

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

SCOTT NASKIEWICZ, Individually and)
on behalf of other similarly situated,)
)
)
Plaintiff,)
)
v.)
)
MONRO MUFFLER BRAKE, INC. d/b/a)
THE TIRE CHOICE & TOTAL CAR CARE,)
)
Defendant.)
_____)

Case No.: 8:18-cv-2743

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, Defendant *Monro, Inc.* (sued herein as “*Monro Muffler Brake, Inc. d/b/a The Tire Choice & Total Car Care*”) (“*Monro*”), by and through its undersigned attorney, submits this Notice of Removal and states as follows:

1. On or about October 15, 2018, a complaint in the above-captioned action was filed by the Plaintiff in the Thirteenth Judicial Circuit, Hillsborough County, Civil Division, entitled *Scott Naszkiewicz v. Monro Muffler Brake, Inc.*, No. 18-CA-010091 (the “State Court”). Plaintiff issued the Summons and Complaint to *Monro* and it was received by *Monro* on or about October 18, 2018. The action is now pending in the State Court. A copy of Docket Sheet is attached hereto as Exhibit A, the Summons and Complaint (collectively the “Pleadings”) are attached hereto as Exhibit B, the Civil Cover Sheet is Attached hereto as Exhibit C, and all remaining State Court Documents are attached hereto as Exhibit D. These documents constitute all process, pleadings and orders purportedly served in the action.

2. By statute “any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.” *Metro. Life Ins. Co. v. Taylor*, 481 U.S. 58, 62 (1987) (quoting 28 U. S. C. § 1441(a)). One category of cases over which the district courts have original jurisdiction are “federal question” cases; that is, those cases “arising under the Constitution, laws, or treaties of the United States.” *Id.* (citing 28 U. S.C. § 1331). This action involves claims for violation of the Fair Labor Standards Act 29 U.S.C. § 201, *et seq* a federal statute. Therefore, this Court has original jurisdiction pursuant to 28 U.S.C. § 1331 and is removable to this Court pursuant to 28 U.S.C. § 1441(a).

3. This Notice of Removal is being filed with this Court within thirty (30) days after service on *Monro*. Therefore, this Notice of Removal is being filed in a timely manner pursuant to 28 U.S.C. § 1446(b).

4. The State Court action is pending within the area of the Middle District of Florida. *See* 28 U.S.C. § 1441(a).

5. Written notice of filing of this Notice of Removal will be given to Plaintiff, and a copy will be filed in the State Court, as required by 28 U.S.C. § 1446(d).

6. In filing this Notice of Removal, *Monro* does not waive any defenses that may be available to it.

WHEREFORE, *Monro* respectfully submits that this Notice of Removal complies with the statutory removal requirements and respectfully requests that the action now proceeding against it, entitled *Scott Naszkiewicz v. Monro Muffler Brake, Inc.*, No. 18-CA-010091, be removed from the Thirteenth Judicial Circuit, Hillsborough County, Civil Division, that this

action proceed in this Court as a properly removed action, and that the Monro have such other and further relief as this Court may deem just and proper.

DATED: November 7, 2018

Respectfully submitted,

GARLICK, SWIFT & GARRY, LLP

/s/ Richard J. Swift, Jr.

Richard J. Swift, Jr.

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Tel: (239) 597-7088

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NIXON PEABODY LLP

/s/ Todd R. Shinaman

Todd R. Shinaman (pro hac vice pending)

New York State Bar No. 2236537

Email: tshinaman@nixonpeabody.com

Steven J. Jones (pro hac vice pending)

New York State Bar No. 3904794

Email: sjones@nixonpeabody.com

1300 Clinton Square

Rochester, New York 14614

Tel: (585) 263-1000

Fax: (585) 263-1600

Attorneys for Defendant

CERTIFICATE OF SERVICE

I certify that on the 7th day of November, 2018, I caused the foregoing Notice of Removal to be electronically filed with the Clerk of the Court for the United States District Court for the Middle District of Florida by using the CM/ECF system. A copy of the foregoing was served via electronic mail on:

FLORIN, GRAY, BOUZAS, OWENS, LLC

Wolfgang M. Florin

wolfgang@fgbolaw.com

Christopher D. Gray

chris@fgbolaw.com

16524 Pointe Village Drive, Suite 100

Lutz, FL 33558

Telephone (727) 254-5255

/s/ Richard J. Swift, Jr.

Richard J. Swift, Jr.

