

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

**BRANDON STUARD, PATRICK
MANGOLD, and MIKE ILIA,**
Individually and on behalf of all other
similarly situated individuals

Plaintiffs,

vs.

LUCAS COUNTY, OHIO
One Government Center
Toledo, Ohio 43604

And

LUCAS COUNTY, OHIO AUDITOR
One Government Center, Suite 600
Toledo, Ohio 43604

And

**LUCAS COUNTY, OHIO
SHERIFF'S OFFICE**
1622 Spielbusch Avenue
Toledo, Ohio 43604

And

**LUCAS COUNTY, OHIO
JUVENILE DETENTION CENTER**
1801 Spielbusch Avenue
Toledo, Ohio 43604

Defendants.

CASE NO.:

Judge

**CLASS AND COLLECTIVE
ACTION COMPLAINT WITH
JURY DEMAND**

Widman & Franklin, LLC
John D. Franklin (0055359)
Kera L. Paoff (0082674)
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kera@wflawfirm.com
Attorneys for Plaintiffs

INTRODUCTION

1. This is an action for money damages, liquidated damages, costs, attorneys' fees and other relief as a result of Defendants' failure to pay wages and overtime compensation due to Plaintiffs and other similarly situated individuals in violation of the Fair Labor Standards Act ("FLSA"), 29 U.S.C. §§ 201, *et seq.* as well and the applicable wage and hour laws and regulations set forth in Ohio Revised Code §§ 4111.01, 4111.03, 4111.10, and 4113.15 (collectively referred to as "Ohio law claims" or "state law claims").
2. With respect to Plaintiffs' Ohio law claims, Plaintiffs brings this action as a class action, individually, and on behalf of similarly situated individuals pursuant to the Federal Rules of Civil Procedure 23(a) and 23(b).
3. With regard to the claims brought under the FLSA, this action is brought pursuant to the opt-in collective action provisions of the Fair Labor Standards Act. This is an appropriate collective or representative action under 29 U.S.C. § 216(b), sometimes referred to as an "opt-in" class action.

JURISDICTION AND VENUE

4. This Court has federal subject matter jurisdiction over this case under the provisions of 28 U.S.C. § 1331 because it asserts claims arising under federal law – FLSA – and pursuant to 29 U.S.C. § 216(b).
5. This Court has supplemental jurisdiction over Plaintiffs' Ohio law claims set forth herein pursuant to 28 U.S.C. § 1367 because the claims arise out of the same case and controversy.

6. Venue is properly laid in the Northern District of Ohio under 28 U.S.C. § 1391(b) because a substantial part of the events giving rise to the claims occurred in Lucas County, Ohio.

PARTIES

7. Plaintiff Brandon Stuard (“Plaintiff Stuard”) is an individual presently residing in Lucas County, Ohio. At all times relevant herein, Plaintiff Stuard worked for Defendants and therefore was an employee within the meaning of the FLSA.
8. Plaintiff Patrick Mangold (“Plaintiff Mangold”) is an individual presently residing in Lucas County, Ohio. At all times relevant herein, Plaintiff Mangold worked for Defendants and therefore was an employee within the meaning of the FLSA.
9. Plaintiff Mike Ilia (“Plaintiff Ilia”) is an individual presently residing in Lucas County, Ohio. At all times relevant herein, Plaintiff Ilia worked for Defendants and therefore was an employee within the meaning of the FLSA.
10. At all times relevant herein, Defendants Lucas County, Ohio (“Defendant County”), Lucas County, Ohio Auditor (“Defendant Auditor”), Lucas County, Ohio Sheriff’s Office (“Defendant Office”) and Lucas County, Ohio Juvenile Detention Center (“Defendant Center”) (collectively referred to herein as “Defendants”) were political subdivisions of the State of Ohio, governmental entities, and/or public agencies employing Plaintiffs and similarly situated individuals. Defendants, therefore, were employers within the meaning of the FLSA.
11. Defendants are a single enterprise and integrated employer, jointly employing Plaintiffs and other similarly situated individuals.

