

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

CARLOS CASTANEDA, *individually and
on behalf of all those similarly situated*,
1718 Monroeville Road, No. 5
Monroeville, New Jersey 08343

Plaintiff,

v.

LYFT, INC.,
185 Berry Street, #5000
San Francisco, CA 94107

Defendant.

No.:

JURY TRIAL DEMANDED

INDIVIDUAL, COLLECTIVE, AND CLASS ACTION COMPLAINT

Plaintiff Carlos Castaneda (hereinafter referred to as “Named Plaintiff”), by and through undersigned counsel, hereby complains as follows against Defendant Lyft, Inc. (hereinafter referred to as “Defendant”).

INTRODUCTION

1. Named Plaintiff has initiated the instant action to redress Defendant’s violations of the Fair Labor Standards Act (“FLSA”), New Jersey Wage and Hour Law (“NJWHL”), and the New Jersey Wage Payment Law (“NJWPL”). Named Plaintiff asserts that Defendant failed to pay Named Plaintiff and those similarly situated all owed minimum wages and overtime wages in violation of the FLSA and NJWHL and unlawfully diverted their wages to pay for Defendant’s business costs in violation of the NJWPL. As a result of Defendant’s actions, Named Plaintiff and those similarly situated have suffered damages.

JURISDICTION AND VENUE

2. The foregoing paragraphs are incorporated herein as if set forth in their entirety.

3. This Court may properly maintain personal jurisdiction over Defendant because Defendant's contacts with this state and this judicial district are sufficient for the exercise of jurisdiction over Defendant to comply with traditional notions of fair play and substantial justice.

4. The Court has original subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 because the claims herein arise under laws of the United States, the FLSA. This Court has supplemental jurisdiction over related state law claims because they arise out of the same circumstance and are based upon a common nucleus of operative fact.

5. Venue is properly laid in this judicial district pursuant to 28 U.S.C. §§ 1391(b)(1) and (b)(2), because Defendant resides in and/or conducts business in this judicial district and because a substantial part of the acts and/or omissions giving rise to the claims set forth herein occurred in this judicial district.

PARTIES

6. The foregoing paragraphs are incorporated herein as if set forth in full.

7. Named Plaintiff is an adult individual who resides in and worked for Defendant in New Jersey.

8. Defendant is a corporation headquartered in California and doing business in New Jersey at the address provided in the caption.

9. At all times relevant herein, Defendant acted by and through its agents, servants, and employees, each of whom acted at all times relevant herein in the course and scope of their employment with and for Defendant.

COLLECTIVE ACTION ALLEGATIONS **(Fair Labor Standards Act)**

10. In addition to bringing this action individually, Named Plaintiff brings this action for violations of the FLSA as a collective action pursuant to Section 16(b) of the FLSA, 29

U.S.C. § 216(b), on behalf of all individuals employed by Defendant as rideshare drivers and subject to Defendant's pay practices and policies described herein at any point from the three (3) years preceding the date the instant action was initiated through the present (hereinafter the members of this putative class are referred to as "Collective Plaintiffs").

11. Named Plaintiff's claims are typical of the claims of the Collective Plaintiffs, because Named Plaintiff, like all Collective Plaintiffs, was a non-exempt employee of Defendant within the last three years and subject to the pay practices and policies described herein whom Defendant failed to pay at least one and one-half times the regular rate for all hours worked more than 40 hours in a workweek as required by the FLSA.

12. There are numerous similarly situated current and former employees of Defendant who were compensated improperly for overtime work in violation of the FLSA and who would benefit from the issuance of a Court Supervised Notice of the instant lawsuit and the opportunity to join in the present lawsuit.

13. Similarly situated employees are known to Defendant, are readily identifiable by Defendant, and can be located through Defendant's records.

14. Therefore, Named Plaintiff should be permitted to bring this action as a collective action individually and on behalf of those employees similarly situated, pursuant to the "opt-in" provisions of the FLSA, 29 U.S.C. § 216(b).