EXHIBIT A



Case Information

Case Number: 18-CA-010091

Uniform Case Number: 292018CA010091A001HC

Naszkievicz, Scott vs Monro Muffler Brake Inc



Icon Keys



Summary



Parties



Events\Documents



Financial



File Location



Related Cases

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Select	Document Index	Clock-In Event Date	Event Description	Comment	Image
	6	10/16/2018	E-FILED SUMMONS ISSUED	X1 - e-filing@fgbolaw.com ; wolfgang@fgbolaw.com ; la@fgbolaw.com	
	1	10/15/2018	File Home Location - Electronic		
	2	10/15/2018	CIVIL COVER SHEET		
	3	10/15/2018	REQUEST FOR DIVISION ASSIGNMENT (E-FILING)		

Select	Document Index	Clock-In Event Date	Event Description	Comment	Image
	4	10/15/2018	COMPLAINT		
	5	10/15/2018	REQUEST FOR SUMMONS TO BE ISSUED (E-Filed)		
Plaintiff <i>Naszkievicz, Scott</i>					

Showing 1 to 6 of 6 entries (filtered from 0 total entries)

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 Exit Case Details

EXHIBIT B

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CIVIL DIVISION

SCOTT NASZKIEWICZ, Individually
and on behalf of others similarly situated,

CASE NO.

Plaintiffs,

vs.

MONRO MUFFLER BRAKE, INC. d/b/a
THE TIRE CHOICE & TOTAL CAR CARE,

Defendant.

_____ /

COMPLAINT

COMES NOW, Plaintiff, SCOTT NASZKIEWICZ, (hereinafter referred to as “PLAINTIFF”), pursuant to the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. § 201, et seq., by and through his undersigned counsel and sues the Defendant, MONRO MUFFLER BRAKE, INC. d/b/a THE TIRE CHOICE & TOTAL CAR CARE, (hereinafter referred to as “DEFENDANT”) and states as follows:

JURISDICTION AND VENUE

1. This is an action for damages in excess of \$15,000.00.
2. Venue lies within Hillsborough County because a substantial part of the events giving rise to this claim arose in this Judicial District.

PARTIES

3. Plaintiff at all times material hereto was a resident of Pinellas County, Florida.
4. Defendant is a foreign corporation licensed and authorized to conduct business in the State of Florida and doing business within Hillsborough County.
5. Defendant is an employer as defined by the laws under which this action is

brought and employs the required number of employees.

GENERAL ALLEGATIONS

6. At all times material, Plaintiff was qualified to perform his job within the legitimate expectations of his employer.

7. Plaintiff has been required to retain the undersigned counsel to represent him in this action and is obligated to pay them a reasonable fee for their services.

FACTUAL ALLEGATIONS

8. Plaintiff was employed by Defendant from approximately October 2014 through October 1, 2017 in the position of Service Technician.

9. Plaintiff was paid on an hourly basis throughout his employment with Defendant.

10. Plaintiff regularly and routinely worked over forty (40) hours in a work week.

11. Plaintiff was not paid time and a one-half his regular hourly rate for each and every hour that he worked in excess of forty (40) hours in a work week for all weeks that he worked.

12. Specifically, Plaintiff was required to clock out at the end of his shift and stay to “close out paperwork” and lock up the store, which amounted to approximately fifteen to twenty minutes per day.

13. Plaintiff was required to perform these off the clock duties on every shift that he worked and was not compensated for this time.

COUNT I
FAIR LABOR STANDARD ACT

14. Plaintiff realleges paragraphs one (1) through thirteen (13) as though set forth fully herein.

15. The employment of Plaintiff provided for a forty (40) hour work week but, throughout his employment, Plaintiff was required to work and did work a substantial number of hours in excess of forty (40) hours per work week.

16. At all times material herein, Defendant failed to comply with the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201, et seq., in that Plaintiff worked for the Defendant in excess of the maximum hours provided by law, but no provision was made by Defendant to compensate Plaintiff at the rate of time and one-half (1½) her regular rate of pay for the hours worked over forty (40) in a work week.

17. Defendant’s failure to pay Plaintiff the required overtime pay was knowingly intentional, and willful.

18. As a direct and legal consequence of Defendant’s violations of the FLSA, Plaintiff has suffered damages by being denied overtime wages in accordance with the FLSA, 29 U.S.C. § 201, et seq. including § 207 and § 216(b), including, but not limited to, the following:

- a. Overtime compensation;
- b. Liquidated damages;
- c. Prejudgment and post-judgment interest;
- d. Attorney’s fees and costs;
- e. Equitable relief declaring and mandating the cessation of Defendant’s unlawful pay policy; and
- f. All other relief to which Plaintiff may be justly entitled.

COUNT II

19. Plaintiff realleges paragraphs one (1) through thirteen (13) as though set forth fully herein.

20. At all times material, Defendant employed numerous individuals who were paid in a similar manner to Plaintiff. Such individuals were similarly situated to Plaintiff with respect to the terms and conditions of their employment.

