

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

MICHAEL GALANTI, on behalf of himself and all
others similarly situated,

Plaintiff,

v.

CMS MID-ATLANTIC, INC., BERNARD
STOECKLEIN, and LOUIS SHOOK,

Defendants.

**FLSA CLASS AND
COLLECTIVE ACTION
COMPLAINT**

Jury Trial Demanded

Plaintiff MICHAEL GALANTI, by and through his attorneys, on behalf of himself and all others similarly situated, alleges, upon personal knowledge as to himself and his own acts, and upon information and belief as to all other matters, as follows:

PRELIMINARY STATEMENT

1. Plaintiff MICHAEL GALANTI (referred to herein as "Plaintiff"), was employed by Defendants CMS MID-ATLANTIC, INC., BERNARD STOECKLEIN, and LOUIS SHOOK (referred to herein as "Defendants") as a full-time, non-exempt pre-need and/or at-need family service counselor ("Family Service Counselor").

2. Although Plaintiff and others similarly situated regularly worked fifty-two to sixty hours, or more, in a workweek, Defendants never paid them overtime premiums for all hours worked in excess of forty hours in a workweek.

3. Defendants' unlawful practices, in violation of the Fair Labor Standards Act ("FLSA") and the New Jersey Wage and Hour Law ("NJWHL") and applicable regulations include, but are not limited to, their failure to pay Plaintiff and others similarly situated wages due for work performed and overtime premiums at not less than one and one-half (1-1/2) times

their regular hourly rates of pay for all hours worked in excess of forty (40) hours in a workweek.

4. On behalf of himself and others similarly situated, Plaintiff seeks unpaid wages, liquidated damages, pre-and post-judgment interest, reasonable attorneys' fees and costs, and all other appropriate legal and equitable relief.

5. Plaintiff brings this action on behalf of himself and similarly situated current and former full-time, non-exempt Family Service Counselors who elect to opt-in to this action pursuant to the Fair Labor Standards Act, as amended, 29 U.S.C. § 201 *et seq.* ("FLSA"), and specifically the collective action provisions of 29 U.S.C. § 216(b), to remedy violations of the wage-and-hour provisions of the FLSA by Defendants that have deprived Plaintiff and other similarly situated employees of their lawfully earned wages.

6. Plaintiff also bring this action on behalf of himself and all similarly situated current and former full-time, non-exempt Family Service Counselors pursuant to Federal Rule of Civil Procedure 23 to remedy violations of the New Jersey Wage and Hour Law, N.J.S.A. § 34:11-56(a) *et seq.* ("NJWHL"), N.J.A.C. § 12:56-8.4(b).

7. Plaintiff also brings this action individually to remedy Defendants' violations of the retaliation provisions of the FLSA.

JURISDICTION AND VENUE

8. This Court has jurisdiction over Plaintiff' FLSA claims pursuant to 28 U.S.C. § 1331 and 29 U.S.C. § 216(b).

9. This Court has jurisdiction over Plaintiff' NJWHL claims pursuant to 28 U.S.C. § 1367(a), in that they arise out of the same set of operative facts and are so related to Plaintiff'

FLSA claims that they form the same case or controversy under Article III of the United States Constitution.

10. Venue is proper within this District pursuant to 28 U.S.C. § 1391(b) because Defendants do business in, and accordingly reside in, this District. Venue is further proper within this District because a substantial part of the events or omissions giving rise to the claim occurred within this District.

PARTIES

11. Plaintiff MICHAEL GALANTI is an individual residing in Morris County in the State of New Jersey. Plaintiff was employed by Defendants as a Family Service Counselor from April 22, 2014 until December 18, 2014, approximately.

12. Plaintiff was first assigned to work at Defendants' Hollywood Cemetery, located in Union, New Jersey, and then, from on or about July 2014 until the end of his employment, was assigned to work at Defendants' Laurel Grove Cemetery, located in Totowa, New Jersey.

13. Defendant CMS MID-ATLANTIC, INC. ("Defendant CMS") is a domestic profit corporation duly existing pursuant to, and by virtue of, the laws of the State of New Jersey, with its principal place of business located at 1621 Stuyvesant Avenue, Union, New Jersey, 07083, and with its mailing address at 235 Alpha Drive, Suite 300, Pittsburgh, Pennsylvania, 15238.

14. Defendant BERNARD STOECKLEIN ("Defendant BERNARD") is the owner, president, chief executive officer, manager and/or operator of Defendant CMS.

15. Defendant BERNARD has, and at all relevant times had, and exercised, the power to hire, fire, and control the wages and working conditions of Plaintiff, FLSA Collective Action Members, and Class Members.

