

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA
PITTSBURGH DIVISION

ANDREW FRITCHMAN, individually and
on behalf of all others similarly situated

Plaintiff,

v.

SCHLUMBERGER TECH CORP.,

Defendant.

§ Docket No. _____

§

§

§

§

JURY TRIAL DEMANDED

§

CLASS ACTION

§

FED. R. CIV. P. 23

§

§

§

ORIGINAL CLASS ACTION COMPLAINT

I. SUMMARY

1. Andrew Fritchman (“Plaintiff”) brings this lawsuit to recover unpaid overtime wages and other damages from Schlumberger Tech Corp. (“SLB” or “Defendant”) for himself and all other class members through Fed. R. Civ. P. 23 under the Pennsylvania Minimum Wage Act (“PMWA”), 43 Pa. Stat. Ann. § 333.104; Ohio Minimum Fair Wage Standards Act, O.R.C. §§4111 *et seq.*, (“the Ohio Wage Act”); and the Ohio Prompt Pay Act (“OPPA”), Ohio Rev. Code §4113.15 (the Ohio Wage Act and the OPPA will be referred to collectively as “the Ohio Acts”). Plaintiff also brings this lawsuit on behalf of himself, individually, for violations of the Fair Labor Standards Act (“FLSA”)

2. Plaintiff, and other workers like him, worked for Defendant performing largely manual labor type job duties, typically worked in excess of 40 hours a week, and worked as Measurement While Drilling (“MWD”) employees. In violation of the PMWA, the Ohio Acts, and

the FLSA, SLB denied overtime to all of its oilfield employees. This class action seeks to recover the unpaid overtime wages and other damages owed to these workers.

II. JURISDICTION AND VENUE

3. This Court has original subject matter jurisdiction under the Class Action Fairness Act (28 U.S.C. § 1332(d)(2)) because this action involves over 100 persons with an aggregate amount in controversy in excess of \$5 million with the parties being citizens of different states.

4. This Court has original subject matter jurisdiction under the FLSA (29 U.S.C. § 201 *et. seq.*) because Plaintiff alleges violations of the FLSA.

5. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b).

6. Plaintiff worked substantial overtime for Schlumberger in Canonsburg, Pennsylvania.

7. Schlumberger paid Plaintiff a salary and a job bonus, depriving Plaintiff the overtime compensation he is entitled to under the Pennsylvania Minimum Wage Act, while working in Canonsburg, Pennsylvania.

8. Venue is proper in the Pittsburgh Division, where a “substantial part of the events or omissions giving rise to the claim occurred. . . .” *See* 28 U.S.C. § 1391.

III. THE PARTIES

9. Andrew Fritchman worked for Defendant performing manual labor surrounding the operating of measurement while drilling equipment during the relevant statutory time period. He never received overtime compensation despite working over 40 hours in a single work week.

10. The Rule 23 class of employees (“Class Members”) consists of

**ALL INDIVIDUALS WHO WORKED FOR SLB AS
MWD EMPLOYEES OVER THE PAST THREE YEARS
IN PENNSYLVANIA OR OHIO WHILE RECEIVING A
SALARY AND/OR DAY RATE.**

11. Schlumberger Tech Corp. may be served through its registered agent National Registered Agents, Inc., 1999 Bryant Street, Suite 900, Dallas, Texas 75201.

IV. FACTS

12. Schlumberger Tech Corp is a subsidiary of Schlumberger (NYSE:SLB). It “provides directional drilling, MWD, and LWD services for unconventional oil and gas environments with a team of more than 600 directional drillers and 700 MWD and LWD across the globe.”

13. Within the last 3 years, SLB has employed over 100 MWD employees in Pennsylvania and Ohio.

14. All the MWD employees are paid on the same basic pay plan.

15. Plaintiff is a typical member of the MWD Class. Members of the MWD Class all perform similar job duties and are paid under the identical challenged pay practice.

16. Plaintiff worked for SLB as a MWD employee within the statutory time period. His primary job duties included operating oilfield machinery, collecting/relaying data, and reporting his daily activities to his field supervisors for analysis.

17. Plaintiff would conduct his day to day activities within designated parameters and in accordance with a predetermined well plan.

18. The well plan was created, implemented, and regularly maintained by the well site supervisors (and not the members of the MWD Class).

