

FILED

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

2011 APR -7 PM 2: 28

U.S. DISTRICT COURT
MIDDLE DISTRICT OF TN

MISTY BLU STEWART, on behalf)
of herself and all others similarly situated,)
)
Plaintiff,)
)
vs.)
)
CUS NASHVILLE, LLC, COYOTE UGLY)
SALOON DEVELOPMNT CORP., COYOTE)
UGLY ENTERTAINMENT, INC.,)
and LILIANA LOVELL,)
)
Defendants.)

No.: _____
Judge: _____

COMPLAINT

Comes the representative Plaintiff, Misty Blu Stewart, pursuant to Section 216(b) of the Fair Labor Standards Act (hereinafter "FLSA"), and files this lawsuit against Defendants for herself and all others similarly situated, and for her cause of action states as follows:

1. Defendant CUS Nashville, LLC ("CUSN") is a limited liability company created under the laws of the State of Tennessee which does business in Nashville, Davidson County. Specifically, CUS Nashville, LLC does business as Coyote Ugly Saloon. Its registered agent for service of process is BMN Corporate Services, Inc., 511 Union Street, Suite 1600, Nashville, Tennessee 37219.

2. Defendant Coyote Ugly Saloon Development Corp. ("CUSDC") is a Delaware corporation. Its registered agent for service of process is The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801.

3. Defendant Coyote Ugly Entertainment, Inc. ("CUEI") is a Delaware corporation. Its registered agent for service of process is The Corporation Trust Company, Corporation Trust

Center, 1209 Orange Street, Wilmington, Delaware 19801.

4. Defendant, Liliana Lovell, is, on information and belief, a shareholder and Chief Executive Officer of CUSN, CUSDC and CUEI and has operational control over the companies. Defendant Lovell may be served at 5929 Chestnut Street, New Orleans, LA 70115.

5. Defendants CUSDC and CUEI are Delaware corporations that own and operate a chain of bars operating under the trade name "Coyote Ugly Saloon" in at least the states of Tennessee, Colorado, Florida, Louisiana, New York, Oklahoma and Texas, including Defendant CUSN. On information and belief, the bars owned and operated by Defendants CUSDC and CUEI are wholly owned or majority-owned subsidiaries of Defendants CUSDC and CUEI. While these subsidiaries may be formally separate companies, they are managed as a single entity, at least for employment purposes, and all business and personnel policies for the subsidiaries are promulgated by Defendants CUSDC and CUEI. Furthermore, Defendants CUSDC and CUEI are an "employer" under the FLSA and acted as such in relation to Plaintiff and other similarly situated plaintiffs.

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

7. At all times material to this action, Defendant CUSN 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.

8. At all times material to this action, Defendant CUSDC 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.

9. At all times material to this action, Defendant CUSE 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.

10. Plaintiff was employed by Defendants within the last three years before the filing of this lawsuit.

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

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

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

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

15. While Plaintiff worked for Defendant CUSN, Plaintiff was an "employee" of Defendant CUSN as defined by Section 203(e)(1) of the FLSA, and worked for Defendant CUSN within the territory of the United States within three years preceding the filing of this lawsuit.

16. While Plaintiff worked for Defendant CUSDC, Plaintiff was an "employee" of Defendant CUSDC as defined by Section 203(e)(1) of the FLSA, and worked for Defendant CUSDC within the territory of the United States within three years preceding the filing of this lawsuit.

17. While Plaintiff worked for Defendant CUEI, Plaintiff was an "employee" of Defendant CUEI as defined by Section 203(e)(1) of the FLSA, and worked for Defendant CUEI within the territory of the United States within three years preceding the filing of this lawsuit.

18. While Plaintiff worked for Defendant Lovell, Plaintiff was an "employee" of Defendant Lovell as defined by Section 203(e)(1) of the FLSA, and worked for Defendant Lovell within the territory of the United States within three years preceding the filing of this lawsuit.

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

Minimum Wage Violations

20. While Plaintiff was employed by Defendants as a bartender in Defendants' Nashville bar, Plaintiff was an hourly employee who was entitled to minimum wages, pursuant to Section 206 of the FLSA.

21. Defendants paid Plaintiff less than the minimum wage, taking advantage of a tipped credit of \$2.13, which allows Defendants to include in its calculation of Plaintiff's wages any amounts that Plaintiff received in tips, pursuant to 29 U.S.C. § 203(m).