CLASS ACTION ALLEGATIONS
(New Jersey Wage and Hour Law)

15. The foregoing paragraphs are incorporated herein as if set forth in their entirety.

16. Pursuant to Rule 23 of the Federal Rules of Civil Procedure, Named Plaintiff brings his claims for relief to redress Defendant's violations of the NJWHL on behalf of himself and those similarly situated.

17. Specifically, Named Plaintiff seeks to represent a class of all individuals (hereinafter referred to as “Class Plaintiffs”) who worked or work at Defendant as drivers and who were subject to the policies of Defendant, as discussed *infra*, in New Jersey within the last six (6) years.

18. The class is so numerous that the joinder of all class members is impracticable. Named Plaintiff does not know the exact size of the class, as such information is in the exclusive control of Defendant; however, on information and belief, the number of potential class members is at least several hundred.

19. Named Plaintiff’s claims are typical of the claims of Class Plaintiffs, because Named Plaintiff, like all Class Plaintiffs, was subject to the same wage policies and practices of Defendant.

20. Named Plaintiff will fairly and adequately protect the interests of the Class Plaintiffs because Named Plaintiff’s interests are coincident with, and not antagonistic to, those of the class. Named Plaintiff has retained counsel with substantial experience in the prosecution of claims involving employee wage disputes.

21. No difficulties are likely to be encountered in the management of this class action that would preclude its maintenance as a class action. The class will be easily identifiable from Defendant’s records.

22. A class action is superior to other available methods for the fair and efficient adjudication of this controversy. Such treatment will allow all similarly situated individuals to prosecute their common claims in a single forum simultaneously. Prosecution of separate actions by individual members of the putative class would create the risk of inconsistent or varying adjudications with respect to individual members of the class that would establish incompatible

standards of conduct for Defendant. Furthermore, the amount at stake for individual putative class members may not be great enough to enable all of the individual putative class members to maintain separate actions against Defendant.

23. Questions of law and fact that are common to the members of the class predominate over questions that affect only individual members of the class. Among the questions of law and fact that are common to the class are: 1) whether Named Plaintiff and Class Plaintiffs were employees of Defendant under the NJWHL, 2) whether Defendant's wage policies and practices resulted in Named Plaintiff and Class Plaintiffs earning less than the minimum wage under the NJWHL for all hours worked, and 3) whether Defendant failed to pay overtime wages to Named Plaintiff and Class Plaintiffs.

CLASS ACTION ALLEGATIONS
(New Jersey Wage Payment Law)

24. The foregoing paragraphs are incorporated herein as if set forth in their entirety.

25. Pursuant to Rule 23 of the Federal Rules of Civil Procedure, Named Plaintiff brings his claims for relief to redress Defendant's violations of the NJWPL on behalf of himself and those similarly situated.

26. Specifically, Named Plaintiff seeks to represent a class of all individuals (hereinafter also referred to as "Class Plaintiffs") who worked or work at Defendant as drivers and who were subject to the policies of Defendant, as discussed *infra*, in New Jersey within the last six (6) years.

27. The class is so numerous that the joinder of all class members is impracticable. Named Plaintiff does not know the exact size of the class, as such information is in the exclusive control of Defendant; however, on information and belief, the number of potential class members is at least several hundred.

28. Named Plaintiff's claims are typical of the claims of Class Plaintiffs, because Named Plaintiff, like all Class Plaintiffs, was subject to the same wage policies and practices of Defendant.

29. Named Plaintiff will fairly and adequately protect the interests of the Class Plaintiffs because Named Plaintiff's interests are coincident with, and not antagonistic to, those of the class. Named Plaintiff has retained counsel with substantial experience in the prosecution of claims involving employee wage disputes.

30. No difficulties are likely to be encountered in the management of this class action that would preclude its maintenance as a class action. The class will be easily identifiable from Defendant's records.

31. A class action is superior to other available methods for the fair and efficient adjudication of this controversy. Such treatment will allow all similarly situated individuals to prosecute their common claims in a single forum simultaneously. Prosecution of separate actions by individual members of the putative class would create the risk of inconsistent or varying adjudications with respect to individual members of the class that would establish incompatible standards of conduct for Defendant. Furthermore, the amount at stake for individual putative class members may not be great enough to enable all of the individual putative class members to maintain separate actions against Defendant.