19. Plaintiff's activities were routine and largely governed by standardized plans and checklists created by SLB. Every element of Plaintiff's job was predetermined for him by SLB and his superiors, including the tools to use at a job site, the data to compile, and schedule of work and related work duties.

20. Plaintiff was prohibited from varying his job duties outside of the predetermined

parameters. Plaintiff's job functions were primarily manual labor in nature, requiring little to no official training.

21. Likewise, a college education was not required for the completion of his job.

22. As an MWD, Plaintiff did not have any supervisory or management duties.

23. For the purposes of a Rule 23 class action under Pennsylvania and Ohio wage law, Plaintiff and the respective class performed substantially similar job duties related to drilling in the field.

24. Plaintiff and the MWD Class worked similar hours and were both denied overtime as a result of the same illegal pay practice. All these workers are regularly scheduled to work 84 hours per workweek, but often worked more. Instead of paying them overtime, SLB paid its MWD employees a base salary plus a day rate.

25. SLB did not pay any members of the MWD Class overtime for any and all hours worked in excess of 40 in a single work week.

26. As the controlling law makes clear, the manual labor duties performed by Plaintiff is *non-exempt* work. Therefore, SLB owes back overtime wages to hundreds of their MWD employees all of whom work long hours each workweek in Pennsylvania and Ohio.

27. Likewise, SLB owes Plaintiff back wages, liquidated damages, attorney fees, and costs under the FLSA for misclassifying Plaintiff as exempt from the FLSA's overtime requirements.

V. CLASS ACTION ALLEGATIONS

28. Plaintiff incorporates all previous paragraphs and alleges that the illegal pay practices SLB imposed on Plaintiff were similarly imposed on the MWD Class Members.

29. Over 100 employees have been victimized by this pattern, practice, and policy which are in willful violation of the Ohio Acts and PMWA.

30. Numerous other employees who worked with Plaintiff have indicated they were paid in the same manner, performed similar work, and were not properly compensated for all hours worked as required by state wage laws.

31. Based on his experiences and tenure with SLB, Plaintiff is aware that the illegal practices or policies of Defendant have been imposed on the MWD Class Members.

32. All the MWD Class Members were not afforded overtime compensation when they worked in excess of forty (40) hours per week.

33. Defendant's failure to pay wages and overtime compensation at the rates required by Pennsylvania and Ohio state law result from generally applicable, systematic policies and practices which are not dependent on the personal circumstances of the MWD Class Members.

34. The damages of MWD Class Members exceed five million dollars.

35. Plaintiff's experiences are therefore typical of the experiences of the MWD Class Members.

36. The specific job titles or precise job locations of the various MWD Class Members do not prevent class or collective treatment.

37. Plaintiff's have no interests contrary to, or in conflict with, the members of the MWD Class, as defined herein. Like each member of the proposed class, Plaintiff has an interest in obtaining the unpaid overtime wages owed under state wage laws.

38. A class action, such as the instant one, is superior to other available means for fair and efficient adjudication of the lawsuit.

39. Absent this action, many MWD Class Members likely will not obtain redress of their injuries and SLB will reap the unjust benefits of violating the applicable state wage laws.

40. Furthermore, even if some of the MWD Class Members could afford individual litigation against SLB, it would be unduly burdensome to the judicial system.

41. Concentrating the litigation in one forum will promote judicial economy and parity among the claims of individual members of the classes and provide for judicial consistency.

42. The questions of law and fact common to each of the MWD Class Members predominate over any questions affecting solely the individual members. Among the common questions of law and fact are:

- (a) Whether SLB employed MWD Class Members within the meaning of the applicable state statutes, including the Ohio Acts and PMWA;
- (b) Whether the MWD Class Members were improperly classified by SLB as exempt from overtime compensation;
- (c) Whether SLB's decision to classify the MWD Class Members as exempt was made in good faith;
- (d) Whether SLB's violation of the Ohio Acts and PMWA was willful; and
- (e) Whether SLB's failure to pay Plaintiff and the MWD Class Members overtime pay due to them by virtue of their uniform designation as exempt.

43. Plaintiff's claims are typical of the MWD Class Member's claims. Plaintiff and the MWD Class Members have sustained damages arising out of SLB's illegal and uniform employment policy.

44. Plaintiff knows of no difficulty that will be encountered in the management of this litigation that would preclude its ability to go forward as a class action.