16. Defendant LOUIS SHOOK (“Defendant LOUIS”) is the owner, president, chief executive officer, manager and/or operator of Defendant CMS.

17. Defendant LOUIS has, and at all relevant times had, and exercised, the power to hire, fire, and control the wages and working conditions of the Plaintiff, FLSA Collective Action Members, and Class Members.

18. At all relevant times, Defendants were, and continue to be, “employers” of Plaintiff, the FLSA Collective and the Rule 23 Class, engaged in interstate “commerce” and/or in the “production of goods” for “commerce”, within the meaning of the FLSA, 29 U.S.C. § 203, and the NJWHL. At all times relevant hereto, the activities of the Defendants jointly and separately constituted an “enterprise” within the meaning of Section 3(r) and (s) of the FLSA, 29 U.S.C. § 203 (r) and (s).

19. At all times relevant hereto, Defendants’ annual gross volume of sales made or business done is not less than \$500,000.00 within the meaning of 29 U.S.C. § 203(s)(A)(ii).

SUBSTANTIVE ALLEGATIONS

20. Defendants own, manage, and operate CMS Mid-Atlantic, Inc. – providing cemetery management and consulting services to the cemetery industry, throughout New Jersey and New York.

21. At all relevant times, Defendants employed Plaintiff, the FLSA Collective and the Rule 23 Class, as full-time Family Service Counselors. Their duties included selling pre-need and at-need burial options and related services in Defendants’ New York and New Jersey cemeteries.

22. Plaintiff and each member of the FLSA Collective and the Rule 23 Class were not exempt employees under the FLSA or the NJWHL.

23. Defendants assigned Plaintiff and each member of the FLSA Collective and the Rule 23 Class to work eight or nine hour shifts Monday through Friday from 9:00 AM until 5:00 or 6:00 PM, or later.

24. Defendants regularly assigned Plaintiff and the members of the FLSA Collective and the Rule 23 Class to work an eight-hour shift on Saturdays and a five-hour shift on Sundays as well.

25. Plaintiff and the members of the FLSA Collective and the Rule 23 Class also worked additional hours in the evenings after the end of their scheduled shifts, and/or on weekends, when they would meet with prospective customers.

26. Defendants and Defendants' management knew that Plaintiff, the FLSA Collective Plaintiffs, and the Class Members regularly worked past the end of their shifts without being paid for the extra time.

27. Plaintiff and the members of the FLSA Collective and the Rule 23 Class were told by their supervisors/managers to not record all hours worked.

28. On many occasions – when Plaintiff did record all his hours worked – Plaintiff's supervisor/manager falsified Plaintiff's time-sheets by reducing his hours worked, and, on some occasions, even forging Plaintiff's signature.

29. Due to their heavy workload, Plaintiff and the members of the FLSA Collective and the Rule 23 Class were unable to take any uninterrupted meal breaks during their workday.

30. Defendants paid Plaintiff and the members of the FLSA Collective and the Rule 23 Class Members biweekly commissions on sales that they generated.

31. In addition to commissions, Defendants paid Plaintiff a draw against commission in the amount of \$1,500.00 per week, which was intended to compensate Plaintiff for forty hours per week.

32. Throughout their employment with Defendants, Plaintiff and the members of the FLSA Collective and the Rule 23 Class regularly worked well over 40 hours per week.

33. Despite them working well over 40 hours per week, Defendants failed to pay Plaintiff and the members of the FLSA Collective and the Rule 23 Class overtime premiums of one and one-half (1-1/2) times their regular rate of pay for each hour that they worked in excess of 40 in a workweek.

34. Defendants knew of, and/or showed reckless disregard for, the practices by which Plaintiff and the members of the FLSA Collective and the Rule 23 Class were not paid overtime premiums for all hours worked in excess of forty hours in a week. Defendants knew that the nonpayment of overtime premiums would economically injure Plaintiff and the members of the FLSA Collective and the Rule 23 Class and that it violated the FLSA and the NJWHL.

35. In or about August 2014, on several occasions Plaintiff complained to his supervisor/manager, and then to both of the individual Defendants, about Defendants' illegal pay practices. Specifically, Plaintiff told Defendants that he cannot continue to work without pay on weekends.

36. In retaliation for his complaints, Defendants stopped giving and/or limited Plaintiff's opportunities to earn commissions and gave him worse job assignments.

37. When Plaintiff continued complaining to Defendants about their illegal pay practices, Defendants responded by terminating Plaintiff's employment.

38. Plaintiff and his family were devastated by his termination and Plaintiff became anxious and depressed.

39. Despite his efforts to find another job Plaintiff has been unable to find comparable employment and has been unemployed for over twenty three (23) months.