21. Throughout their employment, individuals similarly situated to Plaintiff were required to work and did work a substantial number of hours in excess of forty (40) hours per work week.

22. At all times material, Defendant failed to comply with the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 201, et seq, et seq., in that individuals similarly situated to Plaintiff worked for Defendant in excess of the maximum hours provided by law, but no provision was made by Defendant to compensate such individuals at the rate of time and one-half for hours worked in excess of forty (40).

23. Defendant's failure to pay such similarly situated individuals the required overtime pay was intentional and willful.

24. As a direct and legal consequence of Defendant's unlawful acts, individuals similarly situated to Plaintiff have suffered damages and have incurred, or will incur, costs and attorneys' fees in the prosecution of this matter.

WHEREFORE, Plaintiff individually and on behalf of others similarly situated, demand a trial by jury and judgment against Defendant for an amount within the jurisdictional limits of this Court, to wit: More than Fifteen Thousand (\$15,000.00) Dollars, plus interest, costs, and attorney's fees, and for such other and further relief to which Plaintiff may be justly entitled.

DEMAND FOR JURY TRIAL

Plaintiff requests a jury trial on all issues so triable.

Dated this 15th day of October 2018.

FLORIN, GRAY, BOUZAS, OWENS, LLC

/s/Wolfgang M. Florin

Wolfgang M. Florin

Florida Bar No. 907804

wolfgang@fgbolaw.com

Christopher D. Gray

Florida Bar No.: 0902004

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16524 Pointe Village Drive, Suite 100

Lutz, FL 33558

Telephone (727) 254-5255

Facsimile (727) 483-7942

Attorneys for Plaintiff

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL
CIRCUIT OF THE STATE OF FLORIDA, IN AND FOR HILLSBOROUGH COUNTY
CIRCUIT CIVIL DIVISION**

Scott Naszkiewicz, Individually and on behalf of others similary situated

Plaintiff(s)

CASE NO.: _____

VS.

DIVISION: _____

Monro Muffler Brake, Inc. d/b/a The Tire Choice & Total Car Care

Defendant(s)

REQUEST FOR ISSUANCE OF SUMMONS –CIRCUIT CIVIL

This is a request for issuance of service of process by the Clerk of court as follows:

PLEASE NOTE THAT A SEPARATE REQUEST IS REQUIRED FOR EACH PARTY TO BE SERVED

Type of Process: (choose one) <input checked="" type="checkbox"/> Initial Summons <input type="checkbox"/> Alias Summons <input type="checkbox"/> Pluries Summons	
Type of summons: (choose one) Circuit Court Summons Indicate days to respond <input checked="" type="checkbox"/> 20 <input type="checkbox"/> 30 <input type="checkbox"/> 45 <input type="checkbox"/> 60 Other _____	
Non-Residential Eviction <input type="checkbox"/> Mailing <input type="checkbox"/> No Mailing	
Residential Eviction - 5 day only <input type="checkbox"/> 5 day with 20 day attached <input type="checkbox"/> <input type="checkbox"/> Mailing <input type="checkbox"/> No Mailing	
Party information:	Attorney/Plaintiff Information
Party To Be Served:	Name of Attorney or Plaintiff Contact:
Name: Monro Muffler Brake, Inc. d/b/a The T	Wolfgang M. Florin, Esquire
Address: 1200 S. Pine Island Road	Address: 16524 Pointe Village Drive, Ste. 100
City/State/Zip: Plantation, FL 33324	City/State/Zip: Lutz, Florida 33558
	Atty Phone Number:
	() 727-254-5255
	Email Address: <u>wolfgang@fgbolaw.com</u>

EXHIBIT C

FORM 1.997. CIVIL COVER SHEET

The civil cover sheet and the information contained in it neither replace nor supplement the filing and service of pleadings or other documents as required by law. This form must be filed by the plaintiff or petitioner for the use of the Clerk of Court for the purpose of reporting judicial workload data pursuant to section 25.075, Florida Statutes. (See instructions for completion.)

I. CASE STYLE

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT,
 IN AND FOR HILLSBOROUGH COUNTY, FLORIDA

Case No.: _____
 Judge: _____

Scott Naszkiewicz
 Plaintiff

vs.

Monro Muffler Brake Inc
 Defendant

II. TYPE OF CASE

- Condominium
- Contracts and indebtedness
- Eminent domain
- Auto negligence
- Negligence – other
 - Business governance
 - Business torts
 - Environmental/Toxic tort
 - Third party indemnification
 - Construction defect
 - Mass tort
 - Negligent security
 - Nursing home negligence
 - Premises liability – commercial
 - Premises liability – residential
- Products liability
- Real Property/Mortgage foreclosure
 - Commercial foreclosure \$0 - \$50,000
 - Commercial foreclosure \$50,001 - \$249,999
 - Commercial foreclosure \$250,000 or more
 - Homestead residential foreclosure \$0 – 50,000
 - Homestead residential foreclosure \$50,001 - \$249,999
 - Homestead residential foreclosure \$250,000 or more
 - Non-homestead residential foreclosure \$0 - \$50,000
 - Non-homestead residential foreclosure \$50,001 - \$249,999

- Non-homestead residential foreclosure \$250,00 or more
- Other real property actions \$0 - \$50,000
- Other real property actions \$50,001 - \$249,999
- Other real property actions \$250,000 or more
- Professional malpractice
 - Malpractice – business
 - Malpractice – medical
 - Malpractice – other professional
- Other
 - Antitrust/Trade Regulation
 - Business Transaction
 - Circuit Civil - Not Applicable
 - Constitutional challenge-statute or ordinance
 - Constitutional challenge-proposed amendment
 - Corporate Trusts
 - Discrimination-employment or other
 - Insurance claims
 - Intellectual property
 - Libel/Slander
 - Shareholder derivative action
 - Securities litigation
 - Trade secrets
 - Trust litigation

COMPLEX BUSINESS COURT

This action is appropriate for assignment to Complex Business Court as delineated and mandated by the Administrative Order. Yes No

III. REMEDIES SOUGHT (check all that apply):

- Monetary;
- Non-monetary declaratory or injunctive relief;
- Punitive

IV. NUMBER OF CAUSES OF ACTION: ()
(Specify)

2

V. IS THIS CASE A CLASS ACTION LAWSUIT?

- Yes
- No

VI. HAS NOTICE OF ANY KNOWN RELATED CASE BEEN FILED?

- No
- Yes – If “yes” list all related cases by name, case number and court:

VII. IS JURY TRIAL DEMANDED IN COMPLAINT?

- Yes
- No

I CERTIFY that the information I have provided in this cover sheet is accurate to the best of my knowledge and belief, and that I have read and will comply with the requirements of Florida Rule of Judicial Administration 2.425.

Signature s/ Wolfgang M Florin FL Bar No.: 907804
Attorney or party

(Bar number, if attorney)

Wolfgang M Florin 10/15/2018
(Type or print name)

Date

EXHIBIT D

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CIVIL DIVISION

SCOTT NASZKIEWICZ, Individually
and on behalf of others similarly situated,

CASE NO.

Plaintiffs,

vs.

MONRO MUFFLER BRAKE, INC. d/b/a
THE TIRE CHOICE & TOTAL CAR CARE,

Defendant.

REQUEST FOR DIVISION ASSIGNMENT

This is a request based on local Administrative Order(s) for the Clerk of the Court to assign the
above styled case in the:

Tampa Division

East Division

Prior Division (Please indicate Case Number and Division of previously filed

action: _____)

I understand that the actual division assignment will be in accordance with the Hillsborough
County Administrative Orders. If there is no supported request for specific division assignment,
this action will be assigned a division based on a random and equitable distribution system.

Name of Attorney: Wolfgang M. Florin

Address: 16524 Pointe Village Drive, Suite 100, Lutz, FL 33558

Phone Number: (727) 254-5255

Email Addresses: wolfgang@fgbolaw.com; tina@fgbolaw.com

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Scott Naskiewicz, Individually and on behalf of others similarly situated

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

(c) Attorneys (Firm Name, Address, and Telephone Number) See Attachment

DEFENDANTS

Monro Muffler Brake, Inc. d/b/a The Tire Choice & Total Car Care

County of Residence of First Listed Defendant Monroe County, New York (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known) See Attachment

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

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

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation.

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

Large table with categories: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

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, et seq, et seq., Brief description of cause: Potential Wage and Hour Collective Action

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: X Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE 11/07/2018 SIGNATURE OF ATTORNEY OF RECORD /s/ Richard Swift

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

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

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

Plaintiff Attorneys

FLORIN, GRAY, BOUZAS, OWENS, LLC
Wolfgang M. Florin
Christopher D. Gray
16524 Pointe Village Drive, Suite 100
Lutz, FL 33558
Telephone (727) 254-5255

Defendant Attorneys

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Richard J. Swift, Jr.
5150 Tamiami Trail N., Suite 501
Tel: (239) 597-7088

NIXON PEABODY LLP
Todd R. Shinaman (pro hac vice pending)
Steven J. Jones (pro hac vice pending)
1300 Clinton Square
Rochester, New York 14614
Tel: (585) 263-1000

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Service Technician Files Unpaid OT Suit Against The Tire Choice & Total Car Care](#)
