

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

ALLISON GRITTANI on her own
behalf and all similarly situated
individuals,

Plaintiff,

v.

Case No.:

DRIFTWOOD BAY CONCEPTS INC.
d/b/a SEA HAGS BAR AND GRILL, a
Florida profit corporation, and DAVID MIZE,
individually,

Defendants.

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, ALLISON GRITTANI (“Plaintiff”), on behalf of herself and other employees and former employees similarly situated, by and through undersigned counsel, files this Complaint against Defendants, DRIFTWOOD BAY CONCEPTS INC. d/b/a SEA HAGS BAR AND GRILL (“Sea Hags”) and DAVID MIZE (“Mize”), individually, (together, the “Defendants”) and states as follows:

NATURE OF THE ACTION

1. Plaintiff alleges on behalf of herself and other similarly situated current and former “Server” employees of the Defendants, who elect to opt into this action, pursuant to the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 216(b), that they are: (i) entitled to minimum wages from Defendants for work they performed, for which Defendants failed to compensate them at a rate of at least minimum wage; (ii) entitled to liquidated damages pursuant to the FLSA, 29 U.S.C. § 201 et seq; (iii) declaratory relief pursuant to 28 U.S.C. § 2201; and (iv) entitled to attorneys’ fees and

costs.

2. Plaintiff further complains on behalf of herself, and a class of other similarly situated current and former “Server” employees of the Defendants, pursuant to Federal Rule of Civil Procedure 23, that they are entitled to back wages from Defendants for hours of work for which they did not receive at least the Florida minimum wage for all hours worked, in violation of Article X, Section 24 of the Florida Constitution (“Florida Minimum Wage Claims”).

JURISDICTION

3. Jurisdiction in this Court is proper as the claims are brought pursuant to the Fair Labor Standards Act, as amended (29 U.S.C. § 201, et seq., hereinafter, referred to as the “FLSA”) to recover unpaid minimum wages, an additional equal amount as liquidated damages, obtain declaratory relief, and reasonable attorney’s fees and costs.

4. The jurisdiction of the Court over this controversy is based upon 29 U.S.C. § 216(b).

5. This Court has the authority to grant declaratory relief pursuant to the FLSA and the Federal Declaratory Judgment Act (“DJA”), 28 U.S.C. §§ 2201-02.

6. This Court has jurisdiction over the Florida Minimum Wage Claims pursuant to 28 U.S.C. § 1367, because the acts and omissions that give rise to Plaintiff’s FLSA claims are the same acts and omissions that give rise to Plaintiff’s Florida Minimum Wage Claims. Additionally, all conditions precedent has been satisfied, as Plaintiff has previously tendered demand for payment to Defendants.

7. Venue is proper in this Court because Plaintiff resides within the District, Defendants maintain business operations within the District, and Plaintiff’s claims accrued in this District.

PARTIES

8. At all times material hereto, Plaintiff was, and continues to be a resident of Pinellas County, Florida.

9. At all times material hereto, SEA HAGS was a Florida Profit Corporation. Further, at all times material hereto, SEA HAGS was engaged in business in Florida, with a principle place of business in Pinellas County, Florida.

10. At all times material hereto, MIZE was, and continues to be a resident of Pinellas County, Florida.

11. At all times material hereto, Plaintiff was “engaged in commerce” within the meaning of § 6 and § 7 of the FLSA. Specifically, throughout her employment, Plaintiff regularly processed credit card transactions with credit card companies, banks and third-party service providers that were located outside the State of Florida.

12. At all times material hereto, MIZE owned and operated SEA HAGS.

13. At all times material hereto, MIZE regularly held and/or exercised the authority to hire and fire employees of SEA HAGS.

14. At all times material hereto, MIZE regularly held and/or exercised the authority to determine the work schedules for the employees of SEA HAGS.

15. At all times material hereto, MIZE regularly held and/or exercised the authority control the finances and operations of SEA HAGS.

16. By virtue of having held and/or exercised the authority to: (a) hire and fire employees of SEA HAGS; (b) determine the work schedules for the employees of SEA HAGS; and (c) control the finances and operations of SEA HAGS, MIZE is an employer as defined by 29 U.S.C § 201 et. seq.

