JS 44 (Rev. 07/16)

## **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.)

| T  | (a) | PLAINTIFFS |  |
|----|-----|------------|--|
| 1. | (a) | ILAUNIUTO  |  |

James Thomas and David Hixson, for themselves and those similarly situated.

(b) County of Residence of First Listed Plaintiff Davidson Co., TN (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Matthew G. White, Baker Donelson Bearman Caldwell & Berkowitz, PC 165 Madison Avenue, Suite 2000, Memphis, TN 38103; (901) 577-8182

## **DEFENDANTS**

Bill Haslam, Gov. of Tenn., in his official capacity; David W. Purkey, Comm. for Dep't of Safety and Hmld. Secur., in his official capacity; & Herbert Slatery III, Att. Gen. and Rept'r, in his official capacity

County of Residence of First Listed Defendant Davidson Co., TN

(IN U.S. PLAINTIFF CASES ONLY)

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) |                              |            | III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plainti |  |          |    |                            |  |            |     |
|--|------------------------------|------------|--|--|----------|----|----------------------------|--|------------|-----|
|  |                              |            |  | (For Diversity Cases Only)                 |          |    | and One Box for Defendant) |  |            |     |
| <b>1</b>   | U.S. Government              | <b>3</b> 3 | Federal Question   |  | PTF      | DE | F                          |  | PTF        | DEF |
|  | Plaintiff                    |            | (U.S. Government Not a Party)  | Citizen of This State                      | <b>1</b> |    | 1                          | Incorporated or Principal Place of Business In This State            | □ 4        | □ 4 |
| □ 2  | U.S. Government<br>Defendant | □ 4        | Diversity (Indicate Citizenship of Parties in Item III)                    | Citizen of Another State                   | □ 2      |    | 2                          | Incorporated <i>and</i> Principal Place of Business In Another State | <b>□</b> 5 | □ 5 |
|  |                              |            |  | Citizen or Subject of a<br>Foreign Country | □ 3      |    | 3                          | Foreign Nation   | □ 6        | □ 6 |

|   |  |                                     |   | Of Busiliess III 1             | nis State  |  |  |
|---|--|-------------------------------------|---|--------------------------------|--|--|--|
| ☐ 2 U.S. Government Defendant   | ☐ 4 Diversity (Indicate Citizenshi)            | ip of Parties in Item III)          | Citizen of Another State                | 2                              |  |  |  |
|   |  |                                     | Citizen or Subject of a Foreign Country | 3                              | □ 6 □ 6  |  |  |
| IV. NATURE OF SUIT  | (Place an "X" in One Roy On                    | Iv)                                 |   |                                |  |  |  |
| CONTRACT  |  | RTS                                 | FORFEITURE/PENALTY                      | BANKRUPTCY                     | OTHER STATUTES   |  |  |
| ·   |  |                                     |   |                                |  |  |  |
| ☐ 110 Insurance   | PERSONAL INJURY                                | PERSONAL INJURY                     | ☐ 625 Drug Related Seizure              | ☐ 422 Appeal 28 USC 158        | 375 False Claims Act   |  |  |
| ☐ 120 Marine<br>☐ 130 Miller Act  | ☐ 310 Airplane ☐ 315 Airplane Product          | ☐ 365 Personal Injury -             | of Property 21 USC 881 ☐ 690 Other      | ☐ 423 Withdrawal<br>28 USC 157 | ☐ 376 Qui Tam (31 USC<br>3729(a))<br>☐ 400 State Reapportionment                   |  |  |
| ☐ 140 Negotiable Instrument   | Liability                                      | Product Liability  367 Health Care/ | 1 690 Otner                             | 28 USC 157                     |  |  |  |
| ☐ 150 Recovery of Overpayment   | ☐ 320 Assault, Libel & Pharmaceutical          |                                     |   | PROPERTY RIGHTS                | ☐ 400 State Reapportionment ☐ 410 Antitrust  |  |  |
| & Enforcement of Judgment   | Slander  | Personal Injury                     |   | □ 820 Copyrights               | ☐ 430 Banks and Banking  |  |  |
| ☐ 151 Medicare Act  | ☐ 330 Federal Employers'                       | Product Liability                   | į                                       | □ 830 Patent                   | ☐ 450 Commerce   |  |  |
| ☐ 152 Recovery of Defaulted   | Liability                                      |                                     |   | ☐ 840 Trademark                | ☐ 460 Deportation  |  |  |
| Student Loans   | ☐ 340 Marine                                   | Injury Product                      |   |                                | ☐ 470 Racketeer Influenced and   |  |  |
| (Excludes Veterans)   | ☐ 345 Marine Product                           | Liability                           | LABOR                                   | SOCIAL SECURITY                | Corrupt Organizations  |  |  |
| 153 Recovery of Overpayment   | Liability                                      | PERSONAL PROPERTY                   | 710 Fair Labor Standards                | □ 861 HIA (1395ff)             | ☐ 480 Consumer Credit  |  |  |
| of Veteran's Benefits   | ☐ 350 Motor Vehicle                            | ☐ 370 Other Fraud                   | Act                                     | ☐ 862 Black Lung (923)         | ☐ 490 Cable/Sat TV   |  |  |
| ☐ 160 Stockholders' Suits   | □ 355 Motor Vehicle                            | ☐ 371 Truth in Lending              | ☐ 720 Labor/Management                  | ☐ 863 DIWC/DIWW (405(g))       | □ 850 Securities/Commodities/<br>Exchange  |  |  |
| ☐ 190 Other Contract  | Product Liability                              | ☐ 380 Other Personal                | Relations                               | □ 864 SSID Title XVI           |  |  |  |
| ☐ 195 Contract Product Liability  | ☐ 360 Other Personal                           | Property Damage                     | ☐ 740 Railway Labor Act                 | □ 865 RSI (405(g))             | □ 890 Other Statutory Actions  |  |  |
| ☐ 196 Franchise   | Injury   | ☐ 385 Property Damage               | ☐ 751 Family and Medical                |                                | □ 891 Agricultural Acts  |  |  |
|   | ☐ 362 Personal Injury -<br>Medical Malpractice | Product Liability                   | Leave Act ☐ 790 Other Labor Litigation  |                                | <ul><li>☐ 893 Environmental Matters</li><li>☐ 895 Freedom of Information</li></ul> |  |  |
| REAL PROPERTY   | CIVIL RIGHTS                                   | PRISONER PETITIONS                  | ☐ 791 Employee Retirement               | FEDERAL TAX SUITS              | Act  |  |  |
| ☐ 210 Land Condemnation   | ☐ 440 Other Civil Rights                       | Habeas Corpus:                      | Income Security Act                     | ☐ 870 Taxes (U.S. Plaintiff    | □ 896 Arbitration  |  |  |
| ☐ 220 Foreclosure   | ☐ 441 Voting                                   | ☐ 463 Alien Detainee                | meome security 7 cet                    | or Defendant)                  | ☐ 899 Administrative Procedure   |  |  |
| ☐ 230 Rent Lease & Ejectment  | ☐ 442 Employment                               | ☐ 510 Motions to Vacate             |   | ☐ 871 IRS—Third Party          | Act/Review or Appeal of  |  |  |
| ☐ 240 Torts to Land   | ☐ 443 Housing/                                 | Sentence                            |   | 26 USC 7609                    | Agency Decision  |  |  |
| ☐ 245 Tort Product Liability  | Accommodations                                 | □ 530 General                       |   |                                | ▼ 950 Constitutionality of   |  |  |
| ☐ 290 All Other Real Property   | ☐ 445 Amer. w/Disabilities -                   | ☐ 535 Death Penalty                 | IMMIGRATION                             | 1                              | State Statutes   |  |  |
|   | Employment                                     | Other:                              | ☐ 462 Naturalization Application        | 1                              |  |  |  |
|   | 446 Amer. w/Disabilities -                     | ☐ 540 Mandamus & Other              | 465 Other Immigration                   |                                |  |  |  |
|   | Other  | ☐ 550 Civil Rights                  | Actions                                 |                                |  |  |  |
|   | ☐ 448 Education                                | ☐ 555 Prison Condition              |   |                                |  |  |  |
|   |  | ☐ 560 Civil Detainee -              |   |                                |  |  |  |
|   |  | Conditions of                       |   |                                |  |  |  |
|   |  | Confinement                         |   |                                | <u> </u>   |  |  |
| V. ORIGIN (Place an "X" in  | n One Box Only)                                |                                     |   |                                |  |  |  |
| X 1 Original □ 2 Rea  | noved from 3                                   | Remanded from 3 4                   | Reinstated or                           | erred from                     | rict   |  |  |
| Proceeding Sta  |  | Appellate Court                     | Reopened Anothe                         | r District Litigation          | - Litigation -   |  |  |
|   |  |                                     | (specify)                               |                                | Direct File  |  |  |
|   | Cite the U.S. Civil Sta                        | tute under which you are fi         | ling (Do not cite jurisdictional stat   | utes unless diversity):        |  |  |  |
| VI. CAUSE OF ACTIO  | ) N  |                                     | rteenth Amendment to th                 | e U.S. Constitution            |  |  |  |
| VI. CAUSE OF ACTIO  | Drief describuon of ca                         | use:                                |   |                                |  |  |  |
|   | Civil rights class                             | action challenging con              | stitutionality of Tenn. Cod             | de Ann. 40-24-105(b)           |  |  |  |
| VII. REQUESTED IN  CHECK IF THIS IS A CLASS ACTION DEMAND \$ CHECK YES only if demanded in complaint: |  |                                     |   |                                |  |  |  |
| COMPLAINT:  | UNDER RULE 2                                   | 3. F.R.Cv.P.                        |   | JURY DEMAND:                   | Yes XNo  |  |  |
|   |  | ,                                   |   | JUNEAU DELIVERY DE             | 2 100 2410   |  |  |
| VIII. RELATED CASE  |  |                                     |   |                                |  |  |  |
| IF ANY  | (See instructions):                            | JUDGE                               |   | DOCKET NUMBER                  |  |  |  |
|   |  |                                     |   |                                |  |  |  |
| DATE SIGNATURE OF ATTORNEY OF RECORD  |  |                                     |   |                                |  |  |  |
| 01/04/2017  | 01/04/2017 /s/ Matthew G. White                |                                     |   |                                |  |  |  |
| FOR OFFICE USE ONLY   |  |                                     |   |                                |  |  |  |
|   |  |                                     |   |                                |  |  |  |
| RECEIPT # AN  | IOUNT  | APPLYING IFP                        | JUDGE                                   | MAG. JUI                       | DGE  |  |  |