

**IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA**

**Nekeeya Brewster and Raymond  
Brewster, et al.,  
Plaintiff,**

vs.

**Walmart Inc., a foreign for-profit  
corporation  
Defendant**

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) **Case No.:**  
)  
) **JURY TRIAL DEMANDED**  
)  
)  
)  
)

**CLASS COMPLAINT FOR DAMAGES**

Plaintiffs, Nekeeya Brewster and Raymond Brewster (the “Brewsters” or “Named Plaintiffs”) by and through the undersigned counsel, on behalf of themselves and all similarly situated individuals, file this Class Complaint Against Defendant Walmart Inc. (“Defendant”), and allege the following:

**INTRODUCTION**

1. Nekeeya and Raymond Brewster moved to Jacksonville, Florida several years ago to establish a home for their growing family. Mrs. Brewster is a social worker, and Mr. Brewster is a leasing sales representative working at a national truck rental company. The Brewsters have three daughters aged twelve, seven, and one year’s old, and all five of them attend church near their home.

2. On Saturday, October 13, 2024, the Brewsters went to the Walmart Supercenter No. 3702 on City Square Drive in Jacksonville, Florida (the “City Square Walmart”). They purchased children’s clothes for their daughter. Later that

day, they had their daughter try on the clothes, but some of the items were too small for their growing daughter.

3. The next day, Sunday 14, 2024, the whole Brewster family went to church. After church, they decided to go back to the City Square Walmart to exchange the children's clothes that were too small for the exact same clothes (just bigger sizes).

4. In the early afternoon, the Brewsters drove to the City Square Walmart. Before they left their car to enter the store, Mrs. Brewster noted to her husband that she didn't quite know the best way to exchange the clothes. She decided the smart thing to do was to put the clothes and the receipt for the clothes in the original Walmart bag, and then tie that bag shut.

5. Upon entering the City Square Walmart, Mrs. Brewster put the Walmart bag with the clothes and the receipt that was tied shut into a shopping cart and proceeded to the children's department. Mr. Brewster went to another part of the store.

6. While in the children's department, Mrs. Brewster found the right clothing racks and picked out bigger sizes and put those new clothes in her shopping cart. Mrs. Brewster then proceeded to customer service to exchange the clothes.

7. At customer service, Mrs. Brewster asked the customer service employee to exchange five pieces of clothing for her and to return a pair of children's pants. While explaining that it was an "even exchange," Mrs. Brewster untied the

Walmart bag and produced the clothing items she wanted to exchange and the receipt for those items.

8. The exchange took a long time, and, in the middle of the exchange, the customer service employee received a call. After the call, the customer service employee proceeded to chat with another employee and stalled the exchange even longer. While this stalling action was taking place, Mr. Brewster joined Mrs. Brewster at the customer service counter. By this time, there were several customers waiting in line at customer service.

9. After at least ten *more* minutes of stalling, Stephen George Mullen (“Mullen”), walked up in plain clothes behind the Brewsters and their three daughters and loudly stated: “*Ma’am, we saw you put something in your bag.*” Mullen, it appeared, was a Walmart security employee.

10. Stunned, the Brewster didn’t know what to do at first, and then Mullen loudly stated again, “*Ma’am, we saw you put something in your bag.*”

11. Recovering from the shock, Mrs. Brewster responded with her baby in her arms: “*No, you didn’t see anything in my bag, what are you talking about?*”

12. Mullen then stated loudly enough for the ten or so other customers to hear, “*Ma’am, I have you putting these pair of pants in your bag.*” While saying this, Mullen took away a maroon pair of children’s pants and displayed them in the air.

13. Mr. Brewster responded: “*Sir, I have a receipt that shows we purchased these clothes on Saturday. You can match the UPC with the barcode on the pants, right?*” In so doing, Mr. Brewster showed Mullen the receipt from the previous day.