40. Plaintiff's career has been substantially damaged as a result of Defendants' illegal retaliation.

41. As a result of Defendants' actions, the injuries to Plaintiff have been continuous and oppressive and have been severely injurious to him. He has been embarrassed, humiliated, personally violated, suffered feelings of diminished self-esteem and depression, had his career path interrupted and has been hurt physically, emotionally and economically.

42. Defendants committed the foregoing acts knowingly, intentionally and willfully against the Plaintiff and other employees.

COLLECTIVE ACTION ALLEGATIONS

43. Plaintiff brings the First Cause of Action as a collective action pursuant to the FLSA, 29 U.S.C. § 216(b), on behalf of all similarly situated full-time, non-exempt Family Service Counselors who were employed by Defendants at any time beginning three years prior to the filing of the original Complaint in this case. All said persons, including Plaintiff, are referred to herein as the "FLSA Collective Plaintiffs."

44. At all relevant times, Plaintiff and the FLSA Collective Plaintiffs have had substantially similar job requirements, job duties, and pay provisions, and are and have been subject to Defendants' decisions, policies, plans, practices, procedures, routines, and rules to willfully fail to pay them lawful overtime compensation for all hours they worked beyond 40 hours per workweek.

45. At all relevant times, Defendants failed and refused to pay Plaintiff and other FLSA Collective Plaintiffs the legally required overtime premium for all hours worked in excess of forty (40) hours per workweek. The claims of Plaintiff are essentially the same as those of the other FLSA Collective Plaintiffs.

46. Other FLSA Collective Plaintiffs currently or formerly employed by Defendants should have the opportunity to have their claims for violations of the FLSA heard. Certifying this action as a collective action under the FLSA will provide the FLSA Collective Plaintiffs with notice of the action and allow them to opt in to such an action if they so choose.

47. The First Cause of Action is properly brought under, and maintained as an opt-in collective action pursuant to, §216(b) of the FLSA, 29 U.S.C. 216(b). The FLSA Collective Plaintiffs are readily ascertainable. For purpose of notice and other purposes related to this action, their names and contact information are readily available on records that Defendants are legally required to maintain.

RULE 23 CLASS ALLEGATIONS – NEW JERSEY WAGE & HOUR LAW

48. Plaintiff brings the Second Claim for Relief pursuant to the Fed. R. Civ. P. (“FRCP”) Rule 23, to recover unpaid wages and unpaid overtime pay on behalf of all individuals employed in the State of New Jersey by Defendants as full time, non-exempt factory workers at any time during the two (2) years prior to the filing of the original Complaint in this case as defined herein (the “Class Period”). All said persons, including Plaintiff, are referred to herein as the “Class Members” and/or the “Class”.

49. The number, names and addresses of the Class Members are readily ascertainable from the records of Defendants. The dates of employment and the rates of pay for each Class

Member, the hours assigned and worked, and the wages paid to them, are also determinable from Defendants' records. Notice can be provided by means permissible under FRCP Rule 23.

50. The proposed Class is so numerous that joinder of all Class Members is impracticable, and the disposition of their claims as a Class will benefit the parties and the Court. While the precise number of such persons are unknown to Plaintiff and is presently within the sole control of Defendant, Plaintiff believes that through discovery they will obtain evidence to establish that there are well over forty (40) members of the Class.

51. Plaintiff's claims are typical of the claims of the Class Members, and the relief sought is typical of the relief which would be sought by each Class Member in separate actions. All the Class Members were subject to the same corporate practices of Defendants, in that they were not compensated for all hours worked in excess of forty (40) in a workweek at the rate of one and one-half times their regular hourly rate as required by N.J.S.A. 34:11-56a4 and N.J.A.C. 12:56-6. Defendants' corporate-wide policies and practices affected all Class Members similarly, and Defendants benefited from the same type of unfair and/or wrongful acts as to each Class Member.

52. As fellow employees of Defendants, Plaintiff and the other Class Members sustained similar losses, injuries, and damages arising from the same unlawful policies, practices and procedures resulting from, Defendants' failure to compensate Plaintiff and the members of the Class as required by law.

53. Plaintiff is able to fairly and adequately protect the interests of the Class and have no interests antagonistic to the Class. Plaintiff has retained Harrison, Harrison & Associates, competent and experienced wage and hour litigators.

54. A class action is superior to other available methods for the fair and efficient adjudication of the controversy – particularly in the context of wage and hour litigation where individual class members lack the financial resources to vigorously prosecute a lawsuit against corporate defendants. Class action treatment will permit a large number of similarly situated persons to prosecute their common claims in a single forum simultaneously, efficiently, and without the unnecessary duplication of efforts and expense that numerous individual actions engender. Because the losses, injuries, and damages suffered by each of the individual Class Members are relatively small in the sense pertinent to a class action analysis, the expenses and burden of individual litigation would make it extremely difficult or impossible for the individual Class Members to redress the wrongs done to them. On the other hand, important public interests will be served by addressing the matter as a class action. The adjudication of individual claims would result in a great expenditure of Court and public resources; however, treating the claims as a class action will result in a significant saving of these costs. The prosecution of separate actions by individual members of the Class would create a risk of inconsistent and/or varying adjudications with respect to the individual members of the Class, establishing incompatible standards of conduct for Defendants and resulting in the impairment of Class Members' rights and the possible disposition of their interests through actions to which they were not parties. The predominant issues in this action can be decided by means of common, class-wide proof. In addition, if appropriate, the Court can, and is empowered to, fashion methods to efficiently manage this action as a class action.

55. Upon information and belief, employees are often afraid to individually assert their rights out of fear of direct or indirect retaliation and former employees are fearful of bringing individual claims because the fear that doing so could harm their employment, future

employment, and future efforts to secure employment. A class action provides Class Members who are not named in the Complaint a degree of anonymity which allows for the vindication of their rights while eliminating or reducing these risks.

56. The questions of law and fact common to the Class predominate over any questions affecting only individual Class Members, including, whether Defendants failed to pay the Plaintiff and the Class Members at the rate of one and one-half times their regular hourly rates of pay for all hours worked in excess of forty (40) in a workweek, as requested by the NJWHL and implementing regulations.

57. Absent a class action, many of the Class Members likely will not obtain redress of their injuries and Defendants will retain the proceeds of their violations of the NJWHL.

FIRST CLAIM FOR RELIEF
(Failure to Pay Overtime Wages – FLSA, Brought by Plaintiff on Behalf of Himself and the FLSA Collective Plaintiffs)

58. Plaintiff realleges and incorporates by reference all preceding paragraphs as if they were set forth herein.

59. Plaintiff consents in writing to be a party to this action pursuant to 29 U.S.C. §216(b). Plaintiff's written consent is attached hereto as Exhibit A.

60. During the FLSA Collective Period, Plaintiff and others similarly situated were "employees" of Defendants within the meaning of the FLSA, 29 U.S.C. §203(e) and (g).

61. At all times relevant hereto, Plaintiff and the FLSA Collective Plaintiffs regularly worked in excess of forty (40) hours per workweek.

62. Defendants failed to pay Plaintiff and the FLSA Collective lawful overtime compensation for all of the hours worked in excess of forty (40) hours in each workweek.

63. Plaintiff and the FLSA Collective seek damages in the amount of their respective unpaid overtime wages, liquidated damages as provided by the FLSA for overtime violations, attorneys' fees and costs, and such other legal and equitable relief as this Court deems just and proper.

64. Because Defendants' violations of the FLSA have been willful, and because Defendants failed to post the notices required by the FLSA, the three-year statute of limitations pursuant to 29 U.S.C. § 255 should be equitably tolled.

SECOND CLAIM FOR RELIEF
(Failure to Pay Overtime Wages – NJWHL, Brought by Plaintiff on Behalf of Himself and the Class)

65. Plaintiff realleges and incorporates by reference all allegations in all preceding paragraphs as if they were set forth herein.

66. Defendants failed to pay Plaintiff the proper overtime rate for all hours worked in excess of forty (40) hours per week pursuant to N.J.S.A. § 34:11-56(a) *et seq.*

67. Defendants willfully violated and continue to willfully violate NJ Law by failing to post notices of employees' rights to receive the proper overtime compensation. N.J.S.A. § 34:11-56(a)(21).

68. As a direct consequence of Defendants' violations of the New Jersey Law, Plaintiff and the members of the Rule 23 Class suffered and continue to suffer substantial injury.

69. Plaintiff and the members of the Rule 23 Class seek damages in the amount of their respective unpaid overtime wages, attorneys' fees and costs, and such other legal and equitable relief as this Court deems just and proper.

THIRD CLAIM FOR RELIEF
(Unlawful Retaliation – FLSA, brought by Plaintiff individually)

70. Plaintiff realleges and incorporates by reference all allegations in all preceding paragraphs as if they were set forth herein.

71. In violation of the FLSA, in response to Plaintiff's complaints about not being paid for all hours worked and/or for hours worked on weekends, Defendants reduced Plaintiff's pay by limiting and/or eliminating his opportunity to earn commissions, gave him worse job assignments, and unlawfully terminated his employment.

