

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

DANIEL HAWES, on behalf of
himself and other similarly
situated employees,

Plaintiff,

-vs-

Case No:

ARTHUR LAWRENCE US, LLC, a
Texas Limited Liability Company,

JURY TRIAL DEMANDED

Defendants.

_____ /

**COLLECTIVE ACTION COMPLAINT
AND DEMAND FOR JURY TRIAL**

Plaintiff, DANIEL HAWES (“Plaintiff”), on behalf of himself and other “Anti-Money Laundering Analyst” or “AML/BSA Analyst” (collectively “AML”) employees and former employees similarly situated, hereby files this Complaint against Defendant, ARTHUR LAWRENCE US, LLC and states as follows:

NATURE OF THE ACTION

1. Plaintiff alleges, on behalf of himself and other similarly situated current and former “AML” employees of Defendant 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 unpaid wages from Defendant for overtime work for which they did not receive overtime premium pay, as required by law, (ii) entitled to liquidated damages pursuant to the FLSA, 29 U.S.C. §§201 *et seq*; (iii) entitled to reasonable attorneys’ fees and costs pursuant to the FLSA; and (iv) entitled declaratory relief

pursuant to 28 U.S.C. §2201.

JURISDICTION AND VENUE

2. 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 called the “FLSA”) to recover unpaid back overtime wages, an additional equal amount as liquidated damages, obtain declaratory relief, and reasonable attorney’s fees and costs.

3. The jurisdiction of the Court over this controversy is based upon 29 U.S.C. §201, *et seq.* (the “FLSA”).

4. 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.

5. Venue lies within the District of Delaware pursuant to 28 U.S.C. § 1391.

PARTIES

6. Plaintiff worked for Defendant in Newark, Delaware as an AML worker.

7. At all times material hereto (during the last three years), Plaintiff was a non-exempt AML employee and performed related activities for Defendant in Newark, Delaware.

8. At all times material hereto ARTHUR LAWRENCE US, LLC is a Texas Limited Liability Company doing business and employing workers in Newark, Delaware.

9. Defendant is a management and technology consultant providing enterprise-wide business transformation, business process outsourcing and business applications implementation services.

10. Defendant provided these services to JPMorgan Chase in Newark, Delaware, where Defendant employed Plaintiff to perform the physical work.

11. At all times, Plaintiff performed the work for Defendant at the JPMorgan Chase physical address in Newark, Delaware.

12. Virtually all of the events, acts and omissions that give rise to this lawsuit occurred within the state of Delaware.

13. At all times relevant hereto, Defendant recruited non-exempt AML employees, like Plaintiff and those similarly situated to Plaintiff, to work for JPMorgan Chase performing AML duties for JPMorgan Chase.

COVERAGE

14. At all times material hereto Plaintiff was employed by Defendant within the meaning of FLSA.

15. Plaintiff was hired by Defendant to perform duties as an AML employee for JPMorgan Chase in Newark, Delaware at JPMorgan Chase's offices.

16. Throughout their employment, Plaintiff and those similarly situated AML's performed work on behalf of Defendant and was paid directly by Defendant.

17. At all times material hereto, Defendant determined the nature and amount of Plaintiff's and those similarly situated AMLs' pay.

18. At all times material hereto, Defendant was the employer of Plaintiff

and those similarly situated AML's within the meaning of the FLSA.

19. Defendant was, and continues to be, an "employer" within the meaning of the FLSA.

20. At all times material hereto, Defendant was, and continues to be, "an enterprise engaged in commerce" within the meaning of the FLSA.

21. At all times material hereto, Defendant was, and continues to be, an enterprise engaged in the "production of goods for commerce" within the meaning of the FLSA.

22. At all times material hereto, Defendant was, and continues to be, an enterprise engaged in the "production of good for commerce" within the meaning of the FLSA.

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

24. At all times material hereto, Defendant simultaneously operated in two (2) or more states.

25. At all times material hereto, Defendant had two (2) or more employees handling, selling, or otherwise working on goods or materials that had been moved in or produced for commerce, including office equipment, computers, telephones and other tools and materials necessary for the work they performed.

26. At all times hereto, Plaintiff and those similarly situated were "engaged in commerce" and subject to individual coverage of the FLSA, because they handled interstate telephone calls and computer transactions on a regular and

frequent basis as part of their job duties while employed by Defendant.

27. At all times hereto, Plaintiff and those similarly situated were engaged in the “production of goods for commerce” and subject to the individual coverage of the FLSA.

STATEMENT OF FACTS

28. Plaintiff and those similarly situated are/were AML employees who were hired by Defendant and performed AML duties for JPMorgan Chase.

29. Plaintiff was recruited to work as an AML by Defendant.

30. Defendant recruited AML’s to perform work solely for JPMorgan Chase at JPMorgan Chase’s offices.

31. Plaintiff worked in this capacity from approximately November 2013 to April 2014.

32. Plaintiff was paid an hourly rate of pay for his work performed.

33. Plaintiff was paid as an employee.

34. Plaintiff’s paychecks included applicable tax withholdings.

35. Plaintiff was paid based on how many hours he worked.

36. Plaintiff was required to track his work hours on a daily basis.

37. Plaintiff was not paid any salary.

38. Plaintiff’s pay was determined by multiplying his hours worked by his regular hourly rate.

39. Plaintiff’s pay stub indicated an hourly pay rate on it.

40. Plaintiff was responsible for monitoring transactions and other

information to spot suspicious or fraudulent activity.

41. Plaintiff worked at JPMorgan Chase's offices in Newark, Delaware throughout his employment with Defendant.

42. JPMorgan Chase provided Plaintiff and other similarly situated AML's the tools and equipment in order to perform work (i.e. computers, telephones, etc.).

43. JPMorgan Chase trained Plaintiff and other similarly situated AML's.

44. JPMorgan Chase monitored and critiqued the work of Plaintiff and other similarly situated AML's.

45. JPMorgan Chase informed Plaintiff and other similarly situated AML's if they were not performing their job duties according to JPMorgan Chase's standards.

46. Plaintiff and other similarly situated AML's performed similarly, if not identical, job duties as AML's who worked directly for JPMorgan Chase or other staffing companies.

47. Plaintiff and other similarly situated AML's were supervised by JPMorgan Chase employees.

48. Plaintiff and those similarly situated AML's routinely worked in excess of forty (40) hours per week as part of their regular job duties.

49. Despite working more than forty (40) hours per week, Defendant failed to pay Plaintiff and those similarly situated AML's overtime compensation at a rate of time and a half their regular rate of pay for the hours they worked over forty in each workweek.

50. Despite their recognition that Plaintiff and those similarly situated are non-exempt under the FLSA (and entitled to overtime premium pay), Defendant failed to pay Plaintiff and those similarly situated proper overtime premium compensation for all overtime hours worked each week.

51. Defendant had numerous other individuals employed as AML's who performed the same or similar job duties under the same pay provisions as Plaintiff and the class member's companywide.

52. Defendant has violated Title 29 U.S.C. §207 in that:

- a. Plaintiff and those similarly situated worked in excess of forty (40) hours per week for the period of employment with Defendant; and
- b. No payments or insufficient payments, and provisions for payment, have been made by Defendant to properly compensate Plaintiff and those similarly situated at the statutory rate of one and one-half times their regular rate for those hours worked in excess of forty (40) hours per work week as provided by the FLSA.

53. Plaintiff and those similarly situated have retained the law firms of Morgan & Morgan, P.A. and Tybout, Redfearn & Pell to represent them in the litigation and have agreed to pay the firm a reasonable fee for its services if they prevail.

COLLECTIVE ACTION ALLEGATIONS

54. Plaintiff and the class members were all AML employees and performed the same or similar job duties as one another in that they provided AML

duties to Defendant's customers, such as JPMorgan Chase.

55. Plaintiff and the class members were all hired by Defendant to perform work as AML's on behalf of JPMorgan Chase at JPMorgan Chase's.

56. Plaintiff and the class members were all actually paid by the hour.

57. Plaintiff and the class members worked similar hours and usually worked more than forty (40) hours per week.

58. There is no question that Plaintiff and the class members were entitled to overtime compensation if they worked more than forty (40) hours per week.

59. Plaintiff and the class members were subjected to the same pay provisions, inasmuch as they were not compensated at time-and-one-half for all hours worked in excess of forty (40) hours in a workweek. Thus, the class members are owed overtime wages for the same reasons as Plaintiff.

60. Defendant's failure to compensate employees for all hours worked in excess of forty (40) hours in a workweek as required by the FLSA results from a policy or practice of failure to assure that AMLs were paid for overtime hours worked based on their uniform pay policy, applicable to all putative class members herein.

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

62. 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 overtime to Plaintiff applies

to all class members. Accordingly, the class members are properly defined as:

All Anti-Money Laundering or “AML/BSA Analyst” employees who worked for Defendant within the last three (3) years who were not compensated at time-and-one-half for all hours worked in excess of forty (40) hours in one or more workweeks.