14. Mullen responded: “*No, we can’t do that.*”

15. Mullen refused to look at the receipt.

16. Mullen refused to examine the receipt.

17. Mullen refused to even acknowledge the receipt being shown to him.

18. Mullen then called another loss prevention officer on his walkie-talkie.

19. Willie Frank McFayden, Jr. (“McFayden”) approached the Brewster family, and Mullen yelled to McFayden: “*They are telling us they don’t have us on camera.*”

20. McFayden responded: “*Yes, I saw you.*”

21. Mr. Brewster responded: “*No, no.*”

22. Mullen then told the Brewsters to “*stay here,*” and he and McFayden left.

23. While waiting for Mullen and McFayden to return, the customer service employee motioned to the ten or so other customers and asked the Brewsters to step aside.

24. After waiting for approximately twenty *more* minutes, Mullen returned and demanded the Brewsters “*come with me.*”

25. The Brewsters and their three daughters gathered up all of their belongings (including the receipt for the clothes they purchased the previous day) and followed Mullen.

26. As soon as the Brewsters walked away from the customer service counter, there were two, armed Jacksonville Sheriff's Office ("JSO") deputies in uniform waiting for them in the middle of the store.

27. The Brewsters and their three daughters were required to follow the JSO officers to an office at the front of the City Square Walmart (the "Security Office").

28. The Security Office was a small room with screens that had a small bench along the wall. The Brewsters and their daughters were required to sit on the bench. One of the JSO officers explained to the Brewster family that he was there to "*keep the peace.*"

29. After the JSO officer said this, Mr. Brewster explained: "*We didn't steal anything. Not sure why they think we did. We have a receipt for everything we purchased.*"

30. The JSO officer responded and questioned Mullens: "*They have a receipt? That's not the information you said to us, that not what's on body cam.*"

31. Mullens responded: "*We think we saw her put items in her bag.*"

32. The second JSO officer responded: "*That's not the information you said to us, that's not what's on body cam.*"

33. The Brewster's three daughters were on the bench witnessing this scene, and Mr. and Mrs. Brewster couldn't imagine what was going through their heads, seeing their parents "in trouble." Their daughters have been taught not to be afraid of the police.

34. After a long time waiting for McFayden to search store video, the first JSO officer stated: *“You can’t show us anything that even looks like she puts something in the bag, you didn’t see them put anything in the bag.”*

35. McFayden is quiet at first and then responded, *“No.”*

36. The JSO officer stated, *“You are free to go, if you’d like to meet me in the parking lot, I’ll write a report on this entire event for you.”*

37. Through this whole ordeal, each of the three Brewster daughters were silent and afraid.

38. Mr. and Mrs. Brewster pay their taxes, have never been arrested, have no criminal history, and are good citizens and neighbors.

39. The Brewster family is Black.

40. The Brewster family was security profiled, wrongfully imprisoned, wrongfully detained, defamed, discriminated against in violation of their civil rights, and humiliated.

### **CLASS ALLEGATIONS**

41. The Brewster family is not alone. Walmart repeatedly, systemically, and disproportionately discriminates against Black customers. Specifically, Walmart security and related personnel profile Black customers who have done nothing wrong based on little or no evidence other than their race.

42. In 2022, Walmart was found liable for profiling Michael Mangum, a Black man at a Walmart in Wood Village, Oregon. A jury found that Walmart security followed Mangum around the store even though a subsequent police report

found that "Mr. Mangum was not acting violently, did not seem drunk or high, and told the [911] operator, 'he just keeps checking me out.'" CNN reported that the reporting police department Shift Commander said deputies on his shift had become "extremely frustrated with a pattern of behavior that they had identified" in the Walmart employee calling 911 to report "dangerous active situations such as customers physically assaulting him or loss prevention employees or other Walmart employees while trying to steal and then the deputies determining that that never actually happened."

43. According to NBC News, in 2021, two Black men in Texas filed a lawsuit against Walmart alleging they were wrongfully accused of shoplifting when they tried to return a TV. CBS News reported: "A white Walmart employee working at the customer service counter accused [a black man] of stealing the television, refused to accept the television in return or exchange, and called the police claiming [the two black men] had stolen the television." "The police showed up, detained, and handcuffed both [black men] in front of the store where other store customers looked on as they entered and exited the store."

