

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

Case No.: _____

8:17 cv 1693 T 30 TBM

KEISHA ISOM and
COREY GAINES, individually, and
as class representatives of others
similarly situated,

Plaintiffs,

vs.

DINER 24, INC.,
MELISSA M. COLLADO, INDIVIDUALLY, and
KENNETH COLLADO, INDIVIDUALLY

Defendants.

_____ /

U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA, FLORIDA

2017 JUL 14 PM 12:00

FILED

COMPLAINT AND DEMAND FOR JURY TRIAL

COME NOW the Plaintiffs, KEISHA ISOM and COREY GAINES, individually, and as class representatives of others similarly situated (herein after referred to as "Plaintiffs"), by and through their undersigned counsel, and file this Complaint against the Defendants, DINER 24, INC., MELISSA M. COLLADO, individually, and KENNETH COLLADO, individually, (collectively referred to as "Defendants") for violations of the minimum wage provisions of the Fair Labor Standards Act ("FLSA") 29 USC § 206 and states as follows:

PRELIMINARY STATEMENT

1. Plaintiffs bring this action for violations of the FLSA §206 for failure to pay minimum wages.
2. Defendants failed to pay Plaintiffs in accordance with the FLSA. Specifically, Plaintiffs were not paid their regular rate of pay for all hours worked.

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\$400

3. In this pleading, "Defendants", means the named Defendants, DINER 24, INC., MELISSA M. COLLADO, individually, and KENNETH COLLADO, individually, and other corporations, organization's or entities responsible for the employment practices complained of herein (discovery may reveal additional Defendants that should be included).
4. The allegations in this pleading are made without any admission that, as to any particular allegation, Plaintiffs bear the burden of pleading, proof, or persuasion. Plaintiffs reserve all rights to plead in the alternative.

PARTIES, JURISDICTION AND VENUE

5. This Court has subject matter jurisdiction over Plaintiffs' claims pursuant to 28 USC §§ 1331 and 1337 and 29 USC § 216(b) because this action involves a federal question under the Fair Labor Standards Act.
6. The Court has supplemental jurisdiction with respect to claims arising under state law pursuant to 28 USC § 1367.
7. Venue is proper in the District Court because Defendants operate substantial business in the Middle District of Florida. Furthermore, the damages complained of occurred in the Middle District at the Defendants' places of business located in the Middle District of Florida.
8. Plaintiff KEISHA ISOM is a resident of Pinellas County, Florida, and was employed by Defendants as a general manager from approximately the end of March 2017 until May 3, 2017.

9. Plaintiff COREY GAINES is a resident of Pinellas County, Florida, and was employed by Defendants as a restaurant employee from approximately April 1, 2017 until May 3, 2017.
10. At all times relevant to this action, Plaintiffs have been employees within the meaning of 29 USC § 203(e)(1).

DINER 24, INC.

11. Defendant DINER 24, INC. is a Florida corporation with its principal address at 350 1st Ave. North, St. Petersburg, FL 33701 and may be served through its registered agent for service of process, Sherman Brod, Esq. at his stated address at 304 S. Plant Ave., Tampa, FL 33606.
12. At all times material hereto, Defendant DINER 24, INC. was an "enterprise engaged in commerce" within the meaning of the FLSA.
13. At all times material hereto, Defendant DINER 24, INC. was the "employer" of Plaintiffs within the meaning of the FLSA, 29 USC § 203.
14. The FLSA defines "employer" as any "person" acting directly or indirectly in the interests of an employer in relation to an employee. 29 USC § 203(d). See also Boucher v. Shaw, 572 Fed. 3d 1087, 1090 (9th Cir. 2009) (the definition of "employer" under the Fair Labor Standards Act (FLSA) is not limited by the common-law concept of "employer", but is to be given an expansive interpretation in order to effectuate the FLSA's broad remedial purposes).

