

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

**MICHAEL FRANCOEUR,
JOSEPH FRANCOEUR, AND
SHAYNE GUILLEMETTE on behalf of
themselves and all other employees
similarly situated,
Plaintiffs**

v.

**HIGG’S PAINTING, INC. and
JEFFREY S. HIGGINBOTTOM,
Defendants**

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C.A. No.: 17-

COMPLAINT

I. Introduction

1. This is an action brought by the Plaintiffs, on behalf of herself and other similarly situated employees, against Defendants, seeking compensatory, punitive, and liquidated damages, as well as attorneys’ fees, litigation expenses and other equitable relief, arising out of the unlawful failure to pay overtime compensation, prevailing wages, and prevailing wage overtime compensation owed to the Plaintiffs in violation of the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201, *et seq.*, the Rhode Island Minimum Wage Act (“RIMWA”), R.I.G.L. §28-12-1, *et seq.* and §28-14-1, *et seq.*, and Labor and Payment of Debts by Contractors chapter of the Rhode Island General Laws under § 37-13-1 *et seq.*, and Commonwealth of Massachusetts General Laws c. 151, § 1A, and c. 149, § 27.

II. Parties

2. Plaintiff Michael Francoeur, at all times relevant to this action, was a resident of the City of Fall River, Commonwealth of, and was an employee of Defendants, within the meaning of 29 U.S.C. §203(e)(1) of the FLSA.

3. Plaintiff Joseph Francoeur, at all times relevant to this action, was a resident of the City of Fall River, Commonwealth of, and was an employee of Defendants, within the meaning of 29 U.S.C. §203(e)(1) of the FLSA.

4. Plaintiff Shayne Guillemette, at all times relevant to this action, was a resident of the City of Fall River, Commonwealth of, and was an employee of Defendants, within the meaning of 29 U.S.C. §203(e)(1) of the FLSA.

5. Defendant Higg's Painting, Inc. is a corporation duly organized and incorporated pursuant to the laws of the Commonwealth of Massachusetts. At all relevant times, this defendant hired Plaintiffs to work at numerous construction painting projects in Rhode Island and Massachusetts and was the Plaintiffs, as well as all other similarly situated employees, employer within the meaning of 29 U.S.C. §203(d).

6. Defendant Jeffrey S. Higginbottom, at all times relevant to this action, was the President, Treasurer, and Secretary of, and had operational control over Defendant Higgs Painting, Inc., and was therefore also the Plaintiffs; as well as all other similarly situated employees, employer within the meaning of 29 U.S.C. §203(d). *See Donovan v. Agnew*, 712 F.2d 1509 (1st Cir. 1983) ("The overwhelming weight of authority is that a corporate officer with operational control ... is an employer along with the corporation, jointly and severally liable under the FLSA for unpaid wages."); *see also Dole v. Elliott Travel & Tours, Inc.*, 942 F.2d 962, 965 (6th Cir. 1991), *and cases cited therein*.

III. Jurisdiction

7. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§1331, 1332, 1367, 2201, and 2202 and 29 U.S.C. §216(b), 29 U.S.C. § 1132(a), and R.I.G.L. § 9-5-33.

IV. Venue

8. Venue is proper in this Court insofar as the parties are doing business in the State of Rhode Island and therefore are within the requirements set forth in 28 U.S.C. §1391.

V. Material Facts

9. Plaintiff Michael Francoeur, worked for Defendants from 2011 to September of 2017.

10. Plaintiff Joseph Francoeur worked for Defendants from 2011 to November of 2015.

11. Plaintiff Shayne Guillemette worked for Defendants from 2013 to May of 2017.

12. In the performing their functions as employees of the Defendants, Plaintiffs, and other similarly situated employees, were engaged in commerce within the meaning of Sections 3(b), 3(i), 3(j), and 6(a) and 7(a) of the FLSA.

13. Both the FLSA and the RIMWA require an employer to pay its employees at a rate not less than one and one-half times their regular rate of pay for all hours worked in excess of forty (40) in any one workweek. 29 U.S.C. § 207(a)(1); R.I.G.L. §28-12-4.1.