COVERAGE

17. At all times material hereto, Plaintiff was an “employee” of Defendants within the meaning of FLSA.

18. At all times material hereto, Defendants were the “employers” within the meaning of the FLSA.

19. Defendants were, and continue to be, “employers” within the meaning of the FLSA.

20. At all times material hereto, Defendants were, and continue to be, an “enterprise engaged in commerce” within the meaning of FLSA, by virtue of their regular purchase and receipt of items from out of state, including food, drinks, alcoholic beverages, cash registers, phones, dishes, pots, stoves and other materials and tools that are necessary and integral to their business.

21. At all times material hereto, Defendants were, and continue to be, enterprises engaged in the “production of goods for commerce” within the meaning of the FLSA.

22. Based upon information and belief, the annual gross revenue of Defendants was in excess of \$500,000.00 per annum during the relevant time periods.

23. At all times material hereto, Defendants had two (2) or more employees handling, selling, or otherwise working on goods or materials that had been moved in or produced for commerce, such as food, drinks, beverages, cash registers, pots, pans, dishwashing equipment, telephones and other kitchen, food preparation and office materials and tools.

24. At all times material hereto, Plaintiff was “engaged in commerce” by virtue of the fact that she regularly completed financial transactions with Defendants’ customers’ credit card companies, banks, and third-party payment processing services outside the State of Florida,

as part of her duties as a Server.

25. At all times material hereto, the work performed by the Plaintiff was directly essential to the business performed by Defendants.

26. At all times material hereto, Defendants performed related activities, for a common business purpose, and with shared employees and operational control.

27. At all times material hereto, SEA HAGS was owned and operated by MIZE.

28. At all times material hereto, SEA HAGS operated for a common business service, to serve food and beverages to the general public in a sit-down restaurant setting.

29. At all times material hereto, MIZE exercised sufficient control and authority over Plaintiff such that he was also acting as her employer pursuant to the FLSA.

STATEMENT OF FACTS

30. On or about November 13, 2010, Defendants hired Plaintiff to work as a non-exempt "Server."

31. From at least July, 2013 and continuing through October, 2017, Defendants failed to pay Plaintiff at least the applicable minimum wage for all weeks or hours worked.

32. Defendants have violated Title 29 U.S.C. §§ 206 and Article X, Section 24 of the Florida Constitution from July, 2013 and continuing to date, in that:

- a. No payments, or insufficient payments and/or provisions for payment, have been made by Defendants to properly compensate Plaintiff and those similarly situated to Plaintiff at a rate equal to the applicable to the Federal or Florida Minimum Wage, for all weeks worked, as required by Article X, Section 24 of the Florida Constitution; and
- b. Defendants have failed to maintain proper time records as mandated by the

FLSA.

33. Plaintiff has retained the law firm of MORGAN & MORGAN, P.A. to represent Plaintiff in the litigation and has agreed to pay the firm a reasonable fee for its services.

COLLECTIVE ACTION ALLEGATIONS

34. Plaintiff and the class members were all “Servers” and performed the same or similar job duties as one another in that they served Defendants patrons food and beverages.

35. Plaintiff and the class members were subjected to the same pay provisions in that they were not paid an hourly minimum wage by Defendants.

36. This policy or practice was applicable to Plaintiff and the class members.

37. Application of this policy or practice does/did not depend on the personal circumstances of Plaintiff or those joining this lawsuit. Rather, the same policy or practice which resulted in the non-payment of minimum wages and overtime to Plaintiff applied and continues to apply to all class members. Accordingly, the class members are properly defined as:

All “Servers” who worked for Defendants within the last three years who were not compensated at the required minimum wage due under the FLSA.

38. Defendants knowingly, willfully, or with reckless disregard carried out its illegal pattern or practice of failing to pay minimum wages with respect to Plaintiff and the class members.

39. Defendants did not act in good faith or reliance upon any of the following in formulating its pay practices: (a) case law, (b) the FLSA, 29 U.S.C. § 201, *et seq.*, (c) Department of Labor Wage & Hour Opinion Letters or (d) the Code of Federal Regulations.

40. Defendants have acted willfully in failing to pay Plaintiff and the class members

in accordance with the law.

41. Defendants have failed to maintain accurate records of Plaintiff's and the class members' work hours in accordance with the law.

CLASS ALLEGATIONS

42. Plaintiff sues on her own behalf and on behalf of a class of persons under Rules 23(a), (b)(2) and (b)(3) of the Federal Rules of Civil Procedure.

