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-

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

Civil Action No.:

Hon.

PAUL D. BORMAN

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

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 Quiken Loans, as loan consultants, selling loans at its various branch locations, during the statutory period.
- 4. Defendant Quiken 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 Quiken 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;
- 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

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NICHOLS KASTER & ANDERSON, PLLP

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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-

Civil Action No.:PAUL D. BORMAN Hon. MAGISTRATE JUDGE CAPEL.

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

COLLECTIVE ACTION COMPLAINT
JURY TIRAL DEMAND

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. 303069

Attorneys for Plaintiffs
4644 IDS Center
80 South 8th Street

Minneapolis MN 55402
(612) 338-1919

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

QUICHEN LOAMS, INC. PLAINTIFF CONSENT FORM

I hereby	consent	to je	in the	lawsuit	egainst	QUICKEN	LOANS,	INC.	32 S	Plaintiff	to	asseri	claims
nct it for vio l	ations of 1	he F	air Lal	er Stand	ards Act.	29 U.S.C. §	201 <u>et se</u> g						

and no driver 3 and market.
RCH- 5-11-04
Signature Date
Ryan C Henry
Print Name
7694 Apach e Trl. Address (with apartment number if applicable)
Tomperance MI 48182
City, State, Erp Code
<u>734 847 1868</u>
Home Telephone
734 347 9296
Work Telephone
734 347 9296
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Byan Henry @ Buckeye - express .com
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Social Security Number

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Nichols Kaster & Anderson, PLLP

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Or Mail To:

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ORIGINAL

11/99 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 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 or use of the Clerk of Court for the purpose of initiating the civil docket sheet. I. (a) PLAINTIFFS **DEFENDANTS** Quicken Loans Inc., a/k/a Rock Financial, a Michigan Ryan Henry, individually and on behalf of other similarly corporation situated employees Monroe 26115 (b) County of Residence of First Listed County of Residence of First Listed Wayne NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED PAULD. BORMAN Attorneys (If Known) (C) Attorney's (Firm Name, Address, and Telephone Number) EISENBERG & BOGAS, P.C. MAGISTRATE JUDGE CAPEL, Kathleen L. Bogas, MI Bar No. 25164, Attny for Plaintiff 33 Bloomfield Hills Parkway, Suite 145 III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff II. BASIS OF JURISDICTION (Place an "X" in One Box Only) (For Diversity Cases Only) and One Box for Defendant) DEF Incorporated or Principal Place [1 U.S. Government (✗ 3)Federal Question **[X]** 4 Citizen of This State 4 **X**1 **X**1 (U.S. Government Not a Party) of Business In This State Plaintiff 2 U.S. Government Citizen of Another Incorporated and Principal Defendant (Indicate Citizenship of Parties of Business In Another State in Item 111) Citizen or Subject of a 3 3 Foreign Nation Foreign Country IV. NATURE OF SUIT (Place an "X" in One Box Only) FORFEITURE/PENALTY BANKRUPTCY CONTRACT TORTS OTHER STATUTES PERSONAL INJURY PERSONAL INJURY 1 1 0 Insurance 610 Agriculture 422 Appeal 28 USC 158 400 State Reapportionment 362 Personal Injury-120 Marine 31 0 Airplane 620 Other Food & Drug 41 0 Antitrust 423 Withdrawal 430 Banks and Banking 315 Airplane Product 130 Miller Act Med. Malpractice 625 Drug Related Seizure 140 Negotiable Instrument Llability 365 Personal InVry Product Lia Ility of Property 21; 881 28 USC 157 ☐ 450 Commerce/ICC 150 Recovery of 630 Liquor Laws 460 Deportation Overpayment and Enforcement 320 Assault Libel And Slander PROPERTY RIGHTS 368 Asbestos Personal Injury Product Liability 640 R.R. & Truck 470 Rackeleer Influenced & of Judgment Corrupt Organizations 151 Medicare Act 330 Federal Employers 650 Airline Regs. 820 Copyrights 152 Recovery of Defaulted Liability 660 Occupational 810 Selective Service 830 Patent PERSONAL PROPERTY Student Loans 340 Marine Safety/Health ■ 850 Secu rities/Com mod itles/ 840 Trademark 345 Marine Product 690 Other (Excl. Veterans) 370 Other Fraud Ü Exchange 875 Customer Challenge 153 Recovery of Overpayme of Veteran's Benefits Liability 371 Truth in Lending SOCIAL SECURITY LABOR 350 Motor Vehicle 380 Other Personal 12 LISC 3410 160 Stockholders' Suits 355 Motor Vehicle Property Damage 891 Agricultural Acts 71 0 Fair Labor Standards 861 H IA (1 395ff) 385 Property Damage 892 Economic Stabilization Act 190 Other Contract Product Liability 862 Black Lung (923) 360 Other Personal 195 Contract Product Liability **Product Liability** 893 Environmental Matters 720 Labor/Mgmt. Relations 863 DIWC/DIWW (405(g)) 894 Energy Allocation Act 864 SSID Title XVI REAL PROPERTY CIVIL RIGHTS PRISONER PETITIONS ■ 895 Freedom of 730 Labor/Mgmt, Reporting 865 RSI (405(g)) Information Act 210 Land Condemnation 441 Voting ☐ 51 0 Motions to Vacate & Disclosure Act 900 Appeal of Fee Determination Under Equal Access to Justice FEDERAL TAX SUITS 220 Foreclosure 442 Employment Sentence 740 Rallway Labor Act 230 Rent Lease & Ejectment 443 Housing/ Habeas Corpus: □ 870 Taxes (U.S. Plaintiff Accommodations 790 Other Labor 240 Torts to Land 530 General □ 950 Constitutionality of or Defendant) 444 Welfare 245 Tort Product Liability 535 Death Penalty Litigation State Statutes 290 All Other Real Property 440 Other Civil Rights 540 Mandamus & Other 791 Empl. Ret. Inc. □ 871 IRS-Third Party ■ 890 Other Statutory Actions 550 Civil Rights Security Act 26 USC 7609 555 Prison Condition (PLACE AN "X" IN ONE BOX ONLY) Appeal to V. ORIGIN Transferred from District another district 7 Judge from 4 Reinstated 5 (specify) Orlgińal Remanded from Removed from 6 Multi district Magistrate **Appellate Court** Proceeding State Court 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 **\$DEMAND** CHECK YES only if demanded in complaint: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 X Yes COMPLAINT: **-**\$75:000.00 JURY DEMAND: VIII. RELATED CASE(S) Instructions): DOCKET IF ANY JUDGE NUMBER DATE SIGNATURE OF ATTORNEY OF RECORD

URSUANT TO LOCAL RULE 83.11

1 .	Is this a case that has been previously dismissed?	Yes
If yes, g	ive the following information:	X No
Co u rt: _	******	
Case No	o.:	
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, g	ive the following information:	
Court: _		
Case No	.:	
Judge: _		
Notes:		