45. Although the issue of damages may be somewhat individual in character, there is no detraction from the common nucleus of liability facts. Therefore, this issue does not preclude collective and class action treatment.

VI. VIOLATIONS OF THE OHIO ACTS

46. Plaintiff incorporates all preceding paragraphs.

47. The conduct alleged violates the Ohio Wage Acts and the OPPO.

48. At all relevant times, SLB was subject to the requirements of the Ohio Wage Acts.

49. At all relevant times, SLB employed Plaintiff, and each MWD Class Member with Ohio state law claims, as an “employee” within the meaning of the Ohio Acts.

50. MWD Class Members who possess Ohio state law claims are members of the Class.

51. The Ohio Wage Act requires that employees receive overtime compensation “not less than one and one-half times” (1.5) the employee’s regular rate of pay for all hours worked over forty (40) in one workweek, “in the manner and methods provided in and subject to the exemptions of section 7 and section 13 of the Fair Labor Standards Act of 1937.” *See* O.R.C. § 4111.03(A); *see also* 29 U.S.C. § 207(a)(1).

52. As an employee for Defendant, Plaintiff and the MWD Class worked in excess of the maximum weekly hours permitted under O.R.C. §4111.03, but were not paid overtime wages for this time spent working.

53. Plaintiff and the MWD Class seek back wages, attorney fees, and costs from Defendant for violating the Ohio Wage Act.

54. The OPPA requires that the Defendant pay Plaintiff and the MWD Class all wages, including unpaid overtime, on or before the first day of each month, for wages earned by them during the first half of the preceding month ending with the fifteenth day thereof, and on or before the fifteenth day of each month, for wages earned by them during the last half of the preceding calendar month. *See* O.R.C. § 4113.15(A).

55. During all times material to this complaint, Plaintiff and the MWD Class were not paid wages, either their regular rates, a minimum wage or overtime wages at one and one-half

times their regular rate within thirty (30) days of performing the work. *See* O.R.C. §4113.15(B).

56. Plaintiff and the MWD Class's unpaid wages remain unpaid for more than thirty (30) days beyond their regularly scheduled payday. In violating the OPPA, Defendant acted willfully, without a good faith basis and with reckless disregard of clearly applicable Ohio law.

VII. PMWA VIOLATIONS

57. Plaintiff incorporates all preceding paragraphs.

58. The conduct alleged violates the Pennsylvania Minimum Wage Act (PMWA) (43 Pa. Stat. Ann. § 333.104).

59. At all relevant times, SLB was subject to the requirements of the PMWA.

60. At all relevant times, SLB employed Plaintiff and each MWD Class Member with Pennsylvania state law claims, as an "employee" within the meaning of the PMWA.

61. MWD Class Members who possesses Pennsylvania state law claims are members of the Class.

62. The PMWA requires an employer like SLB to pay employees at one and one-half times the regular rate of pay for hours worked in excess of 40 hours in any one week. Plaintiff and each member of the MWD Class are entitled to overtime pay under the PMWA.

63. SLB had a policy and practice of failing to pay overtime to Plaintiff and each member of the Class for hours worked in excess of 40 hours per workweek.

64. Plaintiff and each member of the Class seek unpaid overtime in amount equal to one and one-half times the regular rate of pay for work performed in excess of forty hours in a workweek, prejudgment interest, all available penalty wages, and such other legal and equitable relief as the Court deems just and proper.

65. Plaintiff and each member of the Class also seek recovery of attorneys' fees, costs, and expenses of this action, to be paid by SLB, as provided by the PMWA.

VIII. FLSA COVERAGE

66. At all times hereinafter mentioned, Defendant has been an employer within the meaning of the Section 3(d) of the FLSA, 29 U.S.C. § 203(d).

67. At all times hereinafter mentioned, Defendant has been an enterprise within the meaning of Section 3(r) of the FLSA, 29 U.S.C. § 203(r).

68. At all times hereinafter mentioned, Defendant has been an enterprise engaged in commerce or in the production of goods for commerce within the meaning of Section 3(s)(1) of the FLSA, 29 U.S.C. § 203(s)(1), in that said enterprise has and has had employees engaged in commerce or in the production of goods for commerce, or employees handling, selling, or otherwise working on goods or materials that have been moved in or produced for commerce by any person and in that said enterprise has had and has an annual gross volume of sales made or business done of not less than \$500,000 (exclusive of excise taxes at the retail level which are separately stated).