32. Questions of law and fact that are common to the members of the class predominate over questions that affect only individual members of the class. Among the questions of law and fact that are common to the class are: 1) whether Named Plaintiff and Class Plaintiffs were employees under the NJWPL, and 2) whether Defendant unlawfully diverted

wages from Named Plaintiff and Class Plaintiffs by requiring them to pay for Defendant's business costs.

FACTUAL BACKGROUND

33. The foregoing paragraphs are incorporated herein as if set forth in full.

34. Defendant is in the business of providing car service to the public.

35. Defendant provides car service to the public throughout New Jersey and the United States via an on-demand dispatch system, which offers customers the ability to hail a car service driver via a mobile phone application.

36. From on or around in December 2015 or January 2016 through the present, Named Plaintiff has worked for Defendant as a rideshare driver.

37. Collective and Class Plaintiffs worked/work for Defendant as rideshare drivers.

Defendant's Failure to Pay the Minimum Wage and Overtime Wages

38. The foregoing paragraphs are incorporated herein as if set forth in full.

39. During Named Plaintiff's employment with Defendant, Defendant failed to reimburse Named Plaintiff for expenses he necessarily incurred to perform work for Defendant, including but not limited to vehicle wear-and-tear and fuel.

40. Defendant's failure to reimburse Named Plaintiff for employment-related expenses resulted in Defendant failing to pay Named Plaintiff the minimum wage under the FLSA and NJWHL for each hour worked by Named Plaintiff during each workweek.

41. During Named Plaintiff's employment with Defendant, Named Plaintiff worked more than 40 hours during several workweeks.

42. However, Defendant did not pay Named Plaintiff any additional compensation for hours worked more than 40 hours in a workweek.

43. Accordingly, Defendant failed to pay Named Plaintiff an overtime premium rate of least one and one-half times his regular rate for hours worked more than 40 hours in a workweek.

44. During Collective and Class Plaintiffs' employment with Defendant, Defendant failed/fails to reimburse Collective and Class Plaintiffs for expenses they necessarily incurred/incur to perform work for Defendant, including but not limited to vehicle wear-and-tear and fuel.

45. Defendant's failure to reimburse Collective Plaintiffs for employment-related expenses resulted/results in Defendant failing to pay Class Plaintiff the minimum wage under the FLSA for each hour worked by Collective Plaintiffs during each workweek.

46. Defendant's failure to reimburse Class Plaintiffs for employment-related expenses resulted/results in Defendant failing to pay Class Plaintiff the minimum wage under the NJWHL for each hour worked by Class Plaintiffs during each workweek.

47. Collective and Class Plaintiffs have worked workweeks in which their hours worked for Defendant exceeded 40 hours.

48. However, Defendant did not pay Collective and Class Plaintiffs any additional compensation for hours worked more than 40 hours in a workweek.

49. Accordingly, Defendant failed/fails to pay Class Plaintiffs an overtime premium rate of at least one and one-half times their regular rates for hours worked more than 40 hours in a workweek.

Defendant's Failure to Pay the Minimum Wage and Overtime Wages

50. The foregoing paragraphs are incorporated herein as if set forth in full.

51. Defendant's requirement that Named Plaintiff and Class Plaintiffs' bear Defendant's costs of doing business, including but not limited to incurring the cost of wear-and-tear on their vehicles and paying for fuel, without reimbursement diverted their wages in violation of the NJWPL.

52. As a result of Defendant's aforesaid conduct, Named Plaintiff, Collective Plaintiffs, and Class Plaintiffs have suffered damages.

COUNT I
Violations of the Fair Labor Standards Act ("FLSA")
(Failure to Pay Minimum Wages)
(Named Plaintiff and Collective Plaintiffs v. Defendant)

53. The foregoing paragraphs are incorporated herein as if set forth in full.

54. At all times relevant herein, Defendant is/was an employer within the meaning of the FLSA.

55. At all times relevant herein, Defendant is/was responsible for paying wages to Named Plaintiff and Collective Plaintiffs.