15. This action is brought under the FLSA to recover from Defendants unpaid overtime wages, monies due and owing, liquidated damages, and reasonable attorneys' fees and costs.
16. All conditions precedent to the filing of this action have been performed.

MELISSA M. COLLADO

17. Defendant MELISSA M. COLLADO is a Florida resident and/or is an individual who conducts business in the State of Florida. She is one of the officers of Defendant DINER 24, INC. She created and directed the pay practices and controlled and directed the work of Plaintiffs, thus making her an employer within the meaning of the FLSA. See In Re: Van Diepen, P.A., 236 F. App'x 498, 12 Wage & Hour Cas. 2d (BNA) 1358 (11th Cir. 2007) (allowing individual liability).

KENNETH COLLADO

18. Defendant KENNETH COLLADO is a Florida resident and/or is an individual who conducts business in the State of Florida. He is one of the officers of Defendant DINER 24, INC. He created and directed the pay practices and controlled and directed the work of Plaintiffs, thus making him an employer within the meaning of the FLSA. See In Re: Van Diepen, P.A., 236 F. App'x 498, 12 Wage & Hour Cas. 2d (BNA) 1358 (11th Cir. 2007) (allowing individual liability).

GENERAL ALLEGATIONS

19. Plaintiff KEISHA ISOM is a resident of Pinellas County, Florida, and was employed by Defendants as a general manager from approximately the end of March 2017 until May 3, 2017.
20. Plaintiff COREY GAINES is a resident of Pinellas County, Florida, and was employed by Defendants as a restaurant employee from approximately April 1, 2017 until May 3, 2017.
21. Plaintiffs' job duties as employees include ensuring a professional work environment while serving and satisfying patrons of the restaurant, and all other activities so directed by Defendants DINER 24, INC., MELISSA M. COLLADO, KENNETH COLLADO, and its officer and agents.
22. Plaintiffs were provided with a list of duties and tasks to perform by Defendants DINER 24, INC., and its officers and agents MELISSA M. COLLADO AND KENNETH COLLADO.
23. At all times relevant, Plaintiff COREY GAINES was supervised by Defendants DINER 24, INC., and its officers and agents MELISSA M. COLLADO AND KENNETH COLLADO, and did not have the right to independent operations or decision-making.
24. Plaintiff COREY GAINES worked a certain sum of hours while employed, but did not receive appropriate compensation.
25. Defendants' failure to properly pay Plaintiff COREY GAINES was a willful violation of the FLSA.

26. Defendants have no good faith basis for failing to pay Plaintiff COREY GAINES appropriately.
27. Defendants, as business owners, are fully aware of the minimum hourly pay, overtime, and classification of individuals performing work for the Defendants.
28. Plaintiff COREY GAINES did not have the authority to hire, fire, or discipline other employees.
29. Plaintiff COREY GAINES was a non-exempt employee whose duties dictate the same; his job duties do not involve the use of discretion in the performance of their job.
30. Plaintiff COREY GAINES'S position was subject to the FLSA wage provisions.
31. Defendants agreed to compensate Plaintiff COREY GAINES at a rate of \$10 per hour.
32. Plaintiff KEISHA ISOM was a non-exempt employee under the FLSA and does not meet the requirements of the executive exemption.
33. Plaintiff KEISHA ISOM did not make \$913.00 per week or \$47,476.00 per year to meet the threshold for the executive exemption.
34. Plaintiff KEISHA ISOM was the manager and did have some managerial responsibilities but was not paid anything for multiple weeks of work at Defendants' restaurant.
35. Defendants are fully aware of the minimum wage and overtime requirements for someone in Plaintiff KEISHA ISOM's position and knowingly and willfully failed to pay Plaintiff KEISHA ISOM any wages for the time she worked for the Defendants.

36. Defendants agreed to compensate Plaintiff KEISHA ISOM \$800.00 on April 15, 2017, and \$600.00 on May 14, 2017, but failed to honor their agreement.
37. Because Plaintiff KEISHA ISOM did not meet the requirements for the executive exemption, she should be treated as a nonexempt employee under the FLSA and should be awarded the damages delineated in the FLSA.
38. For purposes of this action, Defendants operated a restaurant in the Middle District of Florida.
39. Plaintiffs complained to Defendants regarding their unlawful pay practices.
40. After being advised by Plaintiffs of the unlawful pay practices, Defendants advised that they had no obligation to pay minimum wage or overtime and regardless of hours worked, refused to pay Plaintiffs for regular time and any overtime hours worked, all in violation of the FLSA.
41. Plaintiffs ceased work for Defendants under duress due to compensation terms prohibited by the FLSA.

COUNT I
VIOLATION OF MINIMUM WAGE PROVISIONS OF THE FLSA (§ 206)
(COREY GAINES as to DINER 24, INC.)

42. Plaintiff COREY GAINES re-adopts and re-alleges the allegations set forth in Paragraphs 1 through 41 as if fully set forth herein.
43. Defendant failed to pay Plaintiff COREY GAINES the minimum wages due pursuant to the FLSA as described in part in § 6(a) of the FLSA.
44. Plaintiff COREY GAINES was damaged by Defendant's failure to pay the Federal minimum wage.

WHEREFORE, Plaintiff COREY GAINES, individually, and as class representative of others similarly situated, requests this Honorable Court to:

- A. Order wages found to be due and owing;**
- B. Order an additional amount equal to the unpaid minimum wages found to be due and owing as liquidated damages;**
- C. Order prejudgment interest in the event liquidated damages are not awarded;**
- D. Order the Defendant to pay reasonable attorney's fee and costs; and**
- E. Order such other relief as the Court deems just and equitable.**

COUNT II

VIOLATION OF MINIMUM WAGE PROVISIONS OF THE FLSA (§ 206)
(COREY GAINES as to MELISSA M. COLLADO)

- 45. Plaintiff COREY GAINES re-adopts and re-alleges the allegations set forth in Paragraphs 1 through 41 as if fully set forth herein.**
- 46. Defendant failed to pay Plaintiff COREY GAINES the minimum wages due pursuant to the FLSA as described in part in § 6(a) of the FLSA.**
- 47. Plaintiff COREY GAINES was damaged by Defendant's failure to pay the Federal minimum wage.**

WHEREFORE, Plaintiff COREY GAINES, individually, and as class representative of others similarly situated, requests this Honorable Court to:

- A. Order wages found to be due and owing;**
- B. Order an additional amount equal to the unpaid minimum wages found to be due and owing as liquidated damages;**

- C. Order prejudgment interest in the event liquidated damages are not awarded;
- D. Order the Defendant to pay reasonable attorney's fee and costs; and
- E. Order such other relief as the Court deems just and equitable.

COUNT III

VIOLATION OF MINIMUM WAGE PROVISIONS OF THE FLSA (§ 206)
(COREY GAINES as to KENNETH COLLADO)

- 48. Plaintiff COREY GAINES, re-adopts and re-alleges the allegations set forth in Paragraphs 1 through 41 as if fully set forth herein.
- 49. Defendant failed to pay Plaintiff COREY GAINES the minimum wages due pursuant to the FLSA as described in part in § 6(a) of the FLSA.
- 50. Plaintiff COREY GAINES was damaged by Defendant's failure to pay the Federal minimum wage.

WHEREFORE, Plaintiff COREY GAINES, individually, and as class representative of others similarly situated, requests this Honorable Court to:

- A. Order wages found to be due and owing;
- B. Order an additional amount equal to the unpaid minimum wages found to be due and owing as liquidated damages;
- C. Order prejudgment interest in the event liquidated damages are not awarded;
- D. Order the Defendant to pay reasonable attorney's fee and costs; and
- E. Order such other relief as the Court deems just and equitable.

COUNT IV
VIOLATION OF MINIMUM WAGE PROVISIONS OF THE FLSA (§ 206)
(KEISHA ISOM as to DINER 24, INC.)