43. Plaintiff brings her Florida Minimum Wage Claims on behalf of all persons who were employed by Defendants at any time since July, 2013, to the entry of judgment in this case (the "Class Period"), who were "Server" employees and who have not been paid at least the applicable Florida Minimum Wage for hours worked, as required, in violation of Article X, Section 24 of the Florida Constitution (the "Class").

44. The persons in the Class identified above are so numerous that joinder of all members is impracticable. Although the precise number of such persons is unknown, and the facts on which the calculation of that number are presently within the sole control of the Defendants, upon information and belief, there are between 50 and 100 members of the Class during the Class Period.

45. The claims of Plaintiff are typical of the claims of the Class, and a class action is superior to other available methods of fair and efficient adjudication of the controversy - - particularly in the context of wage and hour litigation where individual plaintiffs lack the financial resources to vigorously prosecute a lawsuit in federal court against corporate defendants.

46. The Defendants have acted or refused to act on grounds generally applicable to the class, thereby making appropriate final injunctive relief or corresponding declaratory relief

with respect to the class as a whole.

47. Specifically, Plaintiff and the class members were subjected to the same pay provisions in that they were not paid an hourly minimum wage by Defendants.

48. Application of this policy or practice does/did not depend on the personal circumstances of Plaintiff or those joining this lawsuit. Rather, the same policy or practice which resulted in the non-payment of minimum wages to Plaintiff applied and continues to apply to all class members. Accordingly, the class members are properly defined as:

All “Servers” who worked for Defendants within the last five (5) years who were not paid at least the Florida Minimum Wage for all hours worked in one or more workweeks.

49. Plaintiff is committed to pursuing this action and has retained competent counsel experienced in employment law and class action litigation.

50. Plaintiff has the same interests in this matter as all other members of the class and Plaintiff’s claims are typical of the Class.

51. There are questions of law and fact common to the Class which predominate over any questions solely affecting the individual members of the Class, including but not limited to:

- a. whether the Defendants employed the members of the Class within the meaning of Article X, Section 24 of the Florida Constitution;
- b. whether the Defendants failed to keep true and accurate time records for all hours worked by Plaintiff and members of the Class;
- c. what proof of hours worked is sufficient where employers fail in their duty to maintain time records;
- d. whether Defendants failed and/or refused to pay the members of the Class at least the Florida Minimum Wage for certain hours worked each week;

- e. whether the Defendants are liable for all damages claimed hereunder, including but not limited to, costs, disbursements and attorney's fees; and
- f. whether the Defendants should be enjoined from such violations of Article X, Section 24 of the Florida Constitution in the future.

COUNT I
RECOVERY OF MINIMUM WAGES (FLSA)

52. Plaintiff realleges and reavers paragraphs 1 through 51 of the Complaint as if fully set forth herein.

53. Plaintiff was entitled to be paid the applicable federal minimum wage for each week Plaintiff worked during Plaintiff's employment with Defendants.

54. Defendants failed to pay Plaintiff the federal minimum wage for each week Plaintiff worked for Defendants.

55. As a result of Defendants' actions in this regard, Plaintiff has not been paid the federal minimum wage for each hour worked during one or more weeks of employment with Defendants.

56. Defendants willfully failed to pay Plaintiff the federal minimum wage for one or more weeks of work contrary to 29 U.S.C. § 206.

57. As a direct and proximate result of Defendants' deliberate underpayment of wages, Plaintiff has been damaged in the loss of minimum wages for one or more weeks of work with Defendants.

COUNT II
RECOVERY OF UNPAID WAGES (STATE LAW)

58. Plaintiff, on behalf of herself and all others similarly situated, realleges and incorporates by reference the allegations contained in paragraphs 1 through 51 above as if fully

set forth herein.

59. Plaintiff, and those similarly situated employees, are/were entitled to be paid at least the Florida minimum wage for each hour/week worked during employment with Defendants.

60. Specifically, Plaintiff, and those similarly situated employees, were not paid the proper minimum wage, as required by Article X, Section 24 of the Florida Constitution.

61. Defendants willfully failed to pay Plaintiff, and those similarly situated employees, minimum wages for one or more weeks during Plaintiff's employment contrary to Article X, Section 24 of the Florida Constitution.

62. Although such prerequisites are unconstitutional, Plaintiff has complied with all statutory prerequisites to bringing her claim pursuant to Article X, Section 24 of the Florida Constitution.