22. Upon information and belief, Defendants require all its bartenders and other tipped employees employed at all its Coyote Ugly Saloon locations, including Plaintiff, to contribute all their tips to a tip pool controlled by Defendants.

23. Pursuant to the FLSA, Plaintiff, as a tipped employee, is only required to contribute to a tip pool from which other tipped employees will draw.

24. Defendants distributed, and continue to distribute, the tip pool between bartenders, bar backs, and security personnel.

25. On information and belief, Defendants' security personnel are not paid the tipped credit of \$2.13 per hour but are paid a wage that equals or exceeds the minimum wage.

26. Defendants' security personnel at its Coyote Ugly Saloons are not tipped

employees as defined by the FLSA.

27. Defendants' illegal pattern and practice with respect to requiring its bartenders and other tipped employees to share tips with non-tipped persons, specifically security personnel, was and is in violation of the FLSA.

28. Defendants knew or should have known that its policies and practices violate the FLSA, and Defendants have not made a good faith effort to comply with the FLSA.

29. Defendant knowingly, willfully, and/or with reckless disregard carried, and continues to carry, out this illegal pattern or practice regarding tip sharing to Defendant's bouncers at its Coyote Ugly Saloons.

30. While Plaintiff was employed by Defendants, Defendants failed to pay her for all time worked, including time worked at mandatory meetings and dance practices.

31. Defendants deducted time worked by Plaintiff for meal breaks that she did not take or were not a *bona fide* meal breaks.

32. Defendants' violations of Section 206 of the FLSA were willful.

33. Defendants' violations of Section 206 of the FLSA were not in good faith.

34. As a result of Defendants' failure to comply with Section 206 of the FLSA, Defendants are liable to Plaintiff for back pay.

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

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

Violation of Overtime Requirement

37. While Plaintiff was employed by Defendants, she worked as a bartender in

Defendants' Nashville bar and 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.

38. While Plaintiff was employed by Defendants, Plaintiff 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.

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

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

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

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

43. Plaintiffs are entitled to an award of attorney's fees pursuant to 29 U.S.C. § 216(b).

Similarly Situated Plaintiffs

44. Plaintiff is aware of other similarly situated employees and/or former employees of Defendants who have been improperly compensated in violation of the FLSA and who would benefit from the issuance of court-supervised notice of the present lawsuit and the opportunity to join the lawsuit by filing a consent pursuant to Section 216(b) of the FLSA. Specifically, Plaintiff is aware of other employees of Defendants who worked as bartenders and barbacks who were paid a tipped rate and required to share tips with non-tipped employees, who were not paid

for all hours worked, and who were not paid overtime wages at a rate of one and one-half times their regular rate of pay for all hours worked over 40 during each work week. All other tipped employees who have worked for Defendants within the last three years and who were required to share tips with non-tipped employees and have not been paid minimum wage and who have not been paid overtime wages for all hours worked over 40 during each work week are similarly situated to Plaintiff and should be given notice of this lawsuit and the opportunity to join.

45. All other similarly situated employees are also entitled to damages in the form of back pay, liquidated damages, and attorney's fees.

46. Pursuant to Section 216(b), attached hereto and filed with this Complaint as Exhibit A is a Consent to Become Party Plaintiff for Misty Blu Stewart.

WHEREFORE, the named, representative Plaintiff, individually and on behalf of all other similarly situated persons, pursuant to Section 216(b) of the FLSA, pray for the following relief:

(a) That Plaintiff be allowed to give notice to all other potential Plaintiffs who may be similarly situated, or that the court issue such notice;

(b) That other similarly situated former and present employees be given the opportunity to join this lawsuit as party Plaintiffs by filing written consents pursuant to 29 U.S.C. § 216(b);

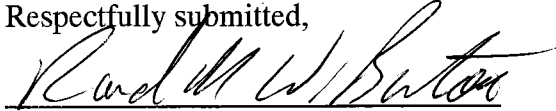
(c) That Plaintiff and all other Plaintiffs be awarded damages in the amount of their respective unpaid overtime compensation, plus an equal amount of liquidated damages pursuant to 29 U.S.C. § 216(b);

(d) An award of reasonable attorney's fees;

(e) An award of the costs and expenses of this action; and

- (f) Such other, further general legal and equitable relief to which she may be entitled.