69. At all times hereinafter mentioned, Plaintiff was engaged in commerce or in the production of goods for commerce as required by 29 U.S.C. §§ 206-207.

IX. FLSA VIOLATIONS

70. During the relevant time period, Defendant has violated, and is violating, the provisions of Sections 6, 7 and/or 15 of the FLSA, 29 U.S.C. §§ 206, 207, and 215(a)(2), by employing Plaintiff in an enterprise engaged in commerce or in the production of goods for commerce within the meaning of the FLSA for workweeks longer than forty (40) hours without compensating Plaintiff for his employment in excess of forty (40) hours per week at rates no less than one and one-half the regular rates for which he were employed.

71. Defendant knowingly, willfully, or in reckless disregard carried out this illegal

pattern or practice of failing to pay Plaintiff his proper overtime compensation. The decision by Defendant not to properly pay overtime compensation to Plaintiff was neither reasonable, nor in good faith. Accordingly, Plaintiff is entitled to overtime wages under the FLSA in an amount equal to one and one-half times his rate of pay, plus liquidated damages, attorney's fees and costs.

X. JURY DEMAND

72. Plaintiff hereby demands a jury.

XI. RELIEF SOUGHT

73. WHEREFORE, Plaintiff prays for judgment against Defendant as follows:

- a. For an Order pursuant to PMWA finding Defendant liable for unpaid back wages due to Plaintiff and all members of the Pennsylvania Class, attorney fees, costs, penalties, and pre- and post-judgment at the highest rates allowed by law; and
- b. For an Order pursuant to the Ohio Acts finding Defendant liable for unpaid back wages due to Plaintiff and all members of the Ohio Class, attorney fees, costs, penalties, and pre- and post-judgment at the highest rates allowed by law; and
- c. For an Order pursuant to the FLSA finding Defendant liable for unpaid back wages due to Plaintiff, liquidated damages, attorney fees, costs, and pre- and post-judgment at the highest rates allowed by law; and
- d. For an Order granting such other and further relief as may be necessary and appropriate.

Respectfully submitted,

/s/ Joshua P. Geist

Joshua P. Geist PA.

I.D. No. 85745

Goodrich & Geist, P.C. 3634

California Ave.

Pittsburgh, PA 15212

Tel: 412-766-1455

Fax: 412-766-0300

josh@goodrichandgeist.com

AND

Michael A. Josephson

Pennsylvania Bar No. 308410

Texas Bar No. 24014780

(Pending Pro Hac Vice)

Andrew W. Dunlap

Texas Bar No. 24078444

(Pending Pro Hac Vice)

Lindsay R. Itkin

Texas Bar No. 24068647

(Pending Pro Hac Vice)

Jessica M. Bresler

Texas Bar No. 24090008

(pending pro hac vice)

FIBICH, LEEBRON, COPELAND

BRIGGS & JOSEPHSON

1150 Bissonnet St.

Houston, Texas 77005

Tel: (713) 751-0025

Fax: (713) 751-0030

mjosephson@fibichlaw.com

adunlap@fibichlaw.com

litkin@fibichlaw.com

jbresler@fibichlaw.com

AND

Richard J. (Rex) Burch
Texas Bar No. 24001807
(Pending Pro Hac Vice)
BRUCKNER BURCH, P.L.L.C.
8 Greenway Plaza, Suite 1500
Houston, Texas 77046
713-877-8788 – Telephone
713-877-8065 – Facsimile
rburch@brucknerburch.com

ATTORNEYS IN CHARGE FOR PLAINTIFF

EXHIBIT A

CONSENT TO JOIN WAGE CLAIM

Print Name: Andrew J Fritchman

1. I hereby consent to participate in a collective action lawsuit against Schlumberger to pursue my claims of unpaid overtime during the time that I worked with the company.
2. I understand that this lawsuit is brought under the Fair Labor Standards Act, and consent to be bound by the Court's decision.
3. I designate the law firm and attorneys at FIBICH, LEEBRON, COPELAND, BRIGGS & JOSEPHSON as my attorneys to prosecute my wage claims.
4. I authorize the law firm and attorneys at FIBICH, LEEBRON, COPELAND, BRIGGS & JOSEPHSON to use this consent to file my claim in a separate lawsuit, class/collective action, or arbitration against the company.

