

RECEIPT NUMBER  
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ORIGINAL

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

RYAN C. HENRY, Individually and on  
behalf of other similarly situated employees,

04-71860

Plaintiff,

-v-

Civil Action No.:

Hon.

PAUL D. BORMAN

QUICKEN LOANS, INC., a/k/a ROCK FINANCIAL  
a Michigan corporation, and DANIEL B. GILBERT,  
WILLIAM EMERSON, and PAT McINNIS, Personally  
And Individually,

MAGISTRATE JUDGE CAPEL,

Defendants.

**Eisenberg & Bogas, P.C.**  
Kathleen L. Bogas (P25164)  
Attorneys for Plaintiffs  
33 Bloomfield Hills Parkway,  
Suite 145  
Bloomfield Hills, MI 48304-2945  
(248) 258-6080

**NICHOLS KASTER & ANDERSON**  
Donald H. Nichols, NM Bar No. 78918  
Paul J. Lukas, MN Bar No. 22084X  
Michele R. Fisher, MN Bar No. 303069  
Attorneys for Plaintiffs  
4644 IDS Center  
80 South 8<sup>th</sup> Street  
Minneapolis MN 55402  
(612) 338-1919

04 MAY 17 P4:38  
EAST DIST. MICH.  
DETROIT-PSG  
COURT CLERK

FILED

**COLLECTIVE ACTION COMPLAINT**  
**AND JURY DEMAND**

Plaintiff Ryan C. Henry ("Plaintiff"), through his attorneys, Nichols Kaster & Anderson, makes the allegations contained herein on behalf of himself and others similarly situated.

1. This Court has original jurisdiction to hear this Complaint and to adjudicate the claims stated herein under 28 U.S.C. § 1331, this action being brought under the Federal Fair Labor Standards Act, 29 U.S.C. § 201 et seq. ("FLSA").

2. The unlawful practices described herein have been committed in the State of Michigan, and the employment records relevant to those practices are, on information

and belief, maintained and administered at the offices of Defendant Quicken Loans Inc., a/k/a Rock Financial ("Defendant Quicken Loans"), in the State of Michigan.

3. Plaintiff is an adult resident of the State of Michigan and brings this action on behalf of himself and other similarly situated employees pursuant to 29 U.S.C. § 216(b). Plaintiff and the similarly situated employees are individuals who were, or are, employed by Defendant Quicken Loans, as loan consultants, selling loans at its various branch locations, during the statutory period.

4. Defendant Quicken Loans is, upon information and belief, a Michigan corporation which was doing business at its Livonia, Auburn Hills, and Farmington, Michigan locations.

5. Defendants Daniel B. Gilbert ("Gilbert"), William Emerson ("Emerson"), and Pat McInnis ("McInnis") are, upon information and belief, Defendant Quicken Loans' Chairman of the Board, Executive Officer, and President respectively, and individuals acting in the interest of Defendant Quicken Loans, and therefore individually liable for violations of the Fair Labor Standards Act, pursuant to 29 CFR § 825.104 (d). Collectively, Defendant Quicken Loans, Gilbert, Emerson and McInnis, are "Defendants".

6. Plaintiff worked as a loan consultant for Defendant Quicken Loans at its Livonia, Michigan location, from approximately February 2003 to November 2003. During this employment, Defendants unlawfully withheld wages from Plaintiff and all loan consultants by denying them overtime pay for hours worked in excess of forty (40) per week.

7. This practices violate the FLSA, 29 U.S.C. § 201 et seq., specifically § 207(a)(1). As a result of this unlawful practice, Plaintiff and the similarly situated employees suffered a loss of wages.

8. Defendants knew, or showed reckless disregard for the fact that its compensation practices were in violation of these laws.

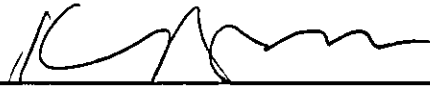
**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff demands:

1. Judgment against Defendants for an amount equal to Plaintiff's unpaid back wages at the applicable overtime rate;
2. An equal amount as liquidated damages;
3. All costs and attorney's fees incurred prosecuting this claim;
4. Leave to add additional plaintiffs by motion, the filing of written consent forms, or any other method approved by the Court;
5. Leave to amend to add claims under applicable state laws; and
6. For such further relief as the Court deems just and equitable.

Dated: May 17, 2004

EISENBERG & BOGAS, P.C.