56. At all times relevant herein, Named Plaintiff and Collective Plaintiffs were/are employed with Defendant as "employees" within the meaning of the FLSA.

57. Under the FLSA, an employer must pay an employee at least the minimum wage for each hour worked

58. Defendant's failure to pay Named Plaintiff and Collective Plaintiffs at least the minimum wage violated the FLSA.

59. Defendant's conduct in failing to pay Named Plaintiff and Collective Plaintiffs properly under the FLSA was and is willful and was not based upon any reasonable interpretation of the law.

60. As a result of Defendant's unlawful conduct, Named Plaintiff and Collective Plaintiffs have suffered damages as set forth herein.

COUNT II
Violations of the Fair Labor Standards Act ("FLSA")
(Failure to Pay Overtime Wages)
(Named Plaintiff and Collective Plaintiffs v. Defendant)

61. The foregoing paragraphs are incorporated herein as if set forth in full.

62. Under the FLSA, an employer must pay an employee at least one and one-half times his or her regular rate for each hour worked more than 40 hours in a workweek.

63. Defendant's violations of the FLSA include, but are not limited to, not paying Named Plaintiff and Collective Plaintiffs earned overtime wages for hours worked more than 40 hours in a workweek.

64. Defendant's conduct in failing to pay Named Plaintiff and Collective Plaintiffs properly under the FLSA was and is willful and was not based upon any reasonable interpretation of the law.

65. As a result of Defendant's unlawful conduct, Named Plaintiff and Collective Plaintiffs have suffered damages as set forth herein.

COUNT III
Violations of the New Jersey Wage and Hour Law ("NJWHL")
(Failure to Pay the Minimum Wage)
(Named Plaintiff and Class Plaintiffs v. Defendant)

66. The foregoing paragraphs are incorporated herein as if set forth in full.

67. At all times relevant herein, Defendant has and continues to be an "employer" within the meaning of the NJWHL.

68. At all times relevant herein, Named Plaintiff and Class Plaintiffs were/are employed with Defendant as "employees" within the meaning of the NJWHL.

69. Defendant violated the NJWHL by failing to pay Named Plaintiff and Class Plaintiffs the minimum wage for each hour worked in each workweek free and clear based on the requirement that Named Plaintiff and Class Plaintiffs incur employment-related expenses without reimbursement.

70. Defendant's conduct in failing to properly pay Named Plaintiff and Class Plaintiffs was/is willful and was/is not based upon any reasonable interpretation of the law.

71. As a result of Defendant's conduct, Named Plaintiff and Class Plaintiffs have suffered damages as set forth herein.

COUNT IV
Violations of the New Jersey Wage and Hour Law ("NJWHL")
(Failure to pay Overtime Wages)
(Named Plaintiff and Class Plaintiffs v. Defendant)

72. The foregoing paragraphs are incorporated herein as if set forth in full.

73. Under the NJWHL, an employer must pay an employee at least one and one-half times his or her regular rate for each hour worked in excess of forty hours in a workweek.

74. Defendant's conduct in failing to pay Named Plaintiff and Class Plaintiffs proper overtime compensation for all hours worked more than 40 hours in a workweek violated the NJWHL.

75. Defendant's conduct in failing to properly pay Named Plaintiff and Class Plaintiffs was/is willful and was/is not based upon any reasonable interpretation of the law.

76. Defendant's conduct caused Named Plaintiff and UberX Class Plaintiffs to suffer damages.

COUNT V
Violations of the New Jersey Wage and Hour Law (“NJWPL”)
(Failure to pay Overtime Wages)
(Named Plaintiff and Class Plaintiffs v. Defendant)

77. The foregoing paragraphs are incorporated herein as if set forth in full.

78. At all times relevant herein, Defendant was and continues to be an “employer” within the meaning of the NJWPL.

79. At all times relevant herein, Defendant is/was responsible for paying wages to Named Plaintiff and Class Plaintiffs.

80. At all times relevant herein, Named Plaintiff and Class Plaintiffs are/were employed with Defendant as “employees” within the meaning of the NJWPL.