72. Defendants' actions were retaliation against Plaintiff for complaining to Defendants and Defendants' management about Defendants' illegal pay practices and/or FLSA violations.

73. Defendants knew that their actions constituted unlawful retaliation and/or showed reckless disregard for Plaintiff's statutorily protected rights.

74. As a consequence of Defendants' retaliatory actions, Plaintiff has suffered, is now suffering and will continue to suffer harm, including but not limited to lost earnings, financial loss, emotional distress, and other non-economic damages.

75. Plaintiff is entitled to all remedies available for violations of the FLSA, including lost compensation, compensatory damages, attorneys' fees and costs, and other appropriate relief.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, on behalf of himself and the FLSA Collective Plaintiffs and members of the Class, pray for relief as follows:

- (a) A declaratory judgment that the practices complained of herein are unlawful under the FLSA and the NJWHL;

- (b) Designation of this action as a collective action on behalf of the FLSA Collective Plaintiffs and prompt issuance of notice pursuant to 29 U.S.C. § 216(b) to all similarly situated members of the FLSA opt-in class, apprising them of the pendency of this action, and permitting them to assert timely FLSA claims in this action by filing individual Consent to Sue forms pursuant to 29 U.S.C. § 216(b);
- (c) Certification of this action as a class action;
- (d) Designation of the Named Plaintiff as Representatives of the FLSA Collective Action Members and as the class representatives of the Class;
- (e) An award of unpaid overtime compensation, according to proof, including FLSA liquidated damages, to be paid by Defendants;
- (f) An award of all damages available under the FLSA resulting from Defendants' retaliation including lost compensation, back pay, front pay, and compensatory;
- (g) An award of damages to Plaintiff for violations of the NJWHL;
- (h) An award of costs of action incurred herein, including expert fees;
- (i) Attorneys' fees, including fees pursuant to 29 U.S.C. § 216 and the NJWHL;
- (j) Pre-Judgment and post-judgment interest, as provided by law; and
- (k) Such other and further legal and equitable relief as this Court deems necessary, just, and proper.

JURY DEMAND

Plaintiff, on behalf of themselves, the FLSA Collective Plaintiffs, and members of the Class, demand a trial by jury on all causes of action and claims with respect to which they have a right to a jury trial.

Dated: December 16, 2016

Respectfully submitted,

HARRISON, HARRISON & ASSOCIATES

/s/ *David Harrison*

David Harrison, Esq.

110 State Highway 35, Suite #10

Red Bank, NJ 07701

(718) 799-9111 Phone

(718) 799-9171 Fax

nycotlaw@gmail.com

*Attorney for Plaintiff, the Proposed Class, and Collective
Action Members*

Exhibit A

I am a current or former employee of CMS Mid Atlantic and/or related entities/individuals. I hereby consent and agree to be a party Plaintiff in this Action to seek redress for violations of the Fair Labor Standards Act, pursuant to 29 U.S.C. 216(b).

I hereby designate Harrison, Harrison & Associates, Ltd. to represent me in this Action and I also consent and agree, if such is necessary, to file this claim on behalf of all others similarly situated.

Signed this 15th day of December, 2016.

Michael J. Galanti
Signature

MICHAEL J. GALANTI
Full Legal Name (print)

JS 44 (Rev. 07/16)

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 GALANTI, on behalf of himself and all others similarly situated,

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

(c) Attorneys (Firm Name, Address, Email and Telephone Number)
 Harrison, Harrison & Associates, Ltd.
 110 State Highway 35, Suite #10
 Red Bank, New Jersey 07701

DEFENDANTS
CMS MID-ATLANTIC, INC., BERNARD STOECKLEIN, and LOUIS SHOOK,

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"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input checked="" type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RST (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <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):
 FLSA

Brief description of cause:
 Failure to pay overtime and unlawful retaliation

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: 12/16/2016

SIGNATURE OF ATTORNEY OF RECORD: 

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the
District of New Jersey

MICHAEL GALANTI, on behalf of himself and all
others similarly situated,

Plaintiff

v.

CMS MID-ATLANTIC, INC., BERNARD
STOECKLEIN, and LOUIS SHOOK,

Defendant

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) CMS MID-ATLANTIC, INC. Bernard Stoecklein and Louis Shook
235 Alpha Drive, Suite #300 1621 Stuyvesant Avenue
Pittsburgh, PA 15238 Union, New Jersey 07083

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:

Harrison, Harrison & Associates, Ltd.
David Harrison, Esq.
110 State Highway 35, Suite #10
Red Bank, New Jersey 07701

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

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Unpaid Overtime Suit Filed Against CMS Mid-Atlantic](#)