Respectfully submitted,

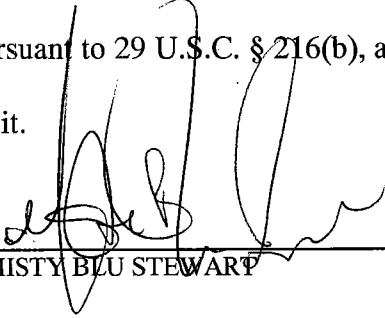


Randall W. Burton, #15393
144 Second Avenue, North
Suite 212
Nashville, Tennessee 37201
(615) 620-5838

Attorney for Plaintiff

CONSENT TO BECOME PARTY PLAINTIFF

Comes Plaintiff Misty Blu Stewart, pursuant to 29 U.S.C. § 216(b), and files this Consent to Become a Party Plaintiff in the above lawsuit.



MISTY BLU STEWART

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 THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

DEFENDANTS

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

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

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

(c) Attorney's (Firm Name, Address, and Telephone Number)
Randall W. Burton, 144 Second Ave., North, Suite 212, Nashville, TN 37201 (615) 620-5838

Attorneys (If Known)

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

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

- 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)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| 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 (Excl. 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	PERSONAL INJURY <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	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <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"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
REAL PROPERTY <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	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input checked="" type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	SOCIAL SECURITY <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)) FEDERAL TAX SUITS <input checked="" type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
				<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"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes

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
- 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
29 USC § 201 et seq.

Brief description of cause:
unpaid minimum wage and overtime

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$ _____

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE _____ DOCKET NUMBER _____

DATE
03/18/2011

SIGNATURE OF ATTORNEY OF RECORD
Randall W. Burton

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

UNITED STATES DISTRICT COURT

for the

Middle District of Tennessee

MISTY BLU STEWART, on behalf
of herself and all others similarly situated,

Plaintiff

v.

LILIANA LOVELL

Defendant

Civil Action No. 3 11 0342

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Liliana Lovell
5929 Chestnut Street
New Orleans, LA 70115.

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:

Randall W. Burton
144 Second Avenue, North
Suite 212
Nashville, TN 37201
(615) 620-5838

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.

APR -7 2011

Date: _____

CLERK OF COURT

Signature of Clerk or Deputy Clerk

UNITED STATES DISTRICT COURT

for the

Middle District of Tennessee

MISTY BLU STEWART, on behalf
of herself and all others similarly situated,

Plaintiff

v.

CUS NASHVILLE, LLC

Defendant

Civil Action No. **3 11 0342**

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) CUS Nashville, LLC
c/o BMN Corporate Services, Inc.
511 Union Street, Suite 1600
Nashville, Tennessee 37219.

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:

Randall W. Burton
144 Second Avenue, North
Suite 212
Nashville, TN 37201
(615) 620-5838

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

Signature of Clerk or Deputy Clerk

Date: **APR -7 2011**

UNITED STATES DISTRICT COURT

for the

Middle District of Tennessee

MISTY BLU STEWART, on behalf
of herself and all others similarly situated,

Plaintiff

v.

COYOTE UGLY SALOON ENTERTAINMENT, INC

Defendant

Civil Action No.

3 11 0342

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Coyote Ugly Entertainment, Inc.
c/o The Corporation Trust Company
Corporation Trust Center
1209 Orange Street
Wilmington, Delaware 19801

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:

Randall W. Burton
144 Second Avenue, North
Suite 212
Nashville, TN 37201
(615) 620-5838

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

Signature of Clerk or Deputy Clerk

APR -7 2011

Date: _____

UNITED STATES DISTRICT COURT

for the

Middle District of Tennessee

MISTY BLU STEWART, on behalf of herself and all others similarly situated,

Plaintiff

v.

COYOTE UGLY SALOON DEVELOPMENT CORP

Defendant

Civil Action No.

3 11 0342

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Coyote Ugly Saloon Development Corp c/o The Corporation Trust Company Corporation Trust Center, 1209 Orange Street Wilmington, Delaware 19801

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:

Randall W. Burton 144 Second Avenue, North Suite 212 Nashville, TN 37201 (615) 620-5838

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

[Handwritten Signature]

Signature of Clerk or Deputy Clerk

Date: APR -7 2011