wages owed to him and other FLSA Collective members for work performed in excess of forty (40) hours in a workweek during the training period, plus an equal amount in liquidated damages, as well as attorneys' fees and costs.

10. In addition, Plaintiff seeks overtime wages and liquidated damages owed to him for non-training work performed in excess of forty (40) hours in a workweek, i.e. assembling, testing, fixing, and maintaining aerial surveillance equipment at Defendant's production facility in Elizabeth City, North Carolina.

### JURISDICTION AND VENUE

11. This Court has federal question jurisdiction over this action pursuant to 28 U.S.C. § 1331.

12. This Court has jurisdiction over this action pursuant to 29 U.S.C. § 216(b), which provides, in relevant part, that suit under the FLSA “may be maintained against any employer . . . in any Federal or State court of competent jurisdiction.” *See* 29 U.S.C. § 216(b).

13. This Court has personal jurisdiction over Defendant because Defendant is domiciled in North Carolina.

14. Venue is proper in this district pursuant to 28 U.S.C. §1391(b) and (c) because Defendant resides in this district.

### PARTIES

15. Plaintiff Christopher Littares is a United States citizen and currently resides in Tulsa, Oklahoma.

16. Plaintiff was employed by Defendant as a Field Service Representative from approximately December 2022 to June 2023.

17. Defendant TCOM, L.P. is a limited partnership duly organized and existing in North Carolina with a principal place of business located at 190 T Com Drive, Elizabeth City, NC 27909.

18. Pursuant to 29 U.S.C. § 216(b), Plaintiff Christopher Littares has signed a consent form to join this lawsuit, which is attached as **Exhibit 1**.

## GENERAL ALLEGATIONS<sup>1</sup>

19. The foregoing paragraphs are hereby incorporated by reference as though fully set forth at length herein.

20. Defendant is an enterprise whose annual gross volume of sales made or business done exceeds \$500,000.

21. Defendant is an “[e]nterprise engaged in commerce or in the production of goods for commerce” within the meaning of the FLSA, 29 U.S.C. § 203(s) because it has employees engaged in commerce as well as employees handling, settling, and otherwise working on goods or materials that have been moved in or produced for commerce.

22. Additionally, Defendant has two (2) or more employees handling, selling, or otherwise working with or on goods or materials that have been moved in or produced for commerce.

23. Defendant employs FOS employees, whose primary duty is to assemble, test, fix, and maintain aerial surveillance equipment.

24. Before beginning to perform their primary duties, FOS employees are required to complete an approximately thirteen (13) week training period.

25. During their training periods, FOS employees receive education regarding their duties, the tools and systems used to perform those duties, and specific education related to various technology to be used.

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<sup>1</sup> Unless otherwise specifically noted here, the following allegations all apply through the time periods covered by the FLSA Collective.

26. During the training period, FOS employees work in excess of forty (40) hours during a workweek, but do not receive overtime compensation for the hours worked over forty (40).

27. Defendant suffers and permits FOS employees to work more than forty (40) hours per week during their training period without overtime pay.

28. Defendant fails to pay FOS employees any overtime premium or any other compensation for their hours worked in excess of forty (40) in a workweek during their training period.

29. FOS employees do/did not qualify for any exemption under the FLSA during their training periods.

30. Defendant willfully misclassifies FOS employees as exempt from overtime pay during their training period, despite knowing that their primary job duties do/did not fall within any of the FLSA's exemptions to the statute's overtime pay requirements.

31. Defendant has been aware, or should have been aware, that FOS employees were performing non-exempt work that required payment of overtime compensation during their training period.

32. At all times relevant hereto, FOS employees are/were "non-exempt" employees under the FLSA and entitled to receive overtime compensation at a rate of 1.5 times their regular rate of pay for all hours worked over forty (40) in a workweek during their training period.

33. As a result of Defendant's aforesaid illegal actions, FOS employees have suffered damages.

34. In addition to his training period, Plaintiff also worked several weeks in which he assembled and fixed aerial surveillance equipment at Defendant's production facility in Elizabeth City, North Carolina.

35. During this time, Defendant suffered and permitted Plaintiff to work in excess of forty (40) hours in a workweek, but did not pay him any overtime premium compensation.