Signature: Andrew J Fritchman
Andrew J Fritchman (Nov 14, 2016)

Date Signed: Nov 14, 2016

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

ANDREW FRITCHMAN, individually and on behalf of all others similarly situated,

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

(c) Attorneys (Firm Name, Address, and Telephone Number) Joshua P. Geist; Goodrich & Geist, P.C.; 3634 California Avenue, Pittsburgh, PA 15212; Telephone 412-766-1455; josh@goodrichandgeist.com

DEFENDANTS

SCHLUMBERGER TECH CORP.,

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)

- 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, Motor Vehicle, Personal Injury, 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

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 28 U.S.C. § 1332(d)(2) Brief description of cause: Unpaid 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 11/21/2016 SIGNATURE OF ATTORNEY OF RECORD /s/ Joshua P. Geist

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

JS 44AREVISED June, 2009
IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA
THIS CASE DESIGNATION SHEET MUST BE COMPLETED

PART A

This case belongs on the (Erie Johnstown Pittsburgh) calendar.

1. **ERIE CALENDAR** - If cause of action arose in the counties of Crawford, Elk, Erie, Forest, McKean, Venang or Warren, OR any plaintiff or defendant resides in one of said counties.
2. **JOHNSTOWN CALENDAR** - If cause of action arose in the counties of Bedford, Blair, Cambria, Clearfield or Somerset OR any plaintiff or defendant resides in one of said counties.
3. Complete if on **ERIE CALENDAR**: I certify that the cause of action arose in _____ County and that the _____ resides in _____ County.
4. Complete if on **JOHNSTOWN CALENDAR**: I certify that the cause of action arose in _____ County and that the _____ resides in _____ County.

PART B (You are to check ONE of the following)

1. This case is related to Number _____ . Short Caption _____
2. This case is not related to a pending or terminated case.

DEFINITIONS OF RELATED CASES:

CIVIL: Civil cases are deemed related when a case filed relates to property included in another suit or involves the same issues of fact or it grows out of the same transactions as another suit or involves the validity or infringement of a patent involved in another suit

EMINENT DOMAIN: Cases in contiguous closely located groups and in common ownership groups which will lend themselves to consolidation for trial shall be deemed related.

HABEAS CORPUS & CIVIL RIGHTS: All habeas corpus petitions filed by the same individual shall be deemed related. All pro se Civil Rights actions by the same individual shall be deemed related.

PART C

I. **CIVIL CATEGORY** (Place **x** in only applicable category).

1. Antitrust and Securities Act Cases
2. Labor-Management Relations
3. Habeas corpus
4. Civil Rights
5. Patent, Copyright, and Trademark
6. Eminent Domain
7. All other federal question cases
8. All personal and property damage tort cases, including maritime, FELA, Jones Act, Motor vehicle, products liability, assault, defamation, malicious prosecution, and false arrest
9. Insurance indemnity, contract and other diversity cases.
10. Government Collection Cases (shall include HEW Student Loans (Education), V A Overpayment, Overpayment of Social Security, Enlistment Overpayment (Army, Navy, etc.), HUD Loans, GAO Loans (Misc. Types), Mortgage Foreclosures, SBA Loans, Civil Penalties and Coal Mine Penalty and Reclamation Fees.)

I certify that to the best of my knowledge the entries on this Case Designation Sheet are true and correct

/s/ Joshua P. Geist

Date: 11/21/2016

ATTORNEY AT LAW

NOTE: ALL SECTIONS OF BOTH ÔŠPRU MUST BE COMPLETED BEFORE CASE CAN BE PROCESSED.

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 six 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. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- 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. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Pennsylvania

ANDREW FRITCHMAN, individually and on behalf of
all others similarly situated

Plaintiff(s)

v.

SCHLUMBERGER TECH CORP.,

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Schlumberger Tech Corp.
may be served through its registered agent
National Registered Agents, Inc.
1999 Bryant Street, Suite 900
Dallas, Texas 75201

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:

Joshua P. Geist
Goodrich & Geist, PC
3634 California Ave.
Pittsburg, PA 15212

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. _____

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: [Schlumberger Tech Corp. Drilled with Unpaid Overtime Class Action](#)
