UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF ARKANSAS

Brian Lloyd v. Salon Xtensions LLC

Lloyd · No. 4:25-cv-921-DPM · Decided February 24, 2026

SUMMARY

The United States District Court for the Eastern District of Arkansas grants, as modified, Brian Lloyd's renewed motion for default judgment against Salon Xtensions LLC. The court finds that service was adequate and that the unanswered allegations establish violations of the Fair Labor Standards Act and Arkansas Minimum Wage Act, as well as a promissory estoppel claim. The court sets an evidentiary hearing on damages for May 20, 2026, and orders Lloyd to serve the order and file proof of service.

CASE DETAILS

COURT	United States District Court for the Eastern District of Arkansas
WRITING FOR THE COURT	D. P. Marshall Jr.
JURISDICTION	United States District Court for the Eastern District of Arkansas
DECIDED	February 24, 2026
DOCKET	4:25-cv-921-DPM
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for a second default judgment after curing defects in service. The court granted the motion as modified as to liability and set an evidentiary hearing on damages.
PRECEDENTIAL VALUE	Unknown; unpublished federal district court order
PARTIES	Brian Lloyd v. Salon Xtensions LLC

TOPICS

default judgment · service of process · flsa · wage and hour · promissory estoppel

PRACTICE AREAS

civil procedure · employment law · wage and hour · contracts · remedies

QUESTIONS PRESENTED

1. Whether Lloyd cured the defects in service of process so that default judgment could be considered.
2. Whether Salon's failure to respond established liability on Lloyd's pleaded Fair Labor Standards Act and Arkansas Minimum Wage Act claims.
3. Whether the pleaded facts established that Lloyd was an employee rather than an independent contractor and was not exempt from minimum-wage and overtime requirements.
4. Whether the pleaded facts established liability on Lloyd's promissory estoppel claim.
5. Whether damages should be determined at a later evidentiary hearing.

HOLDINGS

1. Service was sufficient because the process server served the summons and complaint on Salon's registered agent in Florida, satisfying the applicable federal and Florida service rules.
2. Salon conceded the well-pleaded liability facts by failing to respond, and its failure to pay minimum wage and overtime and to maintain accurate records established violations of the FLSA and the Arkansas Minimum Wage Act.
3. Lloyd acted as an employee rather than an independent contractor because Salon controlled when, where, and how he performed sales work that was central to Salon's business and Salon set the prices.
4. Lloyd's approximately $173.06 weekly compensation was too little to classify him as an exempt employee.
5. Lloyd established a promissory estoppel claim based on Salon's failure to perform its obligations under the commission agreement made with him.
6. The court would determine damages at a subsequent evidentiary hearing rather than resolve the damages amount in the order granting default judgment as modified.

KEY QUOTATIONS

> “*Salon has conceded the pleaded liability facts by not responding.*” (¶2)

> “*He therefore acted as an employee, not an independent contractor.*” (¶2)

> “*The Court will hold an evidentiary hearing on damages at 1:30 p.m. on Wednesday 20 May 2026 in courtroom 1A of the Richard Sheppard Arnold United States Courthouse in Little Rock.*” (¶3)

FACTUAL BACKGROUND

Lloyd worked for Salon Xtensions as a salesperson selling hair extensions. Salon controlled when, where, and how he sold the extensions, which were part of the company's core business, and set the prices. Salon paid Lloyd approximately $173.06 per week and allegedly failed to pay minimum wage and overtime or maintain accurate employment records. Salon also failed to perform its obligations under a commission agreement.

PROCEDURAL HISTORY

Brian Lloyd sued Salon Xtensions LLC for violations of the Fair Labor Standards Act, the Arkansas Minimum Wage Act, and breach of contract or promissory estoppel. After Salon failed to respond, Lloyd moved a second time for default judgment. The court found that service had been properly completed, deemed the pleaded liability facts conceded, granted default judgment as modified on liability, and scheduled a damages hearing.

DISPOSITION

other

CASES CITED

- Walsh v. Alpha & Omega USA, Inc., 39 F.4th 1078, 1082 (8th Cir. 2022)
- Tilley v. Malvern National Bank, 2025 Ark. 29, at 12, 709 S.W.3d 31, 41
- Everyday Learning Corp. v. Larson, 242 F.3d 815, 818 (8th Cir. 2001)

OPINION

IN THE UNITED STATES DISTRICT COURT EASTERN DISTRICT OF ARKANSAS CENTRAL DIVISION BRIAN LLOYD PLAINTIFF v. No. 4:25-cv-921-DPM SALON XTENSIONS LLC DEFENDANT ORDER 1. Lloyd used to work for Salon Xtensions as a salesperson. He sold hair extensions. Lloyd was let go. He has sued Salon for violating the Fair Labor Standards Act and the Arkansas Minimum Wage Act, plus breaking a contract.

He moves, for a second time, for a default judgment against Salon. 2. Lloyd's motion, Doc. 13, is granted as modified. First, he cured the service issues. Lloyd's process server served the summons and the complaint on Sarah Winters, a registered agent in Florida for Salon. Doc. 10. This satisfies the applicable Rules. Fed. R. Civ. P. 4(h); Fla. Stat. Ann. §§ 48.021, 48.062, & 48.21.

Second, Salon has conceded the pleaded liability facts by not responding. A review of the complaint's many exhibits shows that Salon controlled when, where, and how Lloyd sold the hair extensions that were the company's core business.

The company also set prices. He therefore acted as an employee, not an independent contractor. Walsh v. Alpha & Omega USA, Inc., 39 F.4th 1078, 1082 (8th Cir. 2022). The amount Salon paid Lloyd (approximately $173.06 per week) is too little to classify him as an exempt employee. Doc. 1 at 431; 29 C.F.R. § 541.600. Salon's failure to pay minimum wage and overtime is a FLSA violation; and its failure to keep accurate records violates both FLSA and AMWA.

Doc. 1 at J§ 11-13 & 18; 29 U.S.C. §§ 206(a), 207(a), & 211(c); Ark. Code. Ann. § 11-4-217. Lloyd also has a solid promissory estoppel claim—Salon didn't follow through on its end of the employment bargain (a commission agreement) that it made with him. Doc. 1 at 8-13; Tilley v. Malvern National Bank, 2025 Ark. 29, at 12, 709 S.W.3d 31, 41. 3.

The Court will hold an evidentiary hearing on damages at 1:30 p.m. on Wednesday 20 May 2026 in courtroom 1A of the Richard Sheppard Arnold United States Courthouse in Little Rock.

Everyday Learning Corp. v. Larson, 242 F.3d 815, 818 (8th Cir. 2001). Lloyd must serve this Order on Salon by approved process server, and file proof of service, as soon as practicable.

Notice of service due by 30 March 2026. So Ordered. D.P. Marshall Jr. United States District Judge 24 February 2026 ~2-