### **FLSA COLLECTIVE ACTION ALLEGATIONS**

36. The foregoing paragraphs are hereby incorporated by reference as though fully set forth at length herein.

37. This action is brought as a collective action to recover unpaid compensation and overtime compensation and liquidated damages owed to Plaintiff and all similarly situated current and former employees of Defendant.

38. Plaintiff brings this action pursuant to 29 U.S.C. § 216(b) of the FLSA on his own behalf and on behalf of the FLSA Collective, defined as:

*All current and former FOS employees who worked for Defendant in any place covered by the FLSA, including, but not limited to, the United States, Puerto Rico, the Virgin Islands, American Samoa, and Guam, at any time within three (3) years preceding the commencement of this action and the date of judgment ("FLSA Collective").*

39. Plaintiff reserves the right to amend this definition as necessary.

40. With respect to the claims set forth in this action, a collective action under the FLSA is appropriate because the putative members of the FLSA Collective are "similarly situated" to Plaintiff under 29 U.S.C. § 216(b) because: (a) they have been or are employed in the same or similar positions; (b) they were or are subject to the same or similar unlawful practices, policy, or plan; and (c) their claims are based upon the same factual and legal theories.

41. Plaintiff may request that the Court authorize notice to all current and former similarly situated employees employed by Defendant, informing them of the pendency of this action and their right to “opt-in” to this lawsuit pursuant to 29 U.S.C. § 216(b), for the purpose of seeking unpaid overtime compensation and liquidated damages under the FLSA.

**COUNT I**  
**FAIR LABOR STANDARDS ACT**  
**29 U.S.C. § 201, et seq.**  
**FAILURE TO PAY OVERTIME COMPENSATION**  
***(Brought on an Individual and FLSA Collective Basis)***

42. The foregoing paragraphs are hereby incorporated by reference as if fully set forth at length herein.

43. Under Section 207(a)(1) of the FLSA, employees must be paid overtime equal to 1.5 times the employee’s regular rate of pay, for all hours worked in excess of forty (40) hours per week.

44. Defendant suffered and permitted Plaintiff and the FLSA Collective to routinely work hours in excess of forty (40) in a workweek during their training periods without receiving any overtime compensation.

45. Defendant’s actions, policies, and practices described above violate the FLSA’s overtime requirement by regularly and repeatedly failing to compensate Plaintiff and the FLSA Collective members for overtime hours in accordance with the FLSA.

46. In addition to his training period, Defendant suffered and permitted Plaintiff to work in excess of forty (40) hours in a workweek in the several weeks in which he assembled and fixed aerial surveillance equipment at Defendant’s production facility in Elizabeth City, North Carolina, but did not pay him any overtime premium compensation for such work.

47. During this time, Defendant suffered and permitted Plaintiff to work in excess of forty (40) hours in a workweek, but did not pay him any overtime premium compensation.

48. Defendant knew, or showed reckless disregard for the fact, that it failed to pay Plaintiff and FLSA Collective members overtime compensation in violation of the FLSA. The foregoing conduct, as alleged, constitutes a willful violation of the FLSA within the meaning of 29 U.S.C. § 255(a).

49. As the direct and proximate result of Defendant's unlawful conduct, Defendant are liable to Plaintiff and the FLSA Collective for actual damages, liquidated damages, and other equitable relief, pursuant to 29 U.S.C. § 216(b), as well as reasonable attorneys' fees, costs, and expenses.

#### **PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff, on behalf of himself and the proposed FLSA Collective, prays for judgment against Defendant as follows:

A. An Order from this Court permitting this litigation to proceed as a collective action pursuant to 29 U.S.C. § 216(b);

B. An Order from the Court ordering Defendant to file with this Court and furnish to the undersigned counsel a list of all names and addresses of all persons within the FLSA Collective, and authorizing Plaintiff's counsel to issue a notice at the earliest possible time to these individuals informing them that this action has been filed, of the nature of the action, and of their right to opt-in to this lawsuit if they worked for Defendant during the liability period;

C. Adjudicating and declaring that Defendant's conduct as set forth herein and above is in violation of the FLSA;



D. Adjudicating and declaring that Defendant violated the FLSA by failing to pay overtime compensation to Plaintiff and the FLSA Collective for work performed in excess of forty (40) hours per workweek;

E. Awarding Plaintiff and the FLSA Collective unpaid overtime compensation and liquidated damages in an amount consistent with the FLSA;

F. Awarding Plaintiff reasonable attorneys' fees and all costs of this action, to be paid by Defendant, in accordance with the FLSA;

G. Designating Plaintiff as the representative of the FLSA Collective;

H. Designating the undersigned counsel as counsel for the FLSA Collective in this action;

I. An incentive award for the Plaintiff for serving as representative of the FLSA Collective in this action;

J. Judgment for any and all civil penalties to which Plaintiff and the members of the FLSA Collective may be entitled; and

K. Such other and further relief as to this Court may deem necessary, just and proper.

**JURY DEMAND**

Plaintiff, CHRISTOPHER LITTARES, individually and on behalf of all others similarly situated, by and through his attorneys, hereby demands a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure and the court rules and statutes made and provided with respect to the above-entitled cause.

Dated: October 10, 2023

Respectfully submitted,

By: s/ Brian Kinsley  
Brian L. Kinsley

NC Bar No.: 38683  
**CR LEGAL TEAM, LLP**  
2400 Freeman Mill Road  
Greensboro, NC 27406  
T: (800) 288-1529  
BLKinsley@crumleyroberts.com

*Local Counsel for Plaintiff*

Edmund C. Celiesius (to seek Special Appearance)  
**BROWN, LLC**  
111 Town Square Place, Suite 400  
Jersey City, NJ 07310  
T: (877) 561-0000  
F: (855) 582-5279  
ed.celiesius@jtblawgroup.com

*Lead Counsel for 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

**CHRISTOPHER LITTARES**, individually  
and on behalf of all others similarly situated,

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

(c) Attorneys (Firm Name, Address, and Telephone Number)  
Edmund C. Celiesius  
Brown, LLC  
111 Town Square Place, Suite 400  
Jersey City, NJ 07310

## DEFENDANTS

**TCOM, L.P.**

County of Residence of First Listed Defendant \_\_\_\_\_  
(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"/> 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			
<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		<b>FEDERAL TAX SUITS</b> <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):  
Fair Labor Standards Act, 29 U.S.C. § 201, et seq. ("FLSA").

Brief description of cause:

Collective action for former and current employees who are owed unpaid wages and 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 09/21/23 SIGNATURE OF ATTORNEY OF RECORD /s/ Brian Kinsley

### FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING FEE \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

## INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

### Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.  
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.  
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.  
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.  
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the 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.

# Exhibit 1

**UNITED STATES DISTRICT COURT  
DISTRICT OF NORTH CAROLINA  
GREENVILLE DIVISION**

-----  
CHRISTOPHER LITTARES, *individually*, :  
*and on behalf of all others similarly situated* :

Plaintiff, :

v. :

TCOM, L.P. :

Defendant. :  
-----

Civil Action No.: \_\_\_\_\_

**JURY TRIAL DEMANDED**

**CONSENT TO SUE**

I hereby consent to be a Plaintiff in the Fair Labor Standards Act case captioned above. I hereby consent to the bringing of any claims I may have under the Fair Labor Standards Act (for unpaid overtime wages, liquidated damages, attorney's fees, costs and other relief) and applicable state wage and hour law against the Defendant(s). I further consent to bringing these claims on a collective and/or class basis with other current/former employees of Defendant(s), to be represented by Brown, LLC, and to be bound by any settlement of this action or adjudication by the Court.

**Signed:**  \_\_\_\_\_ **Dated:** 09 / 21 / 2023

**Name:** \_\_\_\_\_  
Christopher Littares

UNITED STATES DISTRICT COURT

for the

District of North Carolina

CHRISTOPHER LITTARES, individually,  
and on behalf of all others similarly situated,

Plaintiff(s)

v.

TCOM, L.P.,

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) TCOM, L.P.  
190 T Com Drive  
Elizabeth City, NC 27909

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: Edmund C. Celiesius  
Brown, LLC  
111 Town Square Place, Suite 400  
Jersey City, NJ 07310

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: \_\_\_\_\_

\_\_\_\_\_  
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:

Print

Save As...

Reset