14. Throughout the course of their employment by the Defendants, the Plaintiffs and other similarly situated employees worked on numerous construction projects as painters in Rhode Island and Massachusetts and were paid between \$18-\$20 per hour for all hours worked, including all hours worked in excess of forty (40) in any given week.

15. Throughout the course of their employment by the Defendants, the Plaintiffs worked on numerous construction public works projects in Rhode Island and Massachusetts as painters and were still only paid between \$18-\$20 per hour for all hours worked, including all hours worked in excess of forty (40) in any given week thereby not paying Plaintiffs the hourly and overtime rates required by R.I.G.L. § 37-13-1 *et seq.* and Ma. G.L. c. 149, § 27.

16. During the duration of their employment with the Defendants, Defendants required Plaintiffs, and other similarly situated employees, to work in excess of forty (40) hours but failed

to pay them at rates not less than one and one-half (1 ½) times the regular rates at which they were employed, contrary to 29 U.S.C. § 207(a)(1), R.I.G.L. §28-12-4.1, § 37-13-1, Ma. G.L. c. 151, § 1A, and Ma. G.L. c. 149, § 27.

17. Defendants paid Plaintiffs the same regular hourly rate for all hours worked over forty (40) in any given work week in a separate line item in the same paycheck.

18. Utilizing a separate line item for all hours worked over forty (40) demonstrates Defendant's willful failure to pay overtime compensation.

19. Despite Defendants' knowledge of its obligation to pay the Plaintiffs and other similarly situated employees their base hourly wage and overtime premiums as required by the FLSA, RIMWA, § 37-13-1 *et seq.*, Ma. G.L. c. 151, § 1A, and Ma. G.L. c. 149, § 27.

20. Defendants knowingly and willfully refused to comply with their obligation to pay Plaintiffs, and other similarly situated employees, certain prevailing wage rates or any overtime premiums for hours worked over forty (40) in any one workweek.

21. As a proximate result of Defendants' unlawful acts and/or omissions, including, but not limited to, those described herein, Plaintiffs and other similarly situated employees have suffered loss of wages and benefits due, expenses for legal services, and other great harm.

22. As a proximate result of Defendants' discriminatory acts and/or omissions, including but not limited to those described herein, Plaintiffs, and other similarly situated employees, have suffered and will continue to suffer loss of income.

VI. Claims for Relief

23. The Plaintiff incorporates the allegations contained in ¶¶1 through 22 above in the counts set forth below.

Count One **Violation of FLSA, 29 U.S.C. §207**

24. Defendants, by their individual and concerted acts and/or omissions, including, but not limited to, those described herein, violated the FLSA by failing or refusing to pay Plaintiffs, and other similarly situated employees, overtime compensation for all work in excess of forty (40) hours performed in any one workweek, thereby causing Plaintiffs, and other similarly situated employees, to suffer damages as aforesaid, for which they are entitled to relief pursuant to 29 U.S.C. §216(b).

Count Two
Violation of RIMWA, R.I.G.L. §28-12-1 and § 28-14-1, et seq.

25. Defendants, by their individual and concerted acts and/or omissions, including, but not limited to, those described herein, violated the RIMWA by failing or refusing to pay Plaintiffs, and other similarly situated employees, overtime compensation for all work in excess of forty (40) hours performed in any one workweek, thereby causing Plaintiffs, and other similarly situated employees, to suffer damages as aforesaid, for which they are entitled to relief pursuant to R.I.G.L. §28-12-19 and § 28-14-19.2.

Count Three
Violation of 37-13-1, et seq.

26. Defendants, by their individual and concerted acts and/or omissions, including, but not limited to, those described herein, violated R.I.G.L. § 37-13-1 *et seq.* by failing or refusing to pay Plaintiffs, and other similarly situated employees, the hourly prevailing wage and benefit amount on public works projects thereby causing Plaintiffs, and other similarly situated employees, to suffer damages as aforesaid, for which they are entitled to relief pursuant to R.I.G.L. §37-13-17.

Count Four
Violation of 37-13-1, et seq.