44. As reported by CBS News: "Known in the Black community as 'Shopping While Black,' retail racism occurs when a store employee assumes a person of color may shoplift and then trails or harasses the shopper. Walmart has found itself at the center of several such cases, most of which are still ongoing."

45. The Brewsters, the proposed class representatives, bring this matter on their own behalf and on behalf of the Proposed Class. The Proposed Class is defined

as Black customers of Walmart over the past two (2) years that have been discriminated against by Walmart and/or Walmart employees via security-related profiling based upon their race.

46. Not included in the Proposed Class are Defendant and/or Defendant's officers, owners, employees, assigns, successors, this Honorable Court, Court staff, Defendant's Council and any and all immediate family members of the above.

47. The Proposed Class is so numerous that individual joinder of all Proposed Class members would be impracticable. Defendant is in the sole possession of the exact numbers of potential class members.

48. Common questions of law and fact exist as to all Proposed Class members and those issues predominate issues of law and fact affecting individual Proposed Class members. Specifically, the common questions of law and fact including, *inter alia*: (1) Does Walmart have a policy of security profiling Black customers? (2) Does Walmart have a practice of security profiling Black customers? (3) Has Walmart affirmatively hid its practice of security profiling Black customers? (4) Has Walmart engaged in deceptive trade practices such that Black customers were induced to shop at Walmart even though Walmart would illegally security profile them? (5) How often does Walmart wrongfully imprison Black customers? (6) Do Walmart's security policies have a disparate impact upon Black customers? and (7) Both monetary and injunctive relief due the Proposed Class members due to Defendant's conduct as explained in this Complaint.

49. The class is also certifiable under Federal Rule of Civil Procedure 23(b)(2) as to liability and injunctive relief, because Defendant has acted or refused to act on grounds generally applicable to the Proposed Class, thereby making appropriate final injunctive relief or corresponding declarative relief with respect to the Class as a whole.

50. Alternatively, class-wide liability under the theories advanced in this action are properly certified under Federal Rule of Civil Procedure 23(c)(4) because such claims present only common issues, the resolution of which would advance the interests of the parties in an efficient manner.

51. The Class Representative's claims and defenses are typical of the claims and defenses that will be asserted by the Proposed Class members. Defendant can offer no defense that is unique or different to the Brewsters than for the rest of the Proposed Class members.

52. The Brewsters are focused on changing Walmart's practice of security profiling Black customers and will fairly and adequately protect the interests of the Proposed Class members, and their claims and those of the Proposed Class members are so interrelated that the interests of the class will be fairly and adequately protected in their absence.

53. The undersigned attorneys and those of the undersigned attorney's firm have experience with nation-wide class actions and civil rights matters.

54. A class action is the most economic procedure in this matter in that the prosecution of separate actions would create the risk of inconsistent and varying

results with respect to individual claimants. There are already wildly varying results across the country regarding Walmart's practice of security profiling.

### **JURISDICTION AND VENUE**

55. Jurisdiction is proper in this matter pursuant to 28 U.S.C. 1331 and 1343.

56. Venue is proper in the Middle District of Florida, Jacksonville Division pursuant to 28 U.S.C. 1391(b)(1) and (b)(2). The action complained of took place in this judicial district and Defendant regularly and presently conducts affairs in this judicial district.

### **PARTIES**

57. Plaintiff, Nekeyya Brewster is an adult, a resident of Duval County within the State of Florida.

58. Plaintiff, Raymond Brewster is an adult, a resident of Duval County within the State of Florida.

59. Defendant, Walmart Inc., LLC ("Walmart") is a foreign corporation with a principal place of business at 702 SW 8th Street, Bentonville, Arkansas, 72716.

### **COUNT I – VIOLATION OF 42 U.S.C. § 1981 (Individually and on behalf of the Proposed Class)**

60. The allegations contained in paragraphs 1 – 59 are hereby reincorporated as though fully re-stated herein.

61. Defendants intentionally and consciously engaged in the above-described conduct based on the Named Plaintiffs' and the Proposed Class race in violation of 42 U.S.C. § 1981.

