

**IN THE UNITED STATE DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

<b>SHAWN WILDER,</b>	:	
	:	
<b>Plaintiff</b>	:	
<b>v.</b>	:	<b>Civil Action No.:</b>
	:	
<b>FEDEX FREIGHT, INC.,</b>	:	
	:	
<b>Defendant</b>	:	

**COMPLAINT FOR DAMAGES**

COMES NOW, Shawn Wilder, Plaintiff, and by and through his attorney of record, to hereby files this Complaint for Damages against the above-captioned Defendant, respectfully showing the Court as follows:

**PARTIES, JURISDICTION, & VENUE**

1.

Plaintiff is an individual, who is currently, and at all pertinent times relevant herein, residing in Macon, Georgia.

2.

Defendant FedEx Freight, Inc., (hereinafter "FedEx") is a foreign corporation organized and existing by virtue of the laws of the State of Arkansas, engaged in the business of freight shipping, and is authorized to transact and do business in the State of Georgia. Defendant FedEx has its principal place of business at 8285 Tournament Drive, Building C, Memphis, TN, 38125, and may be served through its registered agent for service of process, The Corporation Company at 410 Peachtree Parkway Suite 4245, Cumming, GA, 30041.

3.

At all pertinent times relevant herein, Plaintiff was employed as a driver at Defendant's Macon Facility located at 2750 Roff Avenue, Macon, GA 31204 from May of 2021 to August 5, 2024.

4.

This court has jurisdiction of this matter pursuant to the Family and Medical Leave Act of 1993, 29 U.S.C.A § 2617 (hereinafter "FMLA").

5.

By virtue of the facts outlined herein, Defendant FedEx is subject to the jurisdiction and venue of this Honorable Court.

### **STATEMENT OF FACTS**

6.

Paragraphs 1-5 of this Complaint for Damages are incorporated by reference as if the same were re-alleged verbatim herein.

7.

In May of 2021, Plaintiff accepted a full-time position as a driver at Defendant's Macon Facility.

8.

On June 25, 2024, Plaintiff suffered an injury to his back and right leg while performing a delivery which caused him immediate and severe pain.

9.

On June 25, 2024, Plaintiff returned to Defendant's Macon location after suffering the injury and completed an incident report with Defendant's Human Resources Department.

10.

On June 27, 2024, Plaintiff visited Macon Occupational Medicine and was placed on light duty work restrictions by his physician.

11.

On June 27, 2024, an employee of Defendant's Human Resources Department filed an FMLA Claim for Leave on behalf of Plaintiff with Defendant's workers compensation carrier for which Plaintiff was approved until September 18, 2024.

12.

Plaintiff continued to work on light duty restrictions and was limited to 5 hours a day.

13.

While working on light duty restrictions, Plaintiff's supervisor, Mr. Cody White, reportedly harassed Plaintiff on multiple occasions.

14.

On July 24, 2024, Plaintiff notified Defendant of an intent to resign in two-weeks as a result of suffering such harassment.

15.

Upon learning that Mr. White had been terminated, Plaintiff contacted Defendant's Human Resources Director to rescind Plaintiff's resignation notice.

16.

An employee of Defendant's Human Resources Department informed Plaintiff that he would be able to rescind his resignation and continue his employment in his current position.

17.

Relying on such information, Plaintiff fully expected to return to his normal duties when he was cleared from light duty restrictions on August 5, 2024.

18.

On August 5, 2024, Plaintiff was told by his new supervisor that his resignation had been processed and that he would need to submit a new job application but he would maintain his same rate of pay and seniority.

19.

Plaintiff completed the new application process and believed that his job would be held for him when he returned at the expiration of the FMLA leave on September 18, 2024.

20.

Plaintiff returned to work at Defendant's facility after September 18, 2024, the end of his approved FMLA leave. However, upon returning to work Plaintiff was informed by his supervisor that he would need to submit a new job application and that he would lose his seniority and previous rate of pay.

**COUNT I: FMLA RETALIATION**

21.

Paragraphs 1-20 of this Complaint for Damages are incorporated by reference as if the same were re-alleged verbatim herein.

22.

After utilizing his FMLA qualified leave, Plaintiff was terminated on August 25, 2025.

23.

Defendant retaliated against Plaintiff for his exercise of his rights provided for under the FMLA.

24.

As a result of Defendant's retaliatory actions, Plaintiff is entitled to damages pursuant to 29. U.S.C. § 2617(a)(1).

**COUNT II: ASSESSED ATTORNEY'S FEES AND EXPENSES**

25.

Paragraphs 1-24 of this Complaint for Damages are incorporated by reference as if the same were alleged verbatim herein.

26.

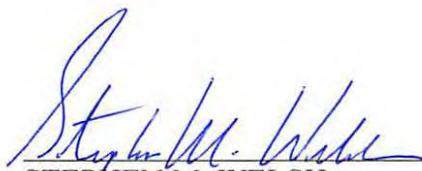
Actions by Defendant have been in bad faith, constitute stubborn litigiousness, and have caused Plaintiff undue trouble and expense, thus entitling Plaintiff to costs of litigation and attorney fees pursuant to O.C.G.A. § 13-6-11, in an amount to be proven at trial.

**WHEREFORE**, Plaintiff prays for the following relief:

- (a) He have a trial by jury;
- (b) Summons be issued as required by law;
- (c) Plaintiff have Judgment against Defendant on each cause of action in an amount to be determined at trial along with back pay representing lost wages for the period commencing on the date of his termination, reinstatement to his prior position, statutory penalties, and damages;

- (d) All costs, including reasonable attorney fees, be assessed against Defendant; and
- (e) That this Honorable Court grant such other and further relief as is necessary in the interest of justice.

This 20<sup>th</sup> day of January, 2026.

  
STEPHEN M. WELSH  
State Bar No. 747900  
Attorney for Plaintiff

**Buzzell, Welsh & Hill, LLP**  
200 Third Street  
P.O. Box 1017  
Macon, GA 31202-1017  
Telephone: (478) 742-8820  
Facsimile: (478) 742-3088  
swelsh@bwhlegal.com

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
Wilder, Shawn
(b) County of Residence of First Listed Plaintiff Bibb
(c) Attorneys (Firm Name, Address, and Telephone Number)
Buzzell, Welsh & Hill, LLP
P.O. Box 1017, Macon, GA 31202-1017; 478-742-8820

DEFENDANTS
FedEx Freight, Inc.
County of Residence of First Listed Defendant Forsyth
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, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, INTELLECTUAL PROPERTY RIGHTS, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER 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 - 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):
29 U.S.C.A. 2617
Brief description of cause:
After utilizing FMLA qualified leave, Plaintiff was terminated and retaliated against by Defendant.

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

VIII. RELATED CASE(S) IF ANY
(See instructions): JUDGE DOCKET NUMBER

DATE: 01/21/2026
SIGNATURE OF ATTORNEY OF RECORD: [Signature]

FOR OFFICE USE ONLY
RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

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

UNITED STATES DISTRICT COURT

for the

Middle District of Georgia



Shawn Wilder

Plaintiff(s)

v.

FedEx Freight, Inc.

Defendant(s)

Civil Action No. 5:26-CV-27

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) FedEx Freight, Inc.
c/o The Corporation Company, Registered Agent
410 Peachtree Parkway, Suite 4245
Cumming, GA 30041

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:

Stephen M. Welsh, Esq.
Buzzell, Welsh & Hill, LLP
200 Third Street
P.O. Box 1017
Macon, GA 31201

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. 5:26-CV-27

**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: