

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

2017 DEC 26 AM 10:52  
CLERK OF COURT  
JACKSONVILLE, FLORIDA

FILED

JEFFREY B. MCCLEAN;  
LOGAN BOLING; for themselves  
and on behalf of those similarly situated,

Plaintiff,

JURY DEMAND

v.

CASE NO.: 3:17-cv-1434-J-2017

ON THE HALF SHELL, INC.  
a/k/a AQUA GRILL,

Defendant.

\_\_\_\_\_ /

**COMPLAINT AND DEMAND FOR JURY TRIAL**

Plaintiffs, JEFFREY B. MCCLEAN ("MCCLEAN"), LOGAN BOLING ("BOLING") (collectively "Plaintiffs"), for themselves and on behalf of those similarly situated, through undersigned counsel, file this Complaint against Defendant, ON THE HALF SHELL, INC. a/k/a AQUA GRILL, ("Defendant") and state as follows:

**JURISDICTION AND VENUE**

1. Jurisdiction in this Court is proper as this is a claim for Unpaid Wages under the Fair Labor Standards Act, as amended (29 U.S.C. §201, et seq.) ("FLSA") to obtain a judgment against Defendant as to liability, recover unpaid back wages, an additional equal amount in liquidated damages, and to recover reasonable attorneys' fees and costs.

2. The Court's jurisdiction over this controversy is based upon 29 U.S.C. §216(b).

3. Venue is proper in this Court because Plaintiffs reside within the District, Defendant maintains business operations within the District, and Plaintiffs' claims accrued in this District.

### **INTRODUCTION**

4. Plaintiffs bring this action pursuant to 29 U.S.C. § 216(b) and 29 U.S.C. §206 and §207.

5. The Defendant in this case violated the FLSA by failing to pay Plaintiffs and other similarly-situated servers/bartenders the proper minimum wage and overtime compensation for all hours worked.

6. This action is intended to include each and every hourly-paid server/bartender who worked for Defendant at any time within the past three (3) years.

7. The jurisdiction of the Court over this controversy is proper pursuant to 28 U.S.C. § 1331 as these claims arise under 29 U.S.C. §216(b).

### **PARTIES**

8. At all times material to this action, Plaintiffs were, and continue to be, residents of Duval County, Florida.

9. At all times material to this action, Defendant was, and continues to be, a Florida Profit Corporation. Further, at all times material to this action, Defendant was, and continues to be, engaged in business in Florida, doing business in St. Johns' County, Florida.

10. At all times material to this action, Plaintiffs were "employees" of Defendant within the meaning of the FLSA.

11. At all times material to this action, Defendant was Plaintiffs' "employer"

within the meaning of the FLSA.

12. Defendant was, and continues to be, an “employer” within the meaning of the FLSA.

13. At all times material to this action, Defendant was, and continues to be, an “enterprise engaged in commerce” within the meaning of the FLSA.

14. 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.

15. At all times material to this action, 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 such as cash registers, telephones, plates, cups, liquor, knives, chairs, and tables, manufactured outside of the State of Florida, and which were used directly in furtherance of Defendant’s commercial activity of running a restaurant.

16. At all times material hereto, the work performed by the Plaintiffs were directly essential to the business performed by Defendant.

### **STATEMENT OF FACTS**

17. On or about October 2015, Defendant hired Plaintiff MCCLEAN to work as a non-exempt bartender for Defendant’s company, a restaurant, at its location in Jacksonville, Florida. MCCLEAN’S job duties included, but were not limited to, serving drinks to customers. He was employed by Defendant in this position until May 2017.

18. On or about October 26, 2015, Defendant hired Plaintiff BOLING to work as a non-exempt server/bartender for Defendant’s company, a restaurant, at its location

in Jacksonville, Florida. BOLING'S job duties included, but were not limited to, serving food and drinks to customers. BOLING was employed by Defendant in this position until November, 2016.

19. During Plaintiffs' employment, they and other bartenders/servers were subject to several unlawful pay practices which resulted in a failure to pay minimum wage and overtime payments in accordance with the law, including but not limited to:

- a. Plaintiffs and other bartenders and servers were required to participate in a mandatory tip pool which was unlawfully shared with non-tipped employees/management;
- b. Plaintiff BOLING and other servers were required to share with management a portion of the gratuity received on parties of eight or more;
- c. Plaintiffs and other bartenders and servers were not provided with proper notice of Defendant's intent to claim the tip credit or regarding requirements for the tip pool, as required by 29 U.S.C. §203(m);
- d. Plaintiffs and other bartenders and servers were not paid for all hours logged in Defendant's time-keeping system, including overtime hours, because Defendant, through managers, deleted hours logged into the timekeeping system;
- e. Plaintiff BOLING and other servers, two times per week, were clocked out by management prior to the end of their shifts so that managers could run server reports, resulting in off-the-clock work;
- f. Plaintiffs and other bartenders and servers were required to attend one or more meetings for which they were not permitted to clock in, and for which they were not paid;
- g. Plaintiff McClean and other bartenders were required to come in once per week to stock inventory, but were not permitted to clock in for this work; and
- h. Plaintiff BOLING and other servers spent over 20% of their time doing non-tipped work, including tasks for opening, closing, cleaning, side work, and training new employees, for which they were paid only the tipped minimum wage.

20. Defendant paid Plaintiffs the tipped minimum wage rather than the regular minimum wage for all hours worked after initial training time.

21. Furthermore, for all of their hours after the initial training period, Plaintiffs were paid pursuant to the FLSA “tip credit” method per hour in exchange for work performed.

22. Defendant did not permit Plaintiffs to retain all of their tips. Instead, Defendant required Plaintiffs to contribute tips to a “tip share” or “tip pool.”

23. Defendant failed to pay all such retained tips to employees eligible to receive such tips.

24. To the extent such tips were redistributed to other employees, they were distributed not only to tipped employees, but also to non-tipped employees, including managers who were ineligible to receive same, or re-directed to the restaurant itself.

25. By virtue of Defendant’s retention of a portion of its bartender/server employees’ tips, and re-distributing same to individuals not eligible to receive tips, Defendant was rendered ineligible to claim the tip credit. Rather, Defendant was/is required to pay Plaintiffs and those similarly situated to Plaintiffs the full, regular minimum wage.

26. Under the FLSA, an employer who fails to provide information required by section 203(m), regarding the tip-credit and use of tip pools, cannot use the tip credit provisions and therefore must pay the tipped employee at least the minimum wage, and allow the tipped employee to keep all tips received.

27. Defendant did not provide its servers/bartenders the notice required by Section 203(m) of the FLSA.

28. For this reason, as well, Defendant was rendered ineligible to claim the tip credit.

29. Despite its improper retention/distribution of bartenders/servers' tips, and failure to provide the notice required by Section 203(m), Defendant failed to pay Plaintiffs and the other tipped employees similarly situated to Plaintiffs at least regular minimum wage, as required by the FLSA.

30. Defendant purported to pay Plaintiffs the tipped minimum wage, despite the fact that Defendant was not entitled to do so.

31. Plaintiffs and those similarly situated did not earn at least the statutory minimum wage for all hours worked during one or more workweeks, due at least to the policies and practices described in Paragraph 19, above.

32. Plaintiffs and those similarly situated were/are entitled to at least the Federal minimum wage pursuant to §206(a) of the FLSA.

33. Plaintiffs and those similarly situated were/are entitled to the Florida minimum wage pursuant to §29 C.F.R. §778.5.

34. Defendant's common pay policies and/or pay practices, as described in Paragraph 19, above, violate the FLSA tip credit and standard minimum wage provisions and resulted in the failure to pay certain hourly employees at least the statutory minimum wage for all hours worked.

35. Because Defendant's taking of the tip credit without proper notice, and tip-pooling practice and policy was unlawful, Defendant is not permitted to claim the tip credit, and must pay the tip credit taken, as well as all tips collected for the unlawful tip pool, to Plaintiffs and those similarly situated opt-in Plaintiffs who join this action by

filing a consent to join.

36. In various workweeks in the three years preceding the filing of the Complaint in this matter, Plaintiffs and other bartenders/servers worked for Defendant in excess of forty (40) hours within a workweek.

37. Due to the policies and practices described in Paragraph 19, above, during the three years preceding the filing of the Complaint in this matter, Defendant failed to compensate Plaintiffs and those similarly situated to Plaintiffs at a rate of one and one-half Plaintiffs' regular rate of pay for all hours worked in excess of forty (40) hours in a single workweek.

38. Plaintiffs and those similarly situated to Plaintiffs who worked for Defendant in the three years prior to the commencement of this lawsuit should be compensated at the rate of one and one-half their regular rate of pay for those hours that they worked worked in excess of forty (40) hours per workweek, as required by the FLSA.

39. Defendant has violated Title 29 U.S.C. §206 during the three years preceding the filing of the Complaint in this matter, in that:

- a. Defendant has failed to pay Plaintiffs and other servers proper minimum wage for all of their hours worked for Defendant as required by the FLSA due to the policies and practices described in Paragraph 19, above;
- b. Plaintiffs and other servers were required to unlawfully pool their tips with non-tipped individuals, while Defendant nonetheless took a "tip credit" deduction from Plaintiffs' minimum wage;

- c. No payments, or insufficient payments and/or provisions for payment, have been made by Defendant to properly compensate Plaintiffs and those similarly situated to Plaintiffs at a rate equal to the minimum wage, for all hours worked, because Defendant's illegal tip-pool made them ineligible to claim the tip-credit taken or to retain employee tips paid into the tip pool;
- d. Defendant failed to provide Plaintiffs and those similarly situated with the statutorily required notice under 29 U.S.C. §203(m); and
- e. Upon information and belief, Defendant has failed to maintain proper time records as mandated by the FLSA.

40. Defendant has violated Title 29 U.S.C. §207 during the three years preceding the filing of the Complaint in this matter, in that:

- a. Plaintiffs and one or more of those similarly situated to Plaintiffs worked in excess of forty (40) hours per workweek during their employment with Defendant;
- b. No payments, or insufficient payments and/or provisions for payment, have been made by Defendant to properly compensate Plaintiffs and those similarly situated to Plaintiffs at the statutory rate of one and one-half their regular rate for all hours worked in excess of forty (40) hours per workweek as provided by the FLSA; and
- c. Upon information and belief, Defendant has failed to maintain proper time records as mandated by the FLSA.



41. Defendant knowingly, willfully, or with reckless disregard carried out its illegal pattern or practice of failing to pay proper minimum wage and overtime compensation with respect to Plaintiffs and those similarly situated, as Defendant knew or should have known that Plaintiffs and other servers/bartenders should be paid for all of their hours worked, that overtime should be recorded and paid at an overtime rate, that all hours worked should be recorded, and that Defendant was not eligible to claim a tip credit.

42. Upon information and belief, Defendant did not rely upon the advice of counsel in creating the pay structures of Plaintiffs and those similarly situated.

43. Defendant failed and/or refused to properly disclose or apprise Plaintiffs of their rights under the FLSA.

44. The additional persons who may join this action are other bartender/servers who worked for Defendant in the three years preceding this Complaint, who were also not paid for overtime hours, and/or were not paid appropriate minimum wages and/or overtime compensation due to Defendant's policies and practices as described above.

#### **COLLECTIVE ACTION ALLEGATIONS**

45. Plaintiffs and the class members were all "servers" and performed the same or similar job duties as one another in that they provided food and beverage services to Defendant's patrons.

46. Plaintiffs and the class members were subjected to the same pay provisions in that they were all paid pursuant to the "tip credit" provisions of the FLSA and were not compensated at least the proper minimum wage and overtime for all hours

worked as a result of Defendant's common policies and practices, including but not limited to:

- a. Plaintiffs and other bartenders and servers were required to participate in a mandatory tip pool which was unlawfully shared with non-tipped employees/management;
- b. Plaintiff BOLING and other servers were required to share with management a portion of the gratuity received on parties of eight or more;
- c. Plaintiffs and other bartenders and servers were not provided with proper notice of Defendant's intent to claim the tip credit or regarding requirements for the tip pool, as required by 29 U.S.C. §203(m);
- d. Plaintiffs and other bartenders and servers were not paid for all hours logged in Defendant's time-keeping system, including overtime hours, because Defendant, through managers, deleted hours logged into the timekeeping system;
- e. Plaintiff BOLING and other servers, two times per week, were clocked out by management prior to the end of their shifts so that managers could run server reports, resulting in off-the-clock work;
- f. Plaintiffs and other bartenders and servers were required to attend one or more meetings for which they were not permitted to clock in, and for which they were not paid;
- g. Plaintiff McClean and other bartenders were required to come in once per week to stock inventory, but were not permitted to clock in for this work; and
- h. Plaintiff BOLING and other servers spent over 20% of their time doing non-tipped work, including tasks for opening, closing, cleaning, side work, and training new employees, for which they were paid only the tipped minimum wage.

47. Defendant's uniform method of payment to Plaintiffs and the class members resulted in a violation of the FLSA tip credit provisions and a failure to pay Plaintiffs and the class members the required minimum wages and overtime due under the FLSA.

48. These policies and practices were applicable to Plaintiffs and the putative class members.

49. Application of this policy or practice does/did not depend on the personal circumstances of Plaintiffs or those joining this lawsuit, as all bartenders/servers were subject to same.

50. Rather, the same policies and practices which resulted in the non-payment of minimum and overtime wages to Plaintiffs applied to all class members.

51. Accordingly, the class members are properly defined as:

**All “bartenders/servers” who worked for Defendant within the three years preceding the filing of the Complaint in this matter, who were subject to Aqua Grill’s policies and practices pursuant to which bartenders/servers: (a) were required to participate in a mandatory tip pool which was unlawfully shared with non-tipped employees and/or Defendant; (b) were not provided with proper notice of Defendant’s intent to claim the tip credit or regarding requirements for the tip pool, as required by 29 U.S.C. §203(m); (c) were not paid for all hours worked; (d) were paid the tipped minimum wage for non-tipped work, where 20% or more of the work in that workweek was non-tipped work, and/or (e) were not paid all owed overtime compensation under the FLSA.**

52. Defendant knowingly, willfully, or with reckless disregard carried out its illegal pattern or practice of failing to pay minimum and full overtime wages with respect to Plaintiffs and the class members.

**COUNT I**  
**RECOVERY OF MINIMUM WAGES**

53. Plaintiffs reincorporate and readopt all allegations contained within Paragraphs 1-52 above.

54. Plaintiffs, and those similarly situated, were/are entitled to be paid the applicable minimum wage for each workweek worked during their employment with Defendant.

55. Defendant failed to pay Plaintiffs, and those similarly situated, the applicable minimum wage for each workweek worked for Defendant.

56. Defendant failed to provide proper notice of Defendant's intent to claim the tip credit or regarding requirements for the tip pool, as required by 29 U.S.C. §203(m).

57. Defendant required its server and bartender employees to share tips as part of an invalid tip pool arrangement, in violation of the FLSA tip credit provision.

58. Because of these policies, as well as the other policies described in Paragraph 19, above, Defendant violated the FLSA's tip-credit provisions and the FLSA's provision on minimum wages (29 U.S.C. §206) in that Plaintiffs, and those similarly situated, have not been paid the full minimum wage for each hour worked during their employment.

59. Defendant had specific knowledge that it was paying sub-minimum wages to Plaintiffs and other bartenders/servers, but still failed to pay Plaintiffs and other bartenders/servers at least minimum wages.

60. Defendant willfully failed to pay Plaintiffs and other bartenders/servers the applicable minimum wage for one or more weeks of work contrary to 29 U.S.C. § 206, as it knew or reasonably should have known that it was not eligible to claim the tip credit, that it was not recording all hours worked, that it was unlawful to pay significant non-tipped work at the tipped minimum wage rate, and that it was sharing tips with persons ineligible to participate in a valid tip pool.

61. Based upon information and belief, Defendant's other bartenders/servers were not paid proper minimum wage for each hour worked because Defendant claimed

the maximum tip credit for Plaintiffs and those similarly situated, while requiring them to participate in an unlawful tip pool, failing to record all of their hours, and paying the tipped minimum wage for significant non-tipped work; and because Defendant failed to give required notice of its intention to claim the tip credit, and these policies, practices and plans were applicable to all servers.

62. As a direct and proximate result of Defendant's deliberate underpayment of wages, Plaintiffs have been damaged in the loss of minimum wages, as well as contributions to the unlawful tip pool, for one or more weeks of work with Defendant.

63. As a result of these common policies, Plaintiffs, and those similarly situated, are entitled to receive the difference between the full statutory minimum wage and the hourly wage actually paid to them, in addition to tips paid into the unlawful tip pool.

64. Defendant knew its conduct violated the FLSA or acted in reckless disregard of the FLSA provisions.

65. Plaintiffs, and those similarly situated, are entitled to an award of reasonable attorney's fees and costs pursuant to 29 U.S.C. §216(b).

WHEREFORE, Plaintiffs request: a judgment entered in their favor and against Defendant for actual and liquidated damages; a declaration that Defendant's conduct violated the FLSA; an order certifying this action as a collective action; an Order requiring Notice to issue to the putative class, informing them of their right to join this litigation; as well as costs, expenses and attorneys' fees and such other relief deemed proper by this Court.

**COUNT II**  
**RECOVERY OF OVERTIME COMPENSATION**

66. Plaintiffs reallege and reaver Paragraphs 1 through 52 of the Complaint

as if fully set forth herein.

67. In the three years preceding the filing of the Complaint in this action, in one or more workweeks, Plaintiffs and other bartenders/servers worked hours in excess of forty (40) hours for which Plaintiffs and other servers were not compensated at the statutory rate of one and one-half the applicable minimum wage.

68. Plaintiffs and other servers were, and are entitled to be paid at the statutory rate of one and one-half the applicable minimum wage for all hours worked in excess of forty (40) hours in a workweek.

69. At all times material hereto, Defendant failed, and continues to fail, to maintain proper time records as mandated by the FLSA.

70. Defendant's actions were willful and/or showed reckless disregard for the provisions of the FLSA as evidenced by its failure to compensate Plaintiffs and other bartenders/servers at the statutory rate of one and one-half times their lowest lawful rate of pay for all hours in excess of forty (40) hours per workweek when it knew, or should have known, such was, and is due.

71. During the three years preceding the filing of the Complaint in this matter, other bartenders/servers were not paid proper overtime for hours worked in excess of forty (40) in one or more workweeks because Defendant has failed to properly pay Plaintiffs proper overtime wages at one and one-half her regular rate of pay for such hours, pursuant to a policies, plans, and practices which were equally applicable to all servers.

72. Defendant has failed to properly disclose or apprise Plaintiffs of Plaintiffs' rights under the FLSA.

73. Due to the intentional, willful, and unlawful acts of Defendant, Plaintiffs have suffered and continue to suffer damages and lost compensation for certain hours worked over forty (40) hours in one or more workweeks, plus liquidated damages.

74. Plaintiffs are entitled to an award of reasonable attorney's fees and costs pursuant to 29 U.S.C. §216(b).

75. At all times material hereto, Defendant failed to comply with Title 29 and United States Department of Labor Regulations, 29 C.F.R. §§516.2 and 516.4, with respect to those similarly situated to the named Plaintiffs by virtue of the management policy, plan or decision that intentionally provided for inadequate overtime compensation of such employees at a rate less than time and one half their lowest lawful regular rate of pay for their overtime hours.

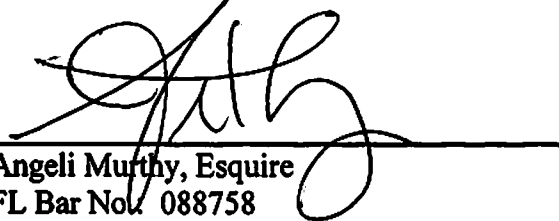
WHEREFORE, Plaintiffs request a judgment entered in their favor and against Defendant for actual and liquidated damages; a declaration that Defendant's conduct violated the FLSA; an order certifying this action as a collective action; an Order requiring Notice to issue to the putative class, informing them of their right to join this litigation; as well as costs, expenses and attorneys' fees and such other relief deemed proper by this Court.

**JURY DEMAND**

Plaintiffs demand trial by jury on all issues so triable as a matter of right by jury.

Dated this 21<sup>st</sup> day of December, 2017.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Angeli Murthy', is written over a solid horizontal line.

Angeli Murthy, Esquire  
FL Bar No. 088758  
MORGAN & MORGAN, P.A.  
600 N. Pine Island Road  
Suite 400  
Plantation, FL 33324  
Tel: 954-318-0268  
Fax: 954-327-3016  
E-mail: [Amurthy@forthepeople.com](mailto:Amurthy@forthepeople.com)

*Trial Counsel 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.)

<p><b>I. (a) PLAINTIFFS</b>                  JEFFREY B. MCCLEAN; LOGAN BOLING; for themselves and on behalf of those similarly situated</p> <p><b>(b)</b> County of Residence of First Listed Plaintiff <u>Duval</u>                  (EXCEPT IN U.S. PLAINTIFF CASES)</p> <p><b>(c)</b> Attorneys (Firm Name, Address, and Telephone Number)                  Angeli Murthy, Esq., Morgan &amp; Morgan P.A.                  600 N. Pine Island Road, S-400, Plantation, FL 33324                  (954) 318-0268</p>	<p><b>DEFENDANTS</b>                  ON THE HALF SHELL, INC. a/k/a AQUA GRILL</p> <p>County of Residence of First Listed Defendant _____                  (IN U.S. PLAINTIFF CASES ONLY)</p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>Attorneys (If Known) _____</p>
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<p><b>II. BASIS OF JURISDICTION</b> (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><b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> (Place an "X" in One Box for Plaintiff and One Box for Defendant)</p> <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;"></td> <td style="width:10%; text-align: center;"><b>PTF</b></td> <td style="width:10%; text-align: center;"><b>DEF</b></td> <td style="width:47%;"></td> <td style="width:10%; text-align: center;"><b>PTF</b></td> <td style="width:10%; text-align: center;"><b>DEF</b></td> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in This State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>		<b>PTF</b>	<b>DEF</b>		<b>PTF</b>	<b>DEF</b>	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
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**IV. NATURE OF SUIT** (Place an "X" in One Box Only) Click here for: Nature of Suit Code Descriptions.

<p><b>CONTRACT</b></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 &amp; Enforcement of Judgment</p> <p><input type="checkbox"/> 151 Medicare Act</p> <p><input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)</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><b>PERSONAL INJURY</b></p> <p><input type="checkbox"/> 310 Airplane</p> <p><input type="checkbox"/> 315 Airplane Product Liability</p> <p><input type="checkbox"/> 320 Assault, Libel &amp; 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><b>PERSONAL INJURY</b></p> <p><input type="checkbox"/> 365 Personal Injury - Product Liability</p> <p><input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability</p> <p><input type="checkbox"/> 368 Asbestos Personal Injury Product Liability</p> <p><b>PERSONAL PROPERTY</b></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><b>FORFEITURE/PENALTY</b></p> <p><input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881</p> <p><input type="checkbox"/> 690 Other</p>
<p><b>REAL PROPERTY</b></p> <p><input type="checkbox"/> 210 Land Condemnation</p> <p><input type="checkbox"/> 220 Foreclosure</p> <p><input type="checkbox"/> 230 Rent Lease &amp; Ejectment</p> <p><input type="checkbox"/> 240 Torts to Land</p> <p><input type="checkbox"/> 245 Tort Product Liability</p> <p><input type="checkbox"/> 290 All Other Real Property</p>	<p><b>GIVIL RIGHTS</b></p> <p><input type="checkbox"/> 440 Other Civil Rights</p> <p><input type="checkbox"/> 441 Voting</p> <p><input type="checkbox"/> 442 Employment</p> <p><input type="checkbox"/> 443 Housing/Accommodations</p> <p><input type="checkbox"/> 445 Amer. w/Disabilities - Employment</p> <p><input type="checkbox"/> 446 Amer. w/Disabilities - Other</p> <p><input type="checkbox"/> 448 Education</p>	<p><b>PRISONER/PETITIONS</b></p> <p><b>Habeas Corpus:</b></p> <p><input type="checkbox"/> 463 Alien Detainee</p> <p><input type="checkbox"/> 510 Motions to Vacate Sentence</p> <p><input type="checkbox"/> 530 General</p> <p><input type="checkbox"/> 535 Death Penalty</p> <p><b>Other:</b></p> <p><input type="checkbox"/> 540 Mandamus &amp; Other</p> <p><input type="checkbox"/> 550 Civil Rights</p> <p><input type="checkbox"/> 555 Prison Condition</p> <p><input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement</p>	<p><b>LABOR</b></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><b>FEDERAL TAX SUITS</b></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><b>PROPERTY RIGHTS</b></p> <p><input type="checkbox"/> 820 Copyrights</p> <p><input type="checkbox"/> 830 Patent</p> <p><input type="checkbox"/> 835 Patent - Abbreviated New Drug Application</p> <p><input type="checkbox"/> 840 Trademark</p>
		<p><b>SOCIAL SECURITY</b></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><b>OTHER STATUTES</b></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>

**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):  
29 U.S.C. §§ 201, 206, 207, and 216(b)

Brief description of cause:  
Unpaid Wages

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.    DEMAND \$ Unknown    CHECK YES only if demanded in complaint: JURY DEMAND:  Yes  No

**VIII. RELATED CASE(S) IF ANY** (See Instructions):

JUDGE Timothy J. Corrigan    DOCKET NUMBER 3:17-cv-00659

DATE 12/21/17    SIGNATURE OF ATTORNEY OF RECORD *[Signature]*

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT 10400    APPLYING IFF 01    JUDGE 20    MAG. JUDGE MR

*JAX026224*

# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Aqua Grill Under Water in Ex-Employees' Wage and Hour Collective Action](#)

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