63. Specifically, on May 4, 2018, Plaintiff served Defendants with a Notice pursuant to Fla. Stats. § 448.110, on behalf of herself, and those Servers similarly situated to Plaintiff. A copy of Plaintiff's Notice Letter is attached hereto as EXHIBIT "A."

64. More than 15 days have elapsed since Plaintiff's service of her Notice on Defendants, and Defendants have failed to make payment to Plaintiff.

65. As a direct and proximate result of Defendants' deliberate underpayment of wages, Plaintiff, and those similarly situated employees, have been damaged in the loss of minimum wages for one or more weeks of work with Defendants.

66. Plaintiff is entitled to an award of damages in an amount equal to the relevant Florida Minimum Wage, and an equal amount as liquidated damages.

67. Plaintiff is entitled to an award of reasonable attorneys' fees and costs, pursuant to

Article X, Section 24 of the Florida Constitution.

68. Plaintiff demands a trial by jury.

WHEREFORE, Plaintiff respectfully requests that judgment be entered in her favor against Defendants:

- a. Certification of this action as a class action pursuant to Fed. R. Civ. P. 23(b)(2) and (3) on behalf of the members of the Class and appointing Plaintiff and her counsel to represent the Class;
- b. Designation of this action as a collective action on behalf of the Collective Action Members and prompt issuance of notice pursuant to 29 U.S.C. § 216(b) to all similarly situated members of an FLSA Opt-In Class, appraising them of the pendency of this action, permitting them to assert timely FLSA claims in this action by filing individual Consents to Sue pursuant to 29 U.S.C. §216(b) and appointing Plaintiff and her counsel to represent the Collective Action members;
- c. Declaring, pursuant to 29 U.S.C. §§ 2201 and 2202, that the acts and practices complained of herein are in violation of the minimum wage provisions of the FLSA;
- d. Awarding Plaintiff minimum wages in the amount due to her for Plaintiff's time worked in each work week;
- e. Awarding Plaintiff liquidated damages in an amount equal to the minimum wages award;
- f. Awarding Plaintiff reasonable attorney's fees and costs and expenses of the litigation pursuant to 29 U.S.C. § 216(b) and/or Article X, Section 24 of the

Florida Constitution;

- g. Awarding Plaintiff judgment for Plaintiff and against Defendants for violation of 29 U.S.C. § 215(a)(3); as well as back pay, an equal amount in liquidated damages, front pay, compensatory damages, punitive damages, reasonable costs and attorneys' fees and all other equitable relief this Court deems just;
- h. Awarding Plaintiff pre-judgment interest;
- i. Granting Plaintiff an Order, on an expedited basis, allowing her to send Notice of this action, pursuant to § 216(b) and/or Fed.R.Civ.P. 23, to those similarly situated to Plaintiff; and
- j. Ordering any other further relief the Court deems just and proper.

JURY DEMAND

Plaintiff demands trial by jury on all issues so triable as a matter of right by jury.

DATED this 13th day of July, 2018.

/s/ Marc R. Edelman

MARC R. EDELMAN, ESQ.

Florida Bar No.: 0096342

201 N. Franklin Street, Suite 700

Tampa, Florida 33602

Telephone: 813.223.5502

Facsimile: 813.223.5402

E-mail: MEdelman@forthepeople.com

Attorney for Plaintiffs

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

ALLISON GRITTANI, on her own behalf and all similarly situated individuals,

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

(c) Attorneys (Firm Name, Address, and Telephone Number)
Marc R. Edelman, Esq. 201 N. Franklin Street, Suite 700
Morgan & Morgan, P.A. Tampa, Florida 33602
813-223-5505

DEFENDANTS

DRIFTWOOD BAY CONCEPTS INC., d/b/a SEA HAGS BAR AND GRILL, a Florida profit corporation, and DAVID MIZE, individually,

County of Residence of First Listed Defendant Pinellas County
(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)

Click here for: [Nature of Suit Code Descriptions.](#)

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 Torts 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	PERSONAL INJURY - Product Liability <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"/> 835 Patent - Abbreviated New Drug Application <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 RSI (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	CIVIL RIGHTS	PRISONER PETITIONS			
<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	<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	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):

Fair Labor Standards Act
Brief description of cause:
Recovery of Unpaid 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 07/13/2018 SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

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

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. 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: [Former Sea Hags Bar and Grill Server Files Suit Over Allegedly Unpaid Wages](#)
