

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF  
TENNESSEE

**Brian Moore, individually, and on behalf of himself and other  
similarly situated current and former employees v. Anytime Towing  
& Recovery, LLC**

Moore v. Anytime Towing & Recovery, LLC · No. 3:20-CV-540-TAV-JEM · Decided January 27, 2026

SUMMARY

The United States District Court for the Eastern District of Tennessee ruled on Anytime Towing & Recovery, LLC’s motion to dismiss or for summary judgment in an FLSA collective action brought by Brian Moore. The court granted summary judgment on the minimum-wage claim, finding no genuine dispute that the plaintiff received FLSA-compliant compensation, but denied summary judgment on the overtime claim because factual disputes remained concerning the motor-carrier exemption and the weight of vehicles operated. The court also denied the plaintiff’s motion for leave to file a motion for partial summary judgment.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                                                              |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Eastern District of Tennessee                                                                                                                                                                                                                                                                                                                                                           |
| WRITING FOR THE COURT | Thomas A. Varlan                                                                                                                                                                                                                                                                                                                                                                                                             |
| JURISDICTION          | United States District Court for the Eastern District of Tennessee                                                                                                                                                                                                                                                                                                                                                           |
| DECIDED               | January 27, 2026                                                                                                                                                                                                                                                                                                                                                                                                             |
| DOCKET                | 3:20-CV-540-TAV-JEM                                                                                                                                                                                                                                                                                                                                                                                                          |
| DISPOSITION           | other                                                                                                                                                                                                                                                                                                                                                                                                                        |
| PROCEDURAL POSTURE    | Plaintiff brought a collective action under the Fair Labor Standards Act alleging minimum-wage and overtime violations. Defendant moved to dismiss or, alternatively, for summary judgment, and plaintiff sought leave to file a late motion for partial summary judgment.                                                                                                                                                   |
| STANDARD OF REVIEW    | Summary judgment is appropriate when the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The court draws reasonable inferences in favor of the nonmoving party, and the moving party bears the burden of showing the absence of a genuine issue of material fact. A late request to extend a deadline under Federal Rule of Civil Procedure |

6(b)(1)(B) requires good cause and excusable neglect, evaluated under the factors identified in Pioneer and Nafziger.

**PRECEDENTIAL VALUE**

nonprecedential district court memorandum opinion

**TOPICS**

flsa

wage and hour

summary judgment

motions to dismiss

civil procedure

**PRACTICE AREAS**

employment law

wage and hour

civil procedure

**QUESTIONS PRESENTED**

1. Whether defendant was entitled to summary judgment on plaintiff's FLSA minimum-wage claim based on commission payments and the evidence of hours worked.
2. Whether defendant was entitled to summary judgment on plaintiff's FLSA overtime claim under the motor-carrier exemption and the small-vehicle exception.
3. Whether plaintiff established good cause and excusable neglect warranting leave to file a motion for partial summary judgment after the dispositive-motion deadline.

**HOLDINGS**

1. Summary judgment was warranted for defendant because plaintiff did not present sufficient evidence from which a reasonable jury could find that he performed work for which he was not properly compensated, and defendant presented evidence that his commission payments exceeded the amount required under the FLSA.
2. Summary judgment was not warranted on the overtime claim because conflicting affidavits created genuine disputes about whether plaintiff's duties affected the safety of vehicles in interstate commerce and whether he performed duties on vehicles weighing 10,000 pounds or less.
3. Leave was denied because plaintiff failed to show good cause or excusable neglect for filing his request approximately five months after the dispositive-motion deadline.

**KEY QUOTATIONS**

*"The court shall grant summary judgment if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law."* (Section II)

*"The Court finds that plaintiff's testimony is sufficient to create a genuine dispute as to whether plaintiff's duties affect the safety of motor vehicles in commerce."* (Section III.A.2)

**FACTUAL BACKGROUND**

Anytime Towing & Recovery employed Brian Moore as a tow-truck driver during two periods in 2019–2020 and paid him commissions based on completed tow jobs. Moore alleged that he was not paid the federal

minimum wage or overtime for hours exceeding forty per week and that the company failed to record all hours worked. The parties presented conflicting evidence about Moore's typical hours, the vehicles he operated, their gross vehicle weight ratings, and whether his work affected interstate transportation.

## PROCEDURAL HISTORY

The action was filed in the United States District Court for the Eastern District of Tennessee. Defendant moved for summary judgment on the FLSA claims, arguing that plaintiff was properly paid under a commission arrangement and that the motor-carrier exemption barred his overtime claim. The court granted summary judgment on the minimum-wage claim, denied summary judgment on the overtime claim because genuine factual disputes remained, and denied plaintiff leave to file a late motion for partial summary judgment.

## DISPOSITION

other

## CASES CITED

- McLean v. 988011 Ontario Ltd., 224 F.3d 797, 800 (6th Cir. 2000)
- Smith v. Hudson, 600 F.2d 60, 63 (6th Cir. 1979)
- Jones v. Muskegon County, 625 F.3d 935, 940 (6th Cir. 2010)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 252 (1986)
- Blodgett v. FAF, Inc., 446 F. Supp. 3d 320, 325 (E.D. Tenn. 2020)
- Myers v. Copper Cellar Corp., 192 F.3d 546, 551 (6th Cir. 1999)
- Anderson v. Mt. Clemens Pottery Co., 328 U.S. 680, 686–87 (1946)
- Loew v. Regret, Inc., 590 F. Supp. 3d 1068, 1077 (S.D. Ohio 2022)
- Viet v. Lee, 951 F.3d 818, 822–24 (6th Cir. 2020)
- Moran v. Al Basit, LLC, 788 F.3d 201, 203, 205 (6th Cir. 2015)
- Gowey v. True Grip & Lighting, Inc., 520 F. Supp. 3d 1013, 1017 (E.D. Tenn. 2021)
- Secretary of Labor v. Timberline S., LLC, 925 F.3d 838, 850 (6th Cir. 2019)
- Vaughn v. Watkins Motor Lines, Inc., 291 F.3d 900, 904 (6th Cir. 2002)
- Martin v. Indiana Michigan Power Co., 381 F.3d 574, 578 (6th Cir. 2004)
- Morgan v. Gandalf Ltd., 165 F. App'x 425, 433 (6th Cir. 2006)
- Turner v. City of Taylor, 412 F.3d 629, 650 (6th Cir. 2005)
- Pioneer Investment Services Co. v. Brunswick Associates Limited Partnership, 507 U.S. 380, 388 (1993)
- Nafziger v. McDermott International, Inc., 467 F.3d 514, 522 (6th Cir. 2006)