62. Named Plaintiffs and the Proposed Class are (1) members of a racial minority; (2) there was an intent to discriminate against them on the basis of race by Defendant; and (3) the discrimination concerns one or more of the activities enumerated in § 1981 including, but not limited to, the right to make and enforce contracts on the same basis as white citizens.

63. Walmart is engaged in interstate commerce and provides public accommodations. It is directly and/or vicariously liable for the acts of its agents and employees identified in this suit.

64. The Named Plaintiffs and the Proposed Class were damaged by Defendant's violation of their civil rights.

**COUNT II – VIOLATION OF 42 U.S.C. § 2000A TO a(6)  
(Individually and on behalf of the Proposed Class)**

65. The allegations contained in paragraphs 1 – 59 are hereby reincorporated as though fully re-stated herein.

66. Defendant intentionally and/or consciously engaged in the aforementioned conduct, practices, policies, and customs in violation of 42 U.S.C. § 2000a to a(6).

67. Alternatively, the conduct was ratified and/or not corrected by persons having the ability and authority to do so.

68. Named Plaintiffs and the Proposed Class are (1) members of a racial minority; (2) there was an intent to discriminate against them on the basis of race by Defendant; and (3) the discrimination occurred at a public accommodation—specifically, that the Named Plaintiffs were discriminated against by being prevented from carrying out business at Walmart as was afforded white customers under the same or similar circumstances at Walmart.

69. The Named Plaintiffs and the Proposed Class were damaged by Defendant's violation of their civil rights.

**COUNT III – WRONGFUL INPRISONMENT  
(Individually)**

70. The allegations contained in paragraphs 1 – 59 are hereby reincorporated as though fully re-stated herein.

71. Defendant: (1) unlawfully detained the Brewsters and deprived them of their liberty; (2) did so against the Brewster's will; (3) did so without legal authority or color of authority; and (4) such conduct was unreasonable and unwarranted under the circumstances.

72. The Brewsters and their daughters were damaged by Defendant's conduct.

**COUNT III – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS  
(Individually)**

73. The allegations contained in paragraphs 1 – 59 are hereby reincorporated as though fully re-stated herein.

74. Defendant's above-described conduct was intentional or reckless and knew or should have known that emotional distress would result.

75. Defendant's above-described conduct was outrageous and went beyond all bounds of decency and/or was odious and utterly intolerable in a civilized community.

76. Defendant's above-described conduct caused emotional distress for Mr. and Mrs. Brewster and their three daughters.

77. The emotional distress endured by Mr. and Mrs. Brewster and their three daughters was severe.

78. The Brewsters and their three daughters were damaged by Defendant's conduct.

**COUNT IV – DEFAMATION AND SLANDER  
(Individually)**

79. The allegations contained in paragraphs 1 – 59 are hereby reincorporated as though fully re-stated herein.

80. Defendant communicated to multiple Walmart customers, the Jacksonville Sheriff's Office, and Walmart employees that Mr. and Mrs. Brewster: (1) had stolen clothing; (2) Walmart had video of Mrs. Brewster stealing; and (3) Mrs. Brewster put stolen items in her bag.

81. Mullen, a Walmart employee and/or agent of Walmart under Walmart's control said: (1) "*Ma'am, we saw you put something in your bag.*"; (2) again

said “*Ma’am, we saw you put something in your bag.*”; (3) “*Ma’am, we saw you put something in your bag.*”; (4) “*Ma’am, I have you putting these pair of pants in your bag.*”

82. McFayden, a Walmart employee and/or agent of Walmart under Walmart’s control said after being told by Mullen that the Brewsters (correctly) stated that they had not stolen anyone responded: “*Yes, I saw you.*”

83. All of these statements were false and objectively untrue.

84. Mullen never saw Mrs. Brewster steal because she never stole anything. Even when confronted with a receipt showing the Mrs. Brewster had not stolen, he insisted on repeating his allegations that she was a thief. Mullen and McFayden made their statements with reckless disregard and/or negligently.

