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Class Plaintiffs*

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

KEN SHENG CHEN, on behalf of herself and others
similarly situated,

Plaintiff,

v.

H.C. INTERNATIONAL INC., ANDREW CAI, and
HELEN HE

Defendants.

Case No.

**COLLECTIVE ACTION
COMPLAINT**

JURY TRIAL DEMANDED

Plaintiff KEN SHENG CHEN (hereinafter “Chen”) on his own behalf and on behalf of all others similarly situated, by and through his undersigned attorneys, Hang & Associates, PLLC, hereby files this complaint against the Defendants H.C. INTERNATIONAL INC, ANDREW CAI, and HELEN HE (collectively, “Defendants”), and states as follows:

INTRODUCTION

1. Plaintiff alleges, pursuant to the Fair Labor Standards Act, as amended, 29 U.S.C. §§ 201 *et. seq.* (“FLSA”) that he is entitled to recover from Defendants: (1) unpaid overtime, (2) liquidated damages and (3) attorney’s fees and costs.

2 Plaintiff further alleges that, pursuant to the New Jersey State Wage and Hour Law, he is entitled to recover from Defendants: (1) unpaid overtime, (2) liquidated damages and (4) attorney's fees and costs.

3. Plaintiff further alleges that he was the victim of age and disability discrimination in violation of the New Jersey Law Against Discrimination ("LAD"), N.J.S.A. 10:5-12.

JURISDICTION AND VENUE

4. This Court has jurisdiction over this controversy under 29 U.S.C. §216(b), 28 U.S.C. § 1331, 1337 and 1343 and has supplemental jurisdiction over Plaintiff's state law claims pursuant to 28 U.S.C. § 1367.

5. Venue is proper in the District of New Jersey pursuant to 28 U.S.C. §§ 1391.

PARTIES

6. Plaintiff Ken Shen Chen ("Chen") is a former employee of H.C. International, Inc.

7. Upon information and belief, Defendant, H.C. International, Inc. is a domestic business corporation organized under the laws of New Jersey, with a principal place of business located at 37 Montclair Avenue, Little Falls, New Jersey 07424.

8. Upon information and belief, Defendant, Andrew Cai, is a Principal of Defendant, H.C. International, Inc. Andrew Cai exercised control over the terms and conditions of Plaintiff's employment and those of similarly situated employees. With respect to Plaintiff and other similarly situated employees, they had the power to (i) fire and hire (ii) determine rate and method of pay and (iii) otherwise affect the quality of employment.

9. Upon information and belief, Defendant, Helen He, is a Principal of Defendant, H.C. International, Inc. Helen He exercised control over the terms and conditions of Plaintiff's employment and those of similarly situated employees. With respect to Plaintiff and other

similarly situated employees, she had the power to (i) fire and hire (ii) determine rate and method of pay and (iii) otherwise affect the quality of employment.

10. At all relevant times, the work performed by Plaintiff was directly essential to the business operated by Defendants.

11. At all relevant times, Defendants knowingly and willfully failed to pay Plaintiff his lawfully earned overtime wages in direct contravention of the FLSA and the New Jersey State Wage and Hour Law.

12. Plaintiff has fulfilled all conditions precedent to the institution of this action and/or conditions have been waived.

STATEMENT OF FACTS

(WAGE AND HOUR ALLEGATIONS)

13. On or about March 27, 2011, Plaintiff Chen was hired by Defendants and/or their predecessors, as applicable, to work as a warehouse keeper for Defendants' warehouse/distribution center located at 37 Montclair Avenue, Little Falls, New Jersey 07424.

14. Plaintiff Chen worked for Defendants from on or around March 27, 2011 until on or around June 30, 2016.

15. During the employment of Plaintiff Chen, by Defendants, he worked over forty (40) hours per week.

16. Specifically, Plaintiff Chen worked from 7:50 am until 4:40 pm, from Monday through Friday. Plaintiff would also occasionally work on Sundays. Further, he would frequently come in earlier and leave later than the above times. While Plaintiff Chen was provided with a lunch break it was often interrupted and was less than thirty minutes in length. Thus Chen worked at least forty-four and a half hours (44.50) each week.

17. Although Plaintiff was told that his pay would be based on an hourly rate of \$22.75, Plaintiff Chen was paid a fixed weekly salary of \$1,820, regardless of actual hours work.

18. Defendants did not track or take records of the number of hours Plaintiff worked. Defendants did not utilize a “punch clock” system, nor was Plaintiff required to verify the number of hours he worked.

19. Defendants knowingly and willfully operated their business with a policy of not paying overtime premiums equal to one and a half times his regular hourly rate for hours worked in excess of forty in a workweek.

20. Plaintiff retained Hang & Associates, PLLC to represent him and other employees similarly situated in this litigation and has agreed to pay the firm a reasonable fee for its services.

(ALLEGATIONS OF DISCRIMINATION)

21. Plaintiff Chen is currently sixty-three years old.

22. Chen is the oldest employee at H.C. International. Most employees of H.C. International are in their twenties or thirties.

23. In May 2016 Mr. Chen was diagnosed with a macular hole which required surgical repair. Mr. Chen’s doctor scheduled surgery for the week of June 7, 2016. He would need two weeks of recovery before being able to return to work.

24. In May 2016 Mr. Chen informed Defendant Andrew Cai that he needed to undergo eye surgery and requested two weeks of medical leave from June 7, 2016 until June 21, 2016. Defendant Cai granted Mr. Chen’s request for leave. Further, Plaintiff had eleven (11) days of paid vacation time which he used during his medical leave.

25. Plaintiff Chen returned to work on June 21, 2016. However, Defendant Cai approached Chen and instructed him to take off another week, this time unpaid. Plaintiff protested,

claiming that he was in sufficient health to return to work. Defendant Cai insisted that Chen take off one more week and return to work on June 30, 2016.

26. On June 30, 2016 Plaintiff Chen returned to work. Again, Defendant Cai approached Plaintiff and again instructed him to go home.

27. The following day on July 1, 2016 Defendant Cai called Plaintiff and informed him that effective immediately he was being terminated. Defendant Cai explicitly told him that the reason for his termination was that he was too old, and that the business could not afford to employ a “disabled person” who would regularly require medical leave.

(COLLECTIVE ACTION ALLEGATIONS)

28. Defendants knowingly and willfully operated their business with a policy of not paying Plaintiff and other similarly situated employees either the FLSA overtime rate (of time and one-half), or the New Jersey overtime rate (of time and one-half), in violation of the FLSA and New Jersey State Wage and Hour Law and the supporting federal and state regulations.

29. Plaintiff brings this action individually and on behalf of all other and former non-exempt employees who have been or were employed by the Defendants at their warehouse location for up to the last three (3) years, through entry of judgment in this case (the “Collective Action Period”) and whom failed to receive overtime compensation for all hours worked in excess of forty (40) hours per week (the “Collective Action Members”), and have been subject to the same common decision, policy, and plan to not provide required wage notices at the time of hiring, in contravention to federal and state labor laws.

30. Upon information and belief, the Collection Action Members are so numerous the joinder of all members is impracticable. The identity and precise number of such persons are unknown, and the facts upon which the calculations of that number may be ascertained are

presently within the sole control of the Defendants. Upon information and belief, there are more than ten (10) Collective Action members, who have worked for or have continued to work for the Defendants during the Collective Action Period, most of whom would not likely file individual suits because they fear retaliation, lack adequate financial resources, access to attorneys, or knowledge of their claims. Therefore, Plaintiff submits that this case should be certified as a collection action under the FLSA, 29 U.S.C. §216(b).

31. Plaintiff will fairly and adequately protect the interests of the Collective Action Members, and have retained counsel that is experienced and competent in the field of employment law and class action litigation. Plaintiff has no interests that are contrary to or in conflict with those members of this collective action.

32. This action should be certified as collective action because the prosecution of separate actions by individual members of the collective action would risk creating either inconsistent or varying adjudication with respect to individual members of this class that would as a practical matter be dispositive of the interest of the other members not party to the adjudication, or subsequently impair or impede their ability to protect their interests.

33. A collective action is superior to other available methods for the fair and efficient adjudication of this controversy, since joinder of all members is impracticable. Furthermore, inasmuch as the damages suffered by individual Collective Action Members may be relatively small, the expense and burden of individual litigation makes it virtually impossible for the members of the collective action to individually seek redress for the wrongs done to them. There will be no difficulty in the management of this action as collective action.

34. Questions of law and fact common to members of the collective action predominate over questions that may affect only individual members because Defendants have acted on grounds

generally applicable to all members. Among the questions of fact common to Plaintiff and other Collective Action Members are:

- a. Whether the Defendants employed Collective Action members within the meaning of the FLSA;
- b. Whether the Defendants failed to pay the Collective Action Members overtime wages for all hours worked above forty (40) each workweek in violation of the FLSA and the regulation promulgated thereunder;
- c. Whether the Defendants' violations of the FLSA are willful as that terms is used within the context of the FLSA; and,
- d. Whether the Defendants are liable for all damages claimed hereunder, including but not limited to compensatory, punitive, and statutory damages, interest, costs and disbursements and attorneys' fees.

35. Plaintiff knows of no difficulty that will be encountered in the management of this litigation that would preclude its maintenance as a collective action.

Plaintiff and others similarly situated have been substantially damaged by Defendants' unlawful conduct.

STATEMENT OF CLAIM

COUNT I

**[Violations of the Fair Labor Standards Act—Overtime Wage Claim
Brought on behalf of the Plaintiff and the FLSA Collective]**

36. Plaintiff re-alleges and incorporates by reference all preceding paragraphs as though fully set forth herein.

37. At all times relevant to this action, the Defendants were Plaintiff and Class Members' employers within the meaning of 29 U.S.C. § 203 (d).

38. At all times relevant to this action, Defendants were employers engaged in commerce or in the production of goods for commerce within the meaning of 29 U.S.C. §206 (a) and 207 (a).

39. Defendants willfully failed to pay Plaintiff and Class Members overtime wages for hours worked in excess of forty per week at a wage rate of 1.5 times their regular rate of pay or, at a minimum, the minimum wage to which Plaintiffs were entitled under 29 U.S.C. §206 (a), in the violation of 29 U.S.C. §207(a)(1).

40. Defendants' violations of the FLSA as described in this Complaint have been willful and intentional. Defendants have not made a good faith effort to comply with the FLSA with respect to their compensation of Plaintiffs.

41. Due to Defendants' FLSA violations, Plaintiff and Class members are entitled to recover from Defendants, jointly and severally, their unpaid overtime wages and an equal amount in the form of liquidated damages, as well as reasonable attorney's fees and costs of the action, pursuant to the FLSA, specifically 29 U.S.C. §216(b), all in an amount to be determined at trial.

COUNT II

[Violation of New Jersey Wage and Hour Law—Claim for Overtime Wages]

42. Plaintiff re-alleges and incorporates by reference all preceding paragraphs as though fully set forth herein.

43. At all times relevant to this action, Plaintiff and Class members were employed by Defendants within the meaning of New Jersey Statutes Annotated 34:11-56a1(h).

44. At all times relevant to this action, Defendants were employers within the meaning of New Jersey Statutes Annotated 34:11-56a1(g).

45. Defendants willfully failed to pay Plaintiff and Class members' overtime wages for hours worked in excess of forty per week at a wage rate of 1.5 times their regular rate of pay or, at a minimum, the minimum wage to which Plaintiff and Class members were entitled under New Jersey Wage and Hour Law, in violation of New Jersey Statutes Annotated 34:11-56a4 and 12:56.

46. Due to Defendants' violations of the New Jersey Wage and Hour Law, Plaintiff and Class members are entitled to recover from Defendants, jointly and severally, their unpaid minimum wages as well as reasonable attorneys' fees and costs of the action, pursuant to the New Jersey Wage and Hour law, specifically New Jersey Statutes Annotated 34:11-56a25, all in an amount to be determined at Trial.

COUNT III
[Violation of New Jersey Wage Payment Law—Claim for Unpaid Wages]

47. Plaintiff re-alleges and incorporates by reference all preceding paragraphs as though fully set forth herein.

48. At all times relevant to this action, Plaintiff and Class members were employed by Defendants within the meaning of New Jersey Statutes Annotated 34:11-4.1.

49. At all times relevant to this action, Defendants were employers within the meaning of New Jersey Statutes Annotated 34:11-4.1

50. Defendants willfully failed to pay Plaintiff and Class members' wages that Plaintiff and Class members were entitled under New Jersey Wage Payment Law, in violation of New Jersey Statutes Annotated 34:11-4.2 and 34:11-4.3.

51. Due to Defendants' violations of the New Jersey Wage Payment Law, Plaintiff and Class members are entitled to recover from Defendants, jointly and severally, his full amount of wages due plus an additional equal amount as liquidated damages, as well as as reasonable

attorneys' fees and costs of the action, pursuant to the New Jersey Wage Payment Law, specifically New Jersey Statutes Annotated 34:11-56.8, all in an amount to be determined at Trial.

COUNT IV
[Violation of New Jersey Law Against Discrimination—Disability Discrimination]

52. Plaintiff re-alleges and incorporates by reference all preceding paragraphs as though fully set forth herein.

53. Plaintiff is a member of a protected class under the New Jersey Law Against Discrimination ("LAD"), N.J.S.A. 10:5-1 *et seq.* During the relevant period Plaintiff had a qualified disability within the meaning of the LAD because he suffers from a physical handicap, disability and/or medical condition, specifically, the condition described in the above recounted facts, and/or another disease.

54. Defendants became aware of Plaintiff's medical condition while he was employed by Defendants.

55. Defendants failed to provide a reasonable accommodation for Plaintiff dismissing his employment after he was in the process of obtaining treatment for his medical condition.

56. Making a reasonable accommodation for Plaintiff by permitting him to continue to use some work time to obtain treatment for his medical condition when necessary, and/or the time out of work for his disability, as necessary, would not have imposed and/or did not impose undue hardship on the operation of Defendants' activities or business.

57. Plaintiff was qualified for the position of warehouse keeper for Defendants in terms of both general qualifications and physical/non-physical qualifications. The nature and extent of Plaintiff's handicap, disability and/or medical condition did not preclude or significantly impede Plaintiff's job performance.

58. Defendants took adverse action against Plaintiff by unlawfully terminating, dismissing and/or not renewing his employment based upon his handicap, disability and/or medical condition, despite Plaintiff's contribution to and personal sacrifice for his employer. Defendants violated the LAD which prohibits such discrimination by unlawfully discharging Plaintiff based upon his handicap disability and/or medical condition.

59. Upon information and belief, Defendants sought a replacement for Plaintiff.

60. As a direct and proximate result of Defendants' aforesaid discrimination, Plaintiff suffered and continues to suffer damages, including but not limited to, physical and emotional damages, financial damages, stress, as well as disruption in his professional and personal life.

COUNT V

[[Violation of New Jersey Law Against Discrimination—Age Discrimination]]

61. Plaintiff re-alleges and incorporates by reference all preceding paragraphs as though fully set forth herein.

62. Plaintiff is sixty-three years old and is a member of a protected class under the New Jersey Law Against Discrimination ("LAD"). N.J.S.A. 10:5-1 et seq.

63. Plaintiff was performing his job as a warehouse employee for Defendants at a level that met Defendants' legitimate expectations.

64. Defendants took adverse action against Plaintiff by unlawfully terminating Plaintiff based upon his age despite Plaintiff's contribution to and personal sacrifice for his employer, Defendants violated the LAD, which prohibits age discrimination, by unlawfully terminating Plaintiff based upon his age.

65. Upon information and belief Defendants sought a replacement for Plaintiff.

66. As a direct and proximate result of Defendants' age discrimination, Plaintiff suffered and continues to suffer damages, including but not limited to, physical and emotional damages, financial damages, stress, as well as disruption in his professional and personal life

Prayer For Relief

WHEREFORE, Plaintiff, on behalf of himself and all similarly situated employees, respectfully requests that this court enter a judgment providing the following relief:

- a) A declaratory judgment that the practices complained of herein are unlawful under the FLSA and the New Jersey State Wage and Hour Law;
- b) An injunction against Defendants and their officers, agents, successors, employees, representatives and any and all persons acting in concert with them as provided by law, from engaging in each of unlawful practices and policies set forth herein;
- c) An award of unpaid overtime compensation due under FLSA and New Jersey State Wage and Hour Law;
- d) An award of liquidated and/or punitive damages as a result of Defendants' knowing and willful failure to pay overtime compensation pursuant to New Jersey State Wage and Hour Law;
- e) Back pay, front pay, compensatory and punitive damages, counsel fees, pre-judgment and post-judgment interest, Court costs and fees and such other relief as the Court may deem just and appropriate under the circumstances for violations of the New Jersey Law Against Discrimination.
- f) An award of prejudgment and post-judgment fees;
- g) An award of costs and expenses of this action together with reasonable attorney's and expert fees;

h) Such other and further legal and equitable relief as this Court deems necessary, just, and proper.

JURY TRIAL DEMAND

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, the Plaintiff, on behalf of herself and members of the Class, demands a trial by jury on all questions of fact raised by the complaint.

Dated: December 7, 2016
New York, New York

HANG & ASSOCIATES, PLLC


By: /s/ Keli Liu
Keli Liu, Esq.
Hang & Associates, PLLC
136-18 39th Avenue, Suite 1003
Flushing, New York 11354
Telephone: (718) 353-8588

**CONSENT TO SUE UNDER
FEDERAL FAIR LABOR STANDARDS ACT**

I am an employee currently or formerly employed by H.C. International Inc., Andrew Cai, and Helen He and/or related entities. I consent to be a plaintiff in an action to collect unpaid wages. I agree that I am bound by the terms of the Contingent Fee Retainer signed by the named plaintiff in this case.

KEN-SHENG CHEN

Full Legal Name (Print)



Signature

12-7-2016

Date

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

KEN SHENG CHEN, on behalf of herself and others similarly situated,

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

(c) Attorneys (Firm Name, Address, Email and Telephone Number) Keli Liu, 136-18 39th Ave., Suite 1003, Flushing, New York 11354 E-mail: kliu@hanglaw.com Tel: (718) 353-8588

DEFENDANTS

H.C. INTERNATIONAL INC., ANDREW CAI, and HELEN HE

County of Residence of First Listed Defendant Passaic County, NJ (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, 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)

Table with 5 columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories like Insurance, Personal Injury, 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): 29 U.S.C. §§ 201 et. seq.

Brief description of cause: Defendants failed to properly pay to their employees, including Plaintiff's overtime compensation.

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 12/07/2016 SIGNATURE OF ATTORNEY OF RECORD /s/ Keli Liu

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 the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- 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. When the petition for removal is granted, check this box.
 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.

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Lawsuit Says H.C. International Owes Unpaid Overtime](#)
