

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

TIMOTHY COLEMAN,

Plaintiff,

vs.

Case No.:

**AMAZON.COM, INC; AMAZON
LOGISTICS, INC.; AMAZON.COM
SERVICES, INC.; JARS TD, INC.**

Defendants.

_____ /

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, TIMOTHY COLEMAN (“Plaintiff”), by and through undersigned counsel, files this Complaint against Defendants , AMAZON.COM, INC., (“ACI”) a Foreign for Profit Corporation; AMAZON LOGISTICS, INC., (“ALI”), a Foreign for Profit Corporation; AMAZON.COM SERVICES, INC. (“ACS”), a Foreign for Profit Corporation (ACI, ALI, and ACS) are hereinafter collectively referred to as “Amazon”); JARS TD, INC. (“JARS”) a Domestic For Profit Corporation, (collectively hereafter as, “Defendants”) states:

JURISDICTION AND VENUE

1. Jurisdiction in this Court is proper as the claims are brought pursuant to the Fair Labor Standards Act, as amended (29 U.S.C. § 201, *et seq.*, hereinafter called the “FLSA”) to recover unpaid back wages, an additional equal amount as liquidated damages, and reasonable attorneys’ fees and costs.

2. This Court has jurisdiction over Plaintiff’s FLSA claims pursuant to 28 U.S.C. §1331, arising under 29 U.S.C. §216(b).

3. Venue is proper in this judicial district because at least one of Defendants maintains offices within this judicial district and the events giving rise to Plaintiff's claims occurred in this judicial district.

PARTIES

4. At all times relevant hereto, Plaintiff performed work within Memphis, Tennessee.

5. At all times relevant hereto, Plaintiff handled goods that had moved in interstate commerce on a daily basis delivering packages to customers of Amazon.

6. At all times relevant hereto, Plaintiff has been a current or former "employee" of Defendants as that term is defined by the FLSA, 29 U.S.C. §201 *et seq.*, as he was suffered and permitted to work delivering packages to Amazon customers in connection with their purchases from Amazon.com.

7. Defendant ACI is a foreign corporation that operates and conducts business in this county, as well as nationwide, and is therefore within the jurisdiction of this Court.

8. ACI may be served with process upon its registered agent Corporation Service Company, at 1013 Centre Road, Wilmington, Delaware 19805.

9. Defendant ALI is a Foreign Corporation that operates and conducts business in this county, as well as nationwide, and is therefore within the jurisdiction of this Court.

10. ALI may be served with process upon its registered agent Corporation Service Company at 2908 Poston Avenue, Nashville Tennessee 37203.

11. Defendant ACS is a foreign corporation that operates and conducts business in this county, as well as nationwide, and is therefore within the jurisdiction of the Court.

12. ACS may be served with process upon at its address at 2908 Poston Avenue,

Nashville, Tennessee 32703.

13. Defendant, JARS, is a Domestic For Profit Corporation with its principal office located at 2650 Thousand Oaks Boulevard, Suite #2370, Memphis Tennessee 38118..

14. JARS operates and conducts business in the Memphis Tennessee area and is therefore, is within the jurisdiction of this Court.

15. JARS may be served with process upon its registered agent, Juan Soto at 2650 Thousand Oaks Boulevard, Suite #2370, Memphis Tennessee, 38118.

16. On information and belief, JARS provides delivery Associates to Amazon as a Delivery Service Provider.

17. On information and belief, Amazon contracts with and/or otherwise directs JARS to deliver Amazon packages from Amazon Delivery Stations located in Memphis, Tennessee.

FLSA COVERAGE

A. Employment Relationship

18. The FLSA defines the term “employer” to broadly include “any person acting directly or indirectly in the interest of an employer in relation to any employee”. 29 U.S.C. 203(d).

19. On information and belief, Defendant Amazon.com Inc., is the parent corporation of Amazon.com Services, Inc. (formerly Amazon.com, LLC), as well as Amazon Logistics, Inc., and together they operate one of the largest, if not the largest, ecommerce and logistics company in the world.

20. Through the operation of the Amazon.com website (www.amazon.com)

customers throughout the United States can and do purchase goods and/or materials which are then shipped throughout the United States to each customer's address.

21. In addition, Amazon is in the business of providing delivery service to customers, and that is the service that delivery drivers, such as Plaintiff, provide. The drivers' services are fully integrated into Amazon's business and managed by Amazon due to the level of control and oversight utilized by Amazon.

22. To ensure the highest customer service, satisfaction and companywide uniformity, Amazon dictated and directly managed Plaintiff's employment with local delivery companies such as JARS , including, but not limited to:

- a. Requiring Plaintiff to submit to an Amazon background check and participating in the decision to hire Plaintiff;
- b. Training Plaintiff;
- c. Dictating the manner and type of clothing to wear;
- d. Determining the make, model and style of delivery van to be used while delivering packages;
- e. Determining the location where Amazon packages are to be unloaded and loaded for delivery;
- f. Monitoring the performance of pre-trip and post-trip delivery van inspections;
- g. Determining where, when, how, and in what order packages are to be delivered to Amazon customers dictating the exact schedule to be followed;
- h. Controlling the method and manner of troubleshooting delivery issues by requiring Plaintiff to report problems delivering packages directly to Amazon;
- i. Tracking delivery performance including but not limited to the number of packages delivered each day, the location of Plaintiff at any given time, and the efficiency of the deliveries as reported through Amazon handheld

devices or the Amazon Flex application for smart phones;

- j. Supervising the work of Plaintiff on a daily basis; and
- k. Evaluating the performance of Plaintiff on a periodic basis in accordance with Amazon specific policies and procedures.

23. Based on information and belief, JARS was organized for the sole purpose of providing local delivery or last mile delivery services to Amazon.

24. Based on information and belief, JARS existed for the sole purpose of providing local or last mile delivery services to Amazon as an integral part of the Amazon business operation for the purpose of delivering Amazon products directly to their customers.

25. Stated differently, JARS simply provided a delivery driver labor force to Amazon, to further Amazon's core business objective of providing delivery service to Amazon customers.

26. On information and belief, JARS was directly and solely dependent on its delivery contract with Amazon.

27. On information and belief JARS was solely dependent on payments made by Amazon to make regularly scheduled payroll to the Plaintiff.

28. Plaintiff was dependent on Amazon, at a minimum, because Amazon provided: (i) all of the packages to deliver as part of its core business; (ii) delivery instructions including when, where, how and in what order to deliver the packages; and (iii) payment of wages through Amazon's payments under the delivery contract with JARS.

29. Based on the foregoing, Amazon.com, Inc., is an employer as defined under the FLSA

30. Based on the foregoing, Amazon.com Services, Inc., is an employer as defined under the FLSA.

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