KATHLEEN L. BOGAS (P25164)  
33 Bloomfield Hills Parkway, Suite 145  
Bloomfield Hills, MI 48304  
Telephone: (248) 258-6080  
Facsimile: (248) 258-9212

NICHOLS KASTER & ANDERSON, PLLP



Donald H. Nichols, MN Bar No. 78918  
Paul J. Lucas, MN Bar No. 22084X  
Michele R. Fisher, MN Bar No. 303069  
4644 IDS Center  
80 South 8<sup>th</sup> Street  
Minneapolis MN 55402  
Telephone (612) 338-1919  
Facsimile (612) 338-4878

ATTORNEYS FOR PLAINTIFFS

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

RYAN C. HENRY, Individually and on  
behalf of other similarly situated employees,

Plaintiff,

-v-

QUICKEN LOANS, INC., a/k/a ROCK FINANCIAL  
a Michigan corporation, and DANIEL B. GILBERT,  
WILLIAM EMERSON, and PAT McINNIS, Personally  
and Individually,

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**04-71860**  
**PAUL D. BORMAN**  
Civil Action No.  
Hon. **MAGISTRATE JUDGE CAPEL,**

COLLECTIVE ACTION COMPLAINT  
JURY TRIAL DEMAND

**Eisenberg & Bogas, P.C.**  
Kathleen L. Bogas (P25164)  
Attorneys for Plaintiffs  
33 Bloomfield Hills Parkway,  
Suite 145  
Bloomfield Hills, MI 48304-2945  
(248) 258-6080

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Donald H. Nichols, NM Bar No. 7891  
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Attorneys for Plaintiffs  
4644 IDS Center  
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(612) 338-1919

U.S. DISTRICT CLERK  
EASTERN DISTRICT OF MICHIGAN  
PSG  
04 MAY 18 4:41

**FILED**

DEMAND FOR JURY TRIAL

Plaintiff, **RYAN C. HENRY**, demands a jury trial on all issues triable to a jury.

**KATHLEEN L. BOGAS, P.C.**

By:

  
Kathleen L. Bogas (P25530)  
Attorneys for Plaintiff  
33 Bloomfield Hills Parkway, Suite 145  
Bloomfield Hills, Michigan  
Phone: (248) 258-6080  
Facsimile: (248) 258-9212

Dated: May 17, 2004

**QUICKEN LOANS, INC.  
PLAINTIFF CONSENT FORM**

I hereby consent to join the lawsuit against **QUICKEN LOANS, INC.** as a Plaintiff to assert claims against it for violations of the Fair Labor Standards Act, 29 U.S.C. § 201 et seq.

RCH 5-11-04  
Signature Date

Ryan C Henry  
Print Name

7694 Apache Trl.  
Address (with apartment number if applicable)

Temperance MI 48182  
City, State, Zip Code

734 847 1868  
Home Telephone

734 347 9296



Work Telephone

734 347 9296

Cell Phone

Ryan Henry @ Buckeye-express.com

E-Mail Address

362-88-7902

Social Security Number

**Fax To:** Nichols Kaster & Anderson, PLLP  
Attn: Michele Fisher  
Facsimile: (612) 215-6870

**Or Mail To:** Nichols Kaster & Anderson, PLLP  
Attn: Michele Fisher  
4644 IDS Center, 80 S. 8<sup>th</sup> Street  
Minneapolis, MN 55402  
Toll Free Telephone (877) 448-0492

Borman / 71860 / WC

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CIVIL COVER SHEET COUNTY IN WHICH THIS ACTION AROSE:

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 use of the Clerk of Court for the purpose of initiating the civil docket sheet.

I. (a) PLAINTIFFS

Ryan Henry, individually and on behalf of other similarly situated employees

DEFENDANTS

Quicken Loans Inc., a/k/a Rock Financial, a Michigan corporation

04-71860

(b) County of Residence of First Listed

Monroe

County of Residence of First Listed

Wayne

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

(C) Attorney's (Firm Name, Address, and Telephone Number)

EISENBERG & BOGAS, P.C. Kathleen L. Bogas, MI Bar No. 25164, Attny for Plaintiff 33 Bloomfield Hills Parkway, Suite 145

Attorneys (If Known)

PAUL D. BORMAN MAGISTRATE JUDGE CAPEL

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

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item 111)

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

- Citizen of This State, Citizen of Another, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business in This State, Incorporated and Principal of Business in Another State, Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Table with 5 columns: CONTRACT, TORTS, FORFEITURE/PENALTY, LABOR, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes sub-sections like REAL PROPERTY, CIVIL RIGHTS, PRISONER PETITIONS.

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 Multi district Litigation, 7 Appeal to District Judge from Magistrate

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

VII. REQUESTED IN COMPLAINT:

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

DEMAND >\$75,000.00

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

VIII. RELATED CASE(S) IF ANY Instructions):

JUDGE

DOCKET NUMBER

DATE

5-17-04

SIGNATURE OF ATTORNEY OF RECORD

PURSUANT TO LOCAL RULE 83.11

1. Is this a case that has been previously dismissed?

- Yes  
 No

If yes, give the following information:

Court: \_\_\_\_\_

Case No.: \_\_\_\_\_

Judge: \_\_\_\_\_

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

- Yes  
 No

If yes, give the following information:

Court: \_\_\_\_\_

Case No.: \_\_\_\_\_

Judge: \_\_\_\_\_

Notes :

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