85. Mr. and Mrs. Brewster were damaged by Mullen and McFayden’s statements.

86. Being called a thief and being accused of stealing in front of several customers, Walmart employees, and to the Jacksonville Sheriff’s Office is objectively harmful.

87. The Brewsters were damaged by Defendant’s conduct.

### **PRAYER FOR RELIEF**

Wherefore, Named Plaintiffs, individually and on behalf of all other similarly situated, pray for the relief as follows:

- a) A declaration from this Court that this action is a proper class action, including certification of the proposed Class, appointment of Named Plaintiffs as class representative, and appointment of Plaintiffs’ counsel

- Charles T. Douglas, Jr., Jeremiah R. Blocker, Rory J. Diamond as class counsel;
- b) Judgement against Defendant for damages, multiple damages, interest, costs, and attorneys' fees and costs for each of the counts;
  - c) Full restitution for Named Plaintiffs and the Proposed Class related and resulting, both directly and indirectly, from the Security Profiling.
  - d) Declaratory judgment that the Defendants will stop Security Profiling based off of race going forward;
  - e) Attorneys' fees and costs when applicable; and
  - f) All other relief deemed just and proper by the Court.

### **REQUEST FOR JURY TRIAL**

The proposed class representative and class members request trial by jury on all matters and counts.

### **SPOILATION NOTICE AND DEMAND TO RETAIN EVIDENCE**

Named Plaintiffs hereby gives notice to Defendant and demand Defendant and its affiliates safeguard and preserve all relevant evidence, including but not limited to paper, audio recordings, electronic documents or data, pertaining to this litigation as required by law.

Respectfully submitted,

**DOUGLAS LAW FIRM**  
Counsel for Plaintiff

/s/Rory J. Diamond  
Rory J. Diamond, FBN: 101666  
Charles T. Douglas, Jr., FBN: 25896  
Jeremiah Blocker, FBN: 99305

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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.)

I. (a) PLAINTIFFS

Nekeyea Brewster and Raymond Brew-ster, et al.,

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

(c) Attorneys (Firm Name, Address, and Telephone Number) Douglas Law Firm, 100 Southpark Blvd., Suite 414, St. Augustine, Florida 32086

DEFENDANTS

Walmart Inc., a foreign for-profit corporation

County of Residence of First Listed Defendant Benton County, Arkansas (IN U.S. PLAINTIFF CASES ONLY)

NOTE: 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)

- 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 III)

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 State, Citizen or Subject of a Foreign Country, PTF DEF, 1 1, 2 2, 3 3, 4 4, 5 5, 6 6

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

Click here for: Nature of Suit Code Descriptions.

Table with columns: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, INTELLECTUAL PROPERTY RIGHTS, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories like Personal Injury, Real Property, Labor, etc.

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, 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 42 U.S.C. § 1981; U.S.C. § 2000 a to a(6)
Brief description of cause: Discrimination Against African American individuals, wrongful imprisonment and defamation

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ 1,000,000 CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE SIGNATURE OF ATTORNEY OF RECORD

November 26, 2024 /s/Rory J. Diamond

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

## INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

### Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading 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. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.  
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.  
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.  
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.  
 Original Proceedings. (1) Cases which originate in the United States district courts.  
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.  
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.  
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.  
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.  
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.  
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.  
**PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.  
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.  
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related cases, if any. If there are related cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Middle District of Alabama

Nekeeya Brewster and Raymond Brewster, et al.

Plaintiff(s)

v.

Walmart Inc., a foreign for-profit corporation

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) C T Corporation System, Registered Agent
Walmart Inc., a foreign for-profit corporation
1200 South Pine Island Road
Plantation, Florida 33324

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:

Douglas Law Firm
Rory J. Diamond
100 Southpark Blvd., Suite 414
St. Augustine, Florida 32086

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

Date:

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_ .

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_ , who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the summons unexecuted because \_\_\_\_\_ ; or

Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00 \_\_\_\_\_ .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc: