

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.:

LUIS ENRIQUE CAMACHO HOPKINS,)
MISAEEL RIGOBERTO MENOCA)
CACERES, JONNATAN TREVINO)
HERNANDEZ, PAUL LUQUE, and all others)
similarly situated under 29 U.S.C. 216(b),)

Plaintiffs,)

vs.)

KING OF DIAMONDS MIAMI "LLC" a/k/a)
CLUB KOD,)
MOVEMENT EVENTS LLC,)
JEFFREY VASILAS,)
ELLIOT KUNSTLINGER,)

Defendants.)

**COMPLAINT UNDER 29 U.S.C. 201- 216 OVERTIME WAGE VIOLATIONS, CLAIM
FOR BREACH OF CONTRACT, AND CLAIM FOR UNJUST ENRICHMENT**

Plaintiffs, LUIS ENRIQUE CAMACHO HOPKINS, MISAEEL RIGOBERTO MENOCA
CACERES, JONNATAN TREVINO HERNANDEZ, and PAUL LUQUE, on behalf of
themselves and all others similarly situated under 29 U.S.C. 216(b), through undersigned
counsel, file this Complaint against Defendants, KING OF DIAMONDS MIAMI "LLC" a/k/a
CLUB KOD, MOVEMENT EVENTS LLC, JEFFREY VASILAS, and ELLIOT
KUNSTLINGER, and allege:

1. This is an action arising under the Fair Labor Standards Act 29 U.S.C. §§ 201-216.
2. The Plaintiffs were residents of Miami-Dade County, Florida at the time that this dispute
arose.
3. The Defendant KING OF DIAMONDS MIAMI "LLC" a/k/a CLUB KOD is a company that
regularly transacts business within Miami-Dade County. Upon information and belief, the

Defendant Corporation was the joint FLSA employer for Plaintiffs' respective period of employment ("the relevant time period").

4. The Defendant MOVEMENT EVENTS LLC is a company that regularly transacts business within Miami-Dade County. Upon information and belief, the Defendant Corporation was the joint FLSA employer for the relevant time period.
5. The individual Defendant JEFFREY VASILAS is a corporate officer and/or owner and/or manager of the Defendant Corporations who ran the day-to-day operations of the Corporate Defendants for the relevant time period and was responsible for paying Plaintiffs' wages for the relevant time period and controlled Plaintiffs' work and schedule and was therefore Plaintiffs' employer as defined by 29 U.S.C. 203 (d).
6. The individual Defendant ELLIOT KUNSTLINGER is a corporate officer and/or owner and/or manager of the Defendant Corporations who ran the day-to-day operations of the Corporate Defendants for the relevant time period and was responsible for paying Plaintiffs' wages for the relevant time period and controlled Plaintiffs' work and schedule and was therefore Plaintiffs' employer as defined by 29 U.S.C. 203 (d).
7. All acts or omissions giving rise to this dispute took place in Miami-Dade County.

COUNT I. FEDERAL OVERTIME WAGE VIOLATION

8. This action arises under the laws of the United States. This case is brought as a collective action under 29 USC 216(b). It is believed that the Defendants have employed several other similarly situated employees like Plaintiffs who have not been paid overtime and/or minimum wages for work performed in excess of 40 hours weekly from the filing of this complaint back three years.

9. This Court has jurisdiction pursuant to 28 U.S.C. § 1331 as this case is brought pursuant to The Fair Labor Standards Act, 29 U.S.C. §§ 201-219 (section #216 for jurisdictional placement).
10. 29 U.S.C. § 207 (a) (1) states, "Except as otherwise provided in this section, no employer shall employ any of his employees who in any workweek is engaged in commerce or in the production of goods for commerce, or is employed in an enterprise engaged in commerce or in the production of goods for commerce, for a workweek longer than forty hours unless such employee receives compensation for his employment in excess of the hours above specified at a rate not less than one and one-half times the regular rate at which he is employed."
11. Plaintiff LUIS ENRIQUE CAMACHO HOPKINS worked for Defendants as a construction worker from on or about January 11, 2016 through on or about January 14, 2017.
12. Plaintiff MISAEL RIGOBERTO MENOCA CACERES worked for Defendants as a construction worker from on or about January 11, 2016 through on or about January 14, 2017.
13. Plaintiff JONNATAN TREVINO HERNANDEZ worked for Defendants as a construction worker from on or about August 5, 2016 through on or about January 14, 2017.
14. Plaintiff PAUL LUQUE worked for Defendants as construction worked from on or about December 15, 2015 through on or about January 14, 2017.
15. Defendant's business activities involve those to which the Fair Labor Standards Act applies. Both the Defendant's business and the Plaintiffs' work for the Defendants affected interstate commerce for the relevant time period. Plaintiffs' work for the Defendants affected interstate commerce for the relevant time period because the materials and goods that Plaintiffs used on a constant and/or continual basis and/or that were supplied to him by the Defendants to use

on the job moved through interstate commerce prior to and/or subsequent to Plaintiffs' use of the same. The Plaintiffs' work for the Defendants was actually in and/or so closely related to the movement of commerce while he worked for the Defendants that the Fair Labor Standards Act applies to Plaintiffs' work for the Defendants.

16. Additionally, Defendants regularly employed two or more employees for the relevant time period who handled goods or materials that travelled through interstate commerce, or used instrumentalities of interstate commerce, thus making Defendant's business an enterprise covered under the Fair Labor Standards Act.
17. Upon information and belief, the Defendant Corporation had gross sales or business done in excess of \$500,000 annually for the years 2014, 2015, and 2016.
18. Upon information and belief, the Defendant Corporation's gross sales or business done is expected to exceed \$125,000 for the first three months of the year 2017 and is expected to exceed \$500,000 for the year 2017.
19. Upon information and belief, Defendants, KING OF DIAMONDS MIAMI "LLC" a/k/a CLUB KOD and MOVEMENT EVENTS LLC, are joint enterprises as defined by 29 U.S.C. 203(r) as the related activities between the companies, performed through unified operation and/or common control, are being done for a common business purpose.
20. Upon information and belief, Defendants, KING OF DIAMONDS MIAMI "LLC" a/k/a CLUB KOD and MOVEMENT EVENTS LLC, were Plaintiffs' joint employer during Plaintiffs' employment with the Defendant Companies as the work performed by Plaintiffs simultaneously benefited all Defendant Companies who were responsible for controlling Plaintiffs' hours, determining Plaintiffs' pay and which were operated by the same company officers for a common business purpose.

21. Individual Defendant JEFFREY VASILAS was Plaintiffs' individual employer pursuant to 29 U.S.C. §203(d) as set forth above.
22. Individual Defendant ELLIOT KUNSTLINGER was Plaintiffs' individual employer pursuant to 29 U.S.C. §203(d) as set forth above.
23. Between the period of on or about January 11, 2016 through on or about January 14, 2017, except for approximately the last week, Plaintiff LUIS ENRIQUE CAMACHO HOPKINS worked an average of 54 hours a week for Defendants and was paid an average of \$18.75 per hour but was never paid the extra half time rate for any hours worked over 40 hours in a week as required by the Fair Labor Standards Act. Plaintiff therefore claims the half time overtime rate for each hour worked above 40 in a week.
24. Between the period of on or about January 11, 2016 through on or about January 14, 2017, except for approximately the last week, Plaintiff MISAELE RIGOBERTO MENOCA CACERES worked an average of 54 hours a week for Defendants and was paid an average of \$18.75 per hour but was never paid the extra half time rate for any hours worked over 40 hours in a week as required by the Fair Labor Standards Act. Plaintiff therefore claims the half time overtime rate for each hour worked above 40 in a week.
25. Between the period of on or about August 5, 2016 through on or about January 14, 2017, except for approximately the last week, Plaintiff JONNATAN TREVINO HERNANDEZ worked an average of 54 hours a week for Defendants and was paid an average of \$12.50 per hour but was never paid the extra half time rate for any hours worked over 40 hours in a week as required by the Fair Labor Standards Act. Plaintiff therefore claims the half time overtime rate for each hour worked above 40 in a week.
26. Between the period of on or about December 15, 2015 through on or about January 14, 2017,

except for approximately the last week, Plaintiff PAUL LUQUE worked an average of 54 hours a week for Defendants and was paid an average of \$18.75 per hour but was never paid the extra half time rate for any hours worked over 40 hours in a week as required by the Fair Labor Standards Act. Plaintiff therefore claims the half time overtime rate for each hour worked above 40 in a week.

27. Defendants willfully and intentionally refused to pay Plaintiffs' overtime wages as required by the Fair Labor Standards Act as Defendants knew of the overtime requirements of the Fair Labor Standards Act and recklessly failed to investigate whether Defendants' payroll practices were in accordance with the Fair Labor Standards Act. Defendants remain owing Plaintiffs these wages since the commencement of Plaintiffs' employment with Defendants for the time period specified above.

Wherefore, the Plaintiffs request double damages and reasonable attorney fees from Defendants, jointly and severally, pursuant to the Fair Labor Standards Act as cited above, to be proven at the time of trial for all overtime wages still owing from Plaintiffs' entire employment period with Defendants or as much as allowed by the Fair Labor Standards Act along with court costs, interest, and any other relief that this Court finds reasonable under the circumstances. *The Plaintiffs request a trial by jury.*

COUNT II. BREACH OF CONTRACT

COMES NOW the Plaintiffs, by and through undersigned counsel, and re-adopt the factual and jurisdictional statement in the Paragraphs 1-27 as though fully set forth herein and further state:

28. This Court has jurisdiction for Plaintiffs' breach of contract claim.
29. Defendants orally contracted for employment with Defendants and Defendants verbally agreed to pay Plaintiffs their regular hourly rate as set forth above in Paragraphs 23-26 above for an average of 27.5 hours for the last week of each Plaintiff's respective employment period. As each Defendants had orally contracted with each Plaintiff to pay them for approximately the last week of employment each Plaintiff did not seek alternative employment.
30. However, on January 14, 2017, when Defendants were required to pay Plaintiffs as orally contracted for said approximately last week of employment Defendants refused to pay each Plaintiff and, instead, fired each Plaintiff.
31. Plaintiffs complied with all conditions precedent to the contract. Defendants, however, have not paid Plaintiffs any wages for an average of 27.5 hours at each Plaintiff's regular hourly rate for approximately the last week of each Plaintiff's respective employment period as set forth in Paragraph 23-26 above.
32. Plaintiffs are still owed by Defendants their wages for approximately the last week of each Plaintiff's respective employment period, exclusive of liquidated damages, attorneys' fees, interest, and costs, from work rendered on behalf of Defendants.
33. Plaintiffs have performed all duties under the contract, and as such Defendants have breached said contract.
34. Defendants breached the contract with Plaintiffs and Plaintiffs have been damaged.

Wherefore, Plaintiffs request all damages as allowed by law and reasonable attorney fees from the Defendants, jointly and severally, pursuant to the breach of contract, demands judgment

be entered in favor of Plaintiffs against Defendants, jointly and severally, for damages along with fees, costs, interest, and any other relief that this Court finds reasonable under the circumstances.

The Plaintiffs request a trial by jury.

COUNT III. UNJUST ENRICHMENT

COMES NOW the Plaintiffs, by and through undersigned counsel, and re-adopt the factual and jurisdictional statement in the Paragraphs 1-34 as though fully set forth herein and further states:

35. Plaintiffs reassert and re-allege paragraphs 28-34 above regarding Plaintiffs' Claim for Breach of Contract (Count II), as such facts also give rise to an action for unjust enrichment. Such facts which establish the breach, are also those which have resulted in unjust enrichment. Plaintiffs seek this claim in equity based on such facts, should it be determined they cannot recover at law under a breach theory.
36. Due to the aforesaid facts (also relevant to Plaintiffs' claim for breach of contract – Count II), the Plaintiffs have conferred a benefit upon the Defendants. The Defendants have knowledge of the benefit conferred and continue to retain that benefit undeservedly. Defendants voluntarily accepted and retained such benefit, because Plaintiffs worked for Defendants, Defendants permitted Plaintiffs to work for them, because Defendants chose to maximize their staff.
37. It would be inequitable and unjust for Defendants to continue to retain the benefit, as Plaintiffs conferred a benefit on Defendants which Defendants were legally responsible to pay for.

WHEREFORE, Plaintiffs request all damages as allowed by law and reasonable attorney fees from the Defendants, jointly and severally, pursuant to unjust enrichment, demands judgment be entered in favor of Plaintiffs against Defendants, jointly and severally, for damages along with fees, costs, interest, and any other relief that this Court finds just and reasonable under the circumstances. *The Plaintiffs request a trial by jury.*

Respectfully Submitted,

J.H. Zidell, Esq.
J.H. Zidell, P.A.
Attorney For Plaintiff
300 71st Street, Suite 605
Miami Beach, Florida 33141
Tel: (305) 865-6766
Fax: (305) 865-7167
Email: ZABOGADO@AOL.COM

By: ___/s/ J.H. Zidell_____
J.H. Zidell, Esq.
Florida Bar Number: 0010121

UNITED STATES DISTRICT COURT

for the
Southern District of Florida

LUIS ENRIQUE CAMACHO HOPKINS,)
MISAEEL RIGOBERTO MENOCA)
CACERES, JONNATAN TREVINO)
HERNANDEZ, PAUL LUQUE, and all)
others similarly situated under 29 U.S.C.)
216(b),)

Plaintiffs,)

vs.)

KING OF DIAMONDS MIAMI "LLC" a/k/a)
CLUB KOD,)
MOVEMENT EVENTS LLC,)
JEFFREY VASILAS,)
ELLIOT KUNSTLINGER,)

Defendants.)

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)
KING OF DIAMONDS MIAMI "LLC" a/k/a CLUB KOD
Registered Agent: Daniel Sands
18851 NE 29 Avenue, Suite 1005
Aventura, FL 33180

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:

J.H. Zidell, Esq.
J.H. Zidell P.A.
300 71ST Street, Suite 605
Miami Beach, Florida 33141

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: _____

UNITED STATES DISTRICT COURT

for the
Southern District of Florida

LUIS ENRIQUE CAMACHO HOPKINS,)
MISAEEL RIGOBERTO MENOCA)
CACERES, JONNATAN TREVINO)
HERNANDEZ, PAUL LUQUE, and all)
others similarly situated under 29 U.S.C.)
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CLUB KOD,)
MOVEMENT EVENTS LLC,)
JEFFREY VASILAS,)
ELLIOT KUNSTLINGER,)

Defendants.)

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)
MOVEMENT EVENTS LLC
Registered Agent: Daniel Sands
18851 NE 29 Avenue, Suite 1005
Aventura, FL 33180

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:

J.H. Zidell, Esq.
J.H. Zidell P.A.
300 71ST Street, Suite 605
Miami Beach, Florida 33141

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: _____

UNITED STATES DISTRICT COURT

for the
Southern District of Florida

LUIS ENRIQUE CAMACHO HOPKINS,)
MISAEEL RIGOBERTO MENOCA)
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CLUB KOD,)
MOVEMENT EVENTS LLC,)
JEFFREY VASILAS,)
ELLIOT KUNSTLINGER,)

Defendants.)

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

JEFFREY VASILAS
17800 Ipco Road
Miami, FL 33162

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:

J.H. Zidell, Esq.
J.H. Zidell P.A.
300 71ST Street, Suite 605
Miami Beach, Florida 33141

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: _____

UNITED STATES DISTRICT COURT

for the
Southern District of Florida

LUIS ENRIQUE CAMACHO HOPKINS,)
MISAEEL RIGOBERTO MENOCA)
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CLUB KOD,)
MOVEMENT EVENTS LLC,)
JEFFREY VASILAS,)
ELLIOT KUNSTLINGER,)

Defendants.)

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)
ELLIOT KUNSTLINGER
17800 Ipco Road
Miami, FL 33162

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:

J.H. Zidell, Esq.
J.H. Zidell P.A.
300 71ST Street, Suite 605
Miami Beach, Florida 33141

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: _____

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.) NOTICE: Attorneys MUST Indicate All Re-filed Cases Below.

I. (a) PLAINTIFFS HOPKINS, LUIS ENRIQUE CAMACHO, MISIAEL RIGOBERTO MENCAL CACERES, JONNATAN TREVIÑO HERNANDEZ, DAVID DEFENDANTS KING OF DIAMONDS MIAMI "LLC" a/k/a CLUB KOD,

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

(c) Attorneys (Firm Name, Address, and Telephone Number) J.H. Zidell, P.A. 300 71st St., Suite 605, Miami Beach, FL 33141 phone: 305-865-6766

(d) Check County Where Action Arose: [X] MIAMI-DADE [] MONROE [] BROWARD [] PALM BEACH [] MARTIN [] ST. LUCIE [] INDIAN RIVER [] OKEECHOBEE [] HIGHLANDS

II. BASIS OF JURISDICTION (Place an "X" in One Box Only) III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

1 U.S. Government Plaintiff Federal Question (U.S. Government Not a Party) 2 U.S. Government Defendant Diversity (Indicate Citizenship of Parties in Item III) Citizen of This State Citizen of Another State Citizen or Subject of a Foreign Country PTF DEF 1 1 2 2 3 3 4 4 5 5 6 6

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

Table with 5 columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes checkboxes for various legal categories like Insurance, Real Estate, Personal Injury, etc.

V. ORIGIN (Place an "X" in One Box Only) [X] 1 Original Proceeding [] 2 Removed from State Court [] 3 Re-filed (See VI below) [] 4 Reinstated or Reopened [] 5 Transferred from another district (specify) [] 6 Multidistrict Litigation [] 7 Appeal to District Judge from Magistrate Judgment [] 8 Remanded from Appellate Court

VI. RELATED/ RE-FILED CASE(S) (See instructions): a) Re-filed Case [] YES [X] NO b) Related Cases [] YES [X] NO JUDGE DOCKET NUMBER

VII. CAUSE OF ACTION Cite the U.S. Civil Statute under which you are filing and Write a Brief Statement of Cause (Do not cite jurisdictional statutes unless diversity): 29 USC §§ 201-216 LENGTH OF TRIAL via days estimated (for both sides to try entire case)

VIII. REQUESTED IN COMPLAINT: [] CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: [X] Yes [] No

ABOVE INFORMATION IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE DATE SIGNATURE OF ATTORNEY OF RECORD

February 1, 2017

FOR OFFICE USE ONLY

RECEIPT # AMOUNT 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.C.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; 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 clerks 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 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.

Refiled (3) Attach copy of Order for Dismissal of Previous case. Also complete VI.

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.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

Remanded from Appellate Court. (8) Check this box if remanded from Appellate Court.

VI. Related/Refiled Cases. This section of the JS 44 is used to reference related pending cases or re-filed cases. Insert the docket numbers and the corresponding judges name for such cases.

VII. 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

VIII. 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 dollar amount (in thousands of dollars) 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.

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: [King of Diamonds Miami, Others Named in Unpaid Overtime Class Action](#)