63. Defendant knowingly, willfully, or with reckless disregard carried out its illegal pattern or practice of failing to pay overtime compensation with respect to Plaintiff and the class members.

64. Defendant knew that Plaintiff and those similarly situated were non-exempt employees and thus, that it was required to pay Plaintiff and those similarly situated overtime pay for all overtime hours they worked each workweek, yet Defendant failed to do so.

65. Defendant 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.

66. Defendant did not have any good faith basis for its decision to not pay complete overtime compensation to Plaintiff and other similarly situated AMLs.

67. During the relevant period, Defendant violated § 7(a)(1) and § 15(a)(2), by employing employees in an enterprise engaged in commerce or in the production of goods for commerce within the meaning of the FLSA as aforesaid, for one or more workweeks without compensating such employees for their work at a rate of at least the time-and-one-half for all hours worked in excess of forty (40) hours in a work week.

68. Defendant has acted willfully in failing to pay Plaintiff and the class members in accordance with the law.

COUNT I
VIOLATION OF 29 U.S.C. §207 OVERTIME COMPENSATION

69. Plaintiff re-alleges and re-avers paragraphs 1 through 68 of the Complaint as if fully set forth herein.

70. During his employment with Defendant, Plaintiff routinely worked in excess of forty (40) hours per week for which Plaintiff was not compensated at the statutory rate of one and one-half times Plaintiff's regular rate of pay.

71. Plaintiff and the class members are entitled to be paid at the statutory rate of one and one-half times their regular rate of pay for those hours worked in excess of forty (40) hours.

72. Defendant's actions in this regard were willful and/or showed reckless disregard for the provisions of the FLSA as evidenced by its continued failure to compensate Plaintiff and the class members at the statutory rate of one and one-half times their regular rate of pay for the hours worked in excess of forty (40) hours per weeks when they knew, or should have known, such was due.

73. Defendant has failed to properly disclose or apprise Plaintiff and the class members of their rights under the FLSA.

74. Due to the intentional, willful, and unlawful acts of Defendant, Plaintiff and the class members suffered and continue to suffer damages and lost compensation for time worked over forty (40) hours per week, plus liquidated damages.

75. Plaintiff and the class members are entitled to an award of reasonable attorney's fees and costs pursuant to 29 U.S.C. §216(b), in addition to their unpaid wages and liquidated damages.

PRAYER FOR RELIEF

76. Wherefore, Plaintiff on behalf of himself and all other similarly situated Collective Action Members and members of the Class, respectfully request that this Court grant the following relief:

- a. 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 Join pursuant to 29 U.S.C. §216(b) and appointing Plaintiff and his counsel to represent the Collective Action members;
- b. A declaratory judgment that the practices complained of herein are unlawful under the FLSA;
- c. An injunction against Defendant and its officers, agents, successors, employees, representatives and any and all persons in concert with it, as provided by law, from engaging in each of the unlawful practices, policies and patterns set forth herein;
- d. An award of unpaid wages and overtime compensation due under the FLSA;

- e. An award of liquidated damages as a result of the Defendant's willful failure to pay wages and overtime compensation pursuant to 29 U.S.C § 216;
- f. An award of prejudgment and post judgment interest;
- g. An award of costs and expenses of this action together with reasonable attorneys' and expert fees; and
- h. Such other and further relief as this Court deems just and proper.

DEMAND FOR TRIAL BY JURY

77. Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff demands a trial by jury on all questions of fact raised by the Complaint.

Dated: November 18, 2016.

Respectfully submitted,

/s/ MICHAEL L. SENSOR

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Attorneys for Plaintiff

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

DANIEL HAWES, on behalf of himself and other similarly situated employees,

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

(c) Attorneys (Firm Name, Address, and Telephone Number)
Michael L. Sensor, Esq., Tybout, Redfearn & Pell, 750 Shipyard Drive, Suite 400, Wilmington, DE 19801, Telephone: (302) 657-5534

DEFENDANTS

ARTHUR LAWRENCE US, LLC, a Texas Limited Liability Company

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	PERSONAL INJURY <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 RSI (405(g))	<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		FEDERAL TAX SUITS	
<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		<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

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

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
29 U.S.C. Section 216(b)

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: 11/16/2016 SIGNATURE OF ATTORNEY OF RECORD: /s/ Michael L. Sensor

FOR OFFICE USE ONLY

RECEIPT #	AMOUNT	APPLYING IFP	JUDGE	MAG. JUDGE
Print	Save As...			Reset

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.

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Arthur Lawrence US Hit with Unpaid Overtime Class Action](#)