81. The NJWPL requires employers to pay employees all wages owed, and permits employers to divert or withhold wages for limited reasons.

82. Defendant’s diversion of Named Plaintiff’s and Class Plaintiffs’ wages was not permitted under the NJWPL.

83. Accordingly, Defendant failed to pay Named Plaintiff and Class Plaintiff all wages earned.

84. Defendant’s conduct in failing to pay Named Plaintiff and WPL Plaintiffs properly under the NJWPL was and is willful and was not based upon any reasonable interpretation of the law.

85. As a result of Defendant’s unlawful conduct, Named Plaintiff and WPL Plaintiffs have suffered damages as set forth herein.

WHEREFORE, Named Plaintiff, Collective Plaintiffs, and Class Plaintiffs pray that this Court enter an Order providing that:

A. Defendant is to be prohibited from continuing to maintain its illegal policy, practice or custom in violation of federal and state law;

B. Defendant is to compensate, reimburse, and make Named Plaintiff, Collective Plaintiffs, and Class Plaintiffs whole for any and all pay and benefits they would have received had it not been for Defendant's illegal actions;

C. Named Plaintiff, Collective Plaintiffs, and Class Plaintiffs are to be awarded the costs and expenses of this action and reasonable legal fees as provided under applicable law;

D. Named Plaintiff and Collective Plaintiffs are to be awarded liquidated damages under the FLSA in an amount equal to 100% of their unpaid wages.

E. Named Plaintiff and Class Plaintiffs are to be awarded liquidated damages under the NJWHL in an amount equal to 200% of their unpaid wages;

F. Named Plaintiff and Class Plaintiffs are to be awarded liquidated damages under the NJWPL in an amount equal to 200% of their diverted wages;

G. Named Plaintiff, Collective Plaintiffs, and Class Plaintiffs are to be awarded any and all other equitable and legal relief as the Court deems appropriate.

H. Named Plaintiff, Collective Plaintiffs, and Class Plaintiffs are permitted to have a trial by jury.

Respectfully Submitted,

/s/ **Matthew D. Miller**

Matthew D. Miller, Esq.

Justin L. Swidler, Esq.

Richard S. Swartz, Esq.

SWARTZ SWIDLER, LLC

1101 Kings Highway N., Suite 402

Cherry Hill, NJ 08034
Phone: (856) 685-7420
Fax: (856) 685-7417

Dated: December 16, 2021

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

CARLOS CASTANEDA, individually and on behalf of all those similarly situated

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

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

SWARTZ SWIDLER LLC Matthew D. Miller, Esq. 1101 Kings Hwy N Ste 402 Cherry Hill NJ 08034 Ph: 856-685-7420 Fax: 856-685-7417 mmiller@swartz-legal.com

DEFENDANTS

LYFT, INC.

County of Residence of First Listed Defendant (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)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation.

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

Click here for: Nature of Suit Code Descriptions.

Large table with categories: 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): Violations of the Fair Labor Standards Act. Brief description of cause: Failure to pay minimum wage.

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: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE SIGNATURE OF ATTORNEY OF RECORD

12/16/2021 /s/ Matthew D. Miller

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 pending cases, if any. If there are related pending 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. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of New Jersey



CARLOS CASTANEDA, individually and on behalf of
all those similarly situated

Plaintiff

v.
LYFT, INC.

Defendant

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Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Lyft, Inc.
185 Berry Street, #5000
San Francisco, CA 94107

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:

Matthew D. Miller, Esq.
SWARTZ SWIDLER LLC
1101 Kings Hwy N Ste 402
Cherry Hill NJ 08034
Ph: 856-685-7420
Fax: 856-685-7417
mmiller@swartz-legal.com

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: 12/16/2021

/s/ Matthew D. Miller
Signature of Clerk or Deputy Clerk

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:

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Lawsuit Claims Lyft Owes Drivers Unpaid Minimum, Overtime Wages](#)