51. Plaintiff KEISHA ISOM re-adopts and re-alleges the allegations set forth in Paragraphs 1 through 41 as if fully set forth herein.
52. Defendant failed to pay Plaintiff KEISHA ISOM the minimum wages due pursuant to the FLSA as described in part in § 6(a) of the FLSA.
53. Plaintiff KEISHA ISOM was damaged by Defendant's failure to pay the Federal minimum wage.

WHEREFORE, Plaintiff KEISHA ISOM, individually, and as class representative of others similarly situated, requests this Honorable Court to:

- A. Order wages found to be due and owing;
- B. Order an additional amount equal to the unpaid minimum wages found to be due and owing as liquidated damages;
- C. Order prejudgment interest in the event liquidated damages are not awarded;
- D. Order the Defendant to pay reasonable attorney's fee and costs; and
- E. Order such other relief as the Court deems just and equitable.

COUNT V
VIOLATION OF MINIMUM WAGE PROVISIONS OF THE FLSA (§ 206)
(KEISHA ISOM as to MELISSA M. COLLADO)

54. Plaintiff KEISHA ISOM re-adopts and re-alleges the allegations set forth in Paragraphs 1 through 41 as if fully set forth herein.
55. Defendant failed to pay Plaintiff KEISHA ISOM the minimum wages due pursuant to the FLSA as described in part in § 6(a) of the FLSA.

56. Plaintiff KEISHA ISOM was damaged by Defendant's failure to pay the Federal minimum wage.

WHEREFORE, Plaintiff KEISHA ISOM, individually, and as class representative of others similarly situated, requests this Honorable Court to:

- A. Order wages found to be due and owing;
- B. Order an additional amount equal to the unpaid minimum wages found to be due and owing as liquidated damages;
- C. Order prejudgment interest in the event liquidated damages are not awarded;
- D. Order the Defendant to pay reasonable attorney's fee and costs; and
- E. Order such other relief as the Court deems just and equitable.

COUNT VI
VIOLATION OF MINIMUM WAGE PROVISIONS OF THE FLSA (§ 206)
(KEISHA ISOM as to KENNETH COLLADO)

57. Plaintiff KEISHA ISOM re-adopts and re-alleges the allegations set forth in Paragraphs 1 through 41 as if fully set forth herein.
58. Defendant failed to pay Plaintiff KEISHA ISOM the minimum wages due pursuant to the FLSA as described in part in § 6(a) of the FLSA.
59. Plaintiff KEISHA ISOM was damaged by Defendant's failure to pay the Federal minimum wage.

WHEREFORE, Plaintiff KEISHA ISOM, individually, and as class representative of others similarly situated, requests this Honorable Court to:

- A. Order wages found to be due and owing;

- B. Order an additional amount equal to the unpaid minimum wages found to be due and owing as liquidated damages;
- C. Order prejudgment interest in the event liquidated damages are not awarded;
- D. Order the Defendant to pay reasonable attorney's fee and costs; and
- E. Order such other relief as the Court deems just and equitable.

COUNT VII

UNPAID WAGES
(As to all Defendants)

- 60. Plaintiffs re-adopt and re-allege the allegations set forth in Paragraphs 1 through 41 as if fully set forth herein.
- 61. Plaintiffs have earned unpaid wages which are owed and payable by the Defendants pursuant to Florida Statute Chapter 448.
- 62. Defendants, despite Plaintiffs reasonable attempts to obtain payment of these earned monies, has failed and refused to make payments as required by Florida Statute Chapter 448.

WHEREFORE, Plaintiffs, KEISHA ISOM and COREY GAINES, individually and as the class representative of others similarly situated, prays for a judgment against Defendants, for the following damages:

- A. Payment of their earned unpaid wages;
- B. Pre-judgment interest;
- C. Post-judgment interest;
- D. Attorney's fees;
- E. Costs;

F. For such other relief as this court deems equitable.

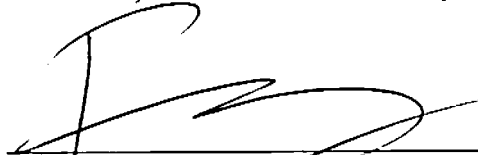
DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiffs demand a trial by jury on all questions of fact raised by this Complaint and on all issues so triable.

WHEREFORE, the Plaintiffs, KEISHA ISOM and COREY GAINES, individually and as the class representative of others similarly situated, demands judgment for damages, including punitive damages, against the Defendants, DINER 24, INC., MELISSA M. COLLADO, individually, and KENNETH COLLADO, individually, together with such other and further relief as this Honorable Court deems necessary and appropriate.

Dated this 11th day of July, 2017

TRAGOS, SARTES & TRAGOS, PLLC



Peter L. Tragos, Esq.
601 Cleveland Street, Suite 800
Clearwater, Florida 33755
Phone: (727) 441-9030
Facsimile: (727) 441-9254
Florida Bar No: 0106744
petertragos@greeklaw.com
linda@greeklaw.com

JS 44 (Rev. 11/15)

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.)

<p>I. (a) PLAINTIFFS</p> <p>KEISHA ISOM AND COREY GAINES, INDIVIDUALLY AND AS CLASS REPRESENTATIVES OF OTHERS SIMILARLY SITUATED</p> <p>(b) County of Residence of First Listed Plaintiff <u>Pinellas</u> <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i></p> <p>(c) Attorneys (Firm Name, Address, and Telephone Number) PETER L. TRAGOS, ESQ., TRAGOS, SARTES & TRAGOS, PLLC 601 CLEVELAND STREET, SUITE 800 CLEARWATER, FL 33755</p>	<p>DEFENDANTS</p> <p>DINER 24, INC., MELISSA M. COLLADO, INDIVIDUALLY, AND KENNETH COLLADO, INDIVIDUALLY</p> <p>County of Residence of First Listed Defendant <u>Pinellas</u> <i>(IN U.S. PLAINTIFF CASES ONLY)</i></p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED</p> <p>Attorneys (If Known) UNKNOWN</p>
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<p>II. BASIS OF JURISDICTION (Place an "X" in One Box Only)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td>PTF</td> <td>DEF</td> <td></td> <td>PTF</td> <td>DEF</td> </tr> <tr> <td>Citizen of This State</td> <td><input checked="" type="checkbox"/> 1</td> <td><input checked="" type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td><input type="checkbox"/> 4</td> <td><input checked="" type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input checked="" type="checkbox"/> 1	<input checked="" type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input checked="" 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
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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)