27. Defendants, by their individual and concerted acts and/or omissions, including, but not limited to, those described herein, violated R.I.G.L. § 37-13-1 *et seq.* by failing or refusing to pay Plaintiffs, and other similarly situated employees, overtime compensation for all work in excess of forty (40) hours performed in any one workweek, thereby causing Plaintiffs, and other similarly situated employees, to suffer damages as aforesaid, for which they are entitled to relief pursuant to R.I.G.L. §37-13-17.

Count Five
Violation of Ma. G.L. c. 151, § 1A

28. Defendants, by their individual and concerted acts and/or omissions, including, but not limited to, those described herein, violated the Commonwealth of Massachusetts general laws by failing or refusing to pay Plaintiffs, and other similarly situated employees, overtime compensation for all work in excess of forty (40) hours performed in any one workweek, thereby causing Plaintiffs, and other similarly situated employees, to suffer damages as aforesaid, for which they are entitled to relief pursuant to Ma. G.L. c. 151, § 1A.

Count Six
Violation of Ma. G.L. c. 149, § 27

29. Defendants, by their individual and concerted acts and/or omissions, including, but not limited to, those described herein, violated the Commonwealth of Massachusetts general laws by failing or refusing to pay Plaintiffs, and other similarly situated employees, the hourly prevailing wage and benefit amount on public works projects thereby causing Plaintiffs, and other similarly situated employees, to suffer damages as aforesaid, for which they are entitled to relief pursuant to Ma. G.L. c. 149, § 27.

Count Seven
Violation of Ma. G.L. c. 149, § 27

30. Defendants, by their individual and concerted acts and/or omissions, including, but not limited to, those described herein, violated the Commonwealth of Massachusetts general laws by failing or refusing to pay Plaintiffs, and other similarly situated employees, overtime compensation for all work in excess of forty (40) hours performed in any one workweek, thereby causing Plaintiffs, and other similarly situated employees, to suffer damages as aforesaid, for which they are entitled to relief pursuant to Ma. G.L. c. 149, § 27.

VII. Prayers for Relief

WHEREFORE, the Plaintiff prays that this Honorable Court grant the following relief:

1. A declaratory judgment declaring that the Defendants willfully violated the wage and overtime payment requirements under the FLSA, the RIMWA, R.I.G.L. § 37-13-1 *et seq.*, Ma. G.L. c. 151, § 1A, and Ma. G.L. c. 149, § 27 in the manner complained of herein.
2. In the alternative, a declaratory judgment declaring that the Defendants violated the wage and overtime payment requirements under the FLSA, the RIMWA, R.I.G.L. § 37-13-1 *et seq.*, Ma. G.L. c. 151, § 1A, and Ma. G.L. c. 149, § 27 in the manner complained of herein.
3. An award of back pay for violating the FLSA, the RIMWA, R.I.G.L. § 37-13-1 *et seq.*, Ma. G.L. c. 151, § 1A, and Ma. G.L. c. 149, § 27.
4. An award of liquidated damages pursuant to 29 U.S.C. §216(b), the RIMWA, R.I.G.L. § 37-13-1 *et seq.*, Ma. G.L. c. 151, § 1A, and Ma. G.L. c. 149, § 27
5. An award of reasonable attorneys' fees and costs of litigation pursuant to 29 U.S.C. §216(b) and R.I.G.L. §28-14-19.2, § 37-13-17, Ma. G.L. c. 151, § 1A, and Ma. G.L. c. 149, § 27.
6. An award of other appropriate equitable relief pursuant to 29 U.S.C. §216(b) and R.I.G.L. §28-14-19.2, § 37-13-17, Ma. G.L. c. 151, § 1A, and Ma. G.L. c. 149, § 27.

7. An award of such other and further relief as this Honorable Court deems just and proper.

VIII. Demand for Jury Trial

The Plaintiff and other similarly situated employees hereby demand a trial by jury on all counts so triable.

IX. Designation of Trial Counsel

The Plaintiff and other similarly situated employees hereby designate Gregory A. Mancini Esquire as trial counsel.