<p>CONTRACT</p> <p><input type="checkbox"/> 110 Insurance</p> <p><input type="checkbox"/> 120 Marine</p> <p><input type="checkbox"/> 130 Miller Act</p> <p><input type="checkbox"/> 140 Negotiable Instrument</p> <p><input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment</p> <p><input type="checkbox"/> 151 Medicare Act (Excludes Veterans)</p> <p><input type="checkbox"/> 152 Recovery of Defaulted Student Loans</p> <p><input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits</p> <p><input type="checkbox"/> 160 Stockholders' Suits</p> <p><input type="checkbox"/> 190 Other Contract</p> <p><input type="checkbox"/> 195 Contract Product Liability</p> <p><input type="checkbox"/> 196 Franchise</p>	<p>TORTS</p> <p>PERSONAL INJURY</p> <p><input type="checkbox"/> 310 Airplane</p> <p><input type="checkbox"/> 315 Airplane Product Liability</p> <p><input type="checkbox"/> 320 Assault, Libel & Slander</p> <p><input type="checkbox"/> 330 Federal Employers' Liability</p> <p><input type="checkbox"/> 340 Marine</p> <p><input type="checkbox"/> 345 Marine Product Liability</p> <p><input type="checkbox"/> 350 Motor Vehicle</p> <p><input type="checkbox"/> 355 Motor Vehicle Product Liability</p> <p><input type="checkbox"/> 360 Other Personal Injury</p> <p><input type="checkbox"/> 362 Personal Injury - Medical Malpractice</p> <p>PERSONAL INJURY</p> <p><input type="checkbox"/> 365 Personal Injury - Product Liability</p> <p><input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury</p> <p><input type="checkbox"/> 368 Asbestos Personal Injury Product Liability</p> <p>PERSONAL PROPERTY</p> <p><input type="checkbox"/> 370 Other Fraud</p> <p><input type="checkbox"/> 371 Truth in Lending</p> <p><input type="checkbox"/> 380 Other Personal Property Damage</p> <p><input type="checkbox"/> 385 Property Damage Product Liability</p>	<p>FORFEITURE/PENALTY</p> <p><input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881</p> <p><input type="checkbox"/> 690 Other</p> <p>LABOR</p> <p><input checked="" type="checkbox"/> 710 Fair Labor Standards Act</p> <p><input type="checkbox"/> 720 Labor/Management Relations</p> <p><input type="checkbox"/> 740 Railway Labor Act</p> <p><input type="checkbox"/> 751 Family and Medical Leave Act</p> <p><input type="checkbox"/> 790 Other Labor Litigation</p> <p><input type="checkbox"/> 791 Employee Retirement Income Security Act</p> <p>IMMIGRATION</p> <p><input type="checkbox"/> 462 Naturalization Application</p> <p><input type="checkbox"/> 465 Other Immigration Actions</p>	<p>BANKRUPTCY</p> <p><input type="checkbox"/> 422 Appeal 28 USC 158</p> <p><input type="checkbox"/> 423 Withdrawal 28 USC 157</p> <p>PROPERTY RIGHTS</p> <p><input type="checkbox"/> 820 Copyrights</p> <p><input type="checkbox"/> 830 Patent</p> <p><input type="checkbox"/> 840 Trademark</p> <p>SOCIAL SECURITY</p> <p><input type="checkbox"/> 861 HIA (1395ff)</p> <p><input type="checkbox"/> 862 Black Lung (923)</p> <p><input type="checkbox"/> 863 DIWC/DIWW (405(g))</p> <p><input type="checkbox"/> 864 SSID Title XVI</p> <p><input type="checkbox"/> 865 RSI (405(g))</p> <p>FEDERAL TAX SUITS</p> <p><input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)</p> <p><input type="checkbox"/> 871 IRS—Third Party 26 USC 7609</p>	<p>OTHER STATUTES</p> <p><input type="checkbox"/> 375 False Claims Act</p> <p><input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))</p> <p><input type="checkbox"/> 400 State Reapportionment</p> <p><input type="checkbox"/> 410 Antitrust</p> <p><input type="checkbox"/> 430 Banks and Banking</p> <p><input type="checkbox"/> 450 Commerce</p> <p><input type="checkbox"/> 460 Deportation</p> <p><input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations</p> <p><input type="checkbox"/> 480 Consumer Credit</p> <p><input type="checkbox"/> 490 Cable-Sat TV</p> <p><input type="checkbox"/> 850 Securities/Commodities/Exchange</p> <p><input type="checkbox"/> 890 Other Statutory Actions</p> <p><input type="checkbox"/> 891 Agricultural Acts</p> <p><input type="checkbox"/> 893 Environmental Matters</p> <p><input type="checkbox"/> 895 Freedom of Information Act</p> <p><input type="checkbox"/> 896 Arbitration</p> <p><input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision</p> <p><input type="checkbox"/> 950 Constitutionality of State Statutes</p>
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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

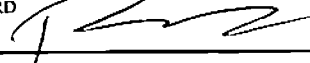
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
29 USC § 206

Brief description of cause:
FAILURE TO PAY MINIMUM 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: 07/11/2017 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 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: [Diner 24 Pays Employees No Wages According to Proposed Class Action](#)