**PLAINTIFFS,
MICHAEL FRANCOEUR
JOSEPH FRANCOEUR, and
SHAYNE GUILLEMETTE
By their attorneys,
SINAPI LAW ASSOCIATES, LTD.**

Date: October 27M 2017

/s/Gregory A. Mancini
Gregory A. Mancini (RI BAR 5740)
2374 Post Road, Suite 201
Warwick, RI 02886
Phone: (401) 739-9692; FAX: (401) 739-9040
Email: gmancinilaw@gmail.com

JS 44 (Rev. 06/17)

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

MICHAEL FRANCOEUR, JOSEPH FRANCOEUR, and SHAYNE GUILLETTE,

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

(c) Attorneys (Firm Name, Address, and Telephone Number)
SINAPI LAW ASSOCIATES, LTD.
2374 POST ROAD, SUITE 201, WARWICK, RI 02886
401-739-9690

DEFENDANTS

HIGG'S PAINTING, INC. and JEFFREY S. HIGGINBOTTOM

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
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 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)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

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

CONTRACT		TORTS		FORFEITURE/PENALTY	BANKRUPTCY		OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 423 Withdrawal 28 USC 157		<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 690 Other	PROPERTY RIGHTS		<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability		<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Federal Employers' Liability	PERSONAL PROPERTY		<input type="checkbox"/> 835 Patent - Abbreviated New Drug Application	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 450 Commerce	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 370 Other Fraud	LABOR	SOCIAL SECURITY		<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input checked="" type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 861 HIA (1395f)	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 850 Securities/Commodities/Exchange
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 720 Labor/Management Relations	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 865 RSI (405(g))		<input type="checkbox"/> 893 Environmental Matters	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury		<input type="checkbox"/> 751 Family and Medical Leave Act		FEDERAL TAX SUITS	<input type="checkbox"/> 896 Arbitration	<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PRISONER PETITIONS	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 950 Constitutionality of State Statutes	
<input type="checkbox"/> 195 Contract Product Liability		Habeas Corpus:			<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609		
<input type="checkbox"/> 196 Franchise		<input type="checkbox"/> 463 Alien Detainee	IMMIGRATION				
	REAL PROPERTY	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 462 Naturalization Application				
	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 530 General	<input type="checkbox"/> 465 Other Immigration Actions				
	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 535 Death Penalty					
	<input type="checkbox"/> 230 Rent Lease & Ejectment	Other:					
	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 540 Mandamus & Other					
	<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 550 Civil Rights					
	<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 555 Prison Condition					
		<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement					

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. §201, et seq.

Brief description of cause:
Violation of Fair Labor Standards Act (non-payment of wages)

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: 10/27/2017
SIGNATURE OF ATTORNEY OF RECORD: /s/Gregory A. Mancini

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

District of Rhode Island

MICHAEL FRANCOEUR, JOSEPH FRANCOEUR,
and SHAYNE GUILLEMETTE, on behalf of
themselves and all other employees similarly
situated,

Plaintiff(s)

v.

HIGG'S PAINTING, INC. and JEFFREY S.
HIGGINBOTTOM,

Defendant(s)

Civil Action No. 17-498

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) HIGG'S PAINTING, INC.
c/o JEFFREY S. HIGGINBOTTOM, REGISTERED AGENT
21 MOUNT HOPE AVENUE
SWANSEA, MA 02777

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: GREGORY A. MANCINI, ESQ.
SINAPI LAW ASSOCIATES, LTD.
2374 POST ROAD, SUITE 201
WARWICK, RI 02886

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

Civil Action No. 17-498

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:

Print

Save As...

Reset

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

UNITED STATES DISTRICT COURT

for the

District of Rhode Island

MICHAEL FRANCOEUR, JOSEPH FRANCOEUR,
and SHAYNE GUILLEMETTE, on behalf of
themselves and all other employees similarly
situated,

Plaintiff(s)

v.

HIGG'S PAINTING, INC. and JEFFREY S.
HIGGINBOTTOM,

Defendant(s)

Civil Action No. 17-498

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) JEFFREY S. HIGGINBOTTOM
21 MOUNT HOPE AVENUE
SWANSEA, MA 02777

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:

GREGORY A. MANCINI, ESQ.
SINAPI LAW ASSOCIATES, LTD.
2374 POST ROAD, SUITE 201
WARWICK, RI 02886

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

Civil Action No. 17-498

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:

Print

Save As...

Reset

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Higg's Painting, Owner Rolled with Unpaid Overtime, Prevailing Wages Complaint](#)