12. Plaintiffs bring this action on their own and on behalf of all other similarly situated employees of Defendants, present and former, who were and/or are affected by the actions, pay schemes, policies and procedures of Defendants as described herein.
13. In addition, Plaintiffs brings this action in their individual capacities, separate and apart from the class and/or collective action claims set forth herein.

FLSA COLLECTIVE ACTION CLAIMS

14. With respect to the collective action claims under the FLSA, the collective action class is defined as follows:
 - a. All current and former employees of Defendant who worked “off duty projects” for Defendants, or another subdivision of Defendant County, at any time from three (3) years preceding the filing of this lawsuit through the culmination of this litigation; and
 - b. Who were not paid at a rate of one and one half times their regular rate of pay, calculated pursuant to law and regulations, for all hours worked in excess of forty hours per week.
15. The total hours worked for each said person shall be calculated based on the total number of hours worked for Defendants, regardless of the subdivision or agency for which the work was performed.
16. Plaintiffs reserve the right to amend said class definition consistent with information obtained through discovery.

RULE 23 CLASS ACTION CLAIMS

17. With respect to Plaintiffs' Ohio law claims, Plaintiffs seek relief for themselves and on behalf of the following class:
 - a. All current and former employees of Defendant who worked "off duty projects" for Defendants, or another subdivision of Defendant County, at any time from three (3) years preceding the filing of this lawsuit through the culmination of this litigation; and
 - b. Who were not paid at a rate of one and one half times their regular rate of pay, calculated pursuant to law and regulations, for all hours worked in excess of forty hours per week.
18. The total hours worked for each said person shall be calculated based on the total number of hours worked for Defendants, regardless of the subdivision or agency for which the work was performed.
19. Plaintiffs reserve the right to amend said class definition consistent with information obtained through discovery.
20. Class certification for the claims is appropriate under Federal Rules of Civil Procedure 23(a), and 23(b)(3) because all of the requirements of those Rules are met.
21. The class is so numerous that joinder of all members is impracticable.
22. There are questions of law and fact common to the class, including whether the putative class members were not compensated for all hours worked including proper overtime pay in violation of Ohio law.

23. The named Plaintiffs' claims are typical of those of the class members. Plaintiffs' claims encompass the challenged practices and course of conduct of Defendants. Furthermore, Plaintiffs' legal claims are based on the same legal theories as the claims of the putative class members. The legal issues as to which laws are violated by such conduct apply equally to Plaintiffs and to the class.
24. The named Plaintiffs will fairly and adequately protect the interests of the class. Plaintiff's claims are not antagonistic to those of the putative class and they have hired counsel skilled in the prosecution of class actions.
25. Common questions of law and fact predominate over questions affecting only individuals, and a class action is superior to other available methods for the fair and efficient adjudication of this controversy. This proposed class action under Fed. R. Civ. P. 23 presents few management difficulties, conserves the resources of the parties and the court system, protects the rights of each class member and maximizes recovery to them.

GENERAL BACKGROUND

26. Plaintiffs and other similarly situated individuals are employed by Defendants and have worked as deputies and/or corrections officers.
27. Plaintiffs and other similarly situated individuals are classified as hourly, non-exempt employees.
28. Plaintiffs and other similarly situated individuals are scheduled to work a regular shift for Defendants through Defendant Office.

29. Defendants employ Plaintiffs and other similarly situated individuals in “off duty projects”. These projects were in addition to their regular shifts and any overtime or recall worked through Defendant Office.
30. One such project included performing security work at Defendant Center, also referred to as the Juvenile Assessment Center.
31. Defendants misclassified Plaintiffs and other similarly situated individuals as “independent contractors” for the work they performed during “off duty projects”, including but not limited to the Assessment Center security.
32. In doing so, Defendants paid Plaintiffs and other similarly situated individuals straight time at a flat rate of \$25.00 per hour for that work.
33. Despite the fact that the “off duty projects” nearly, if not always, resulted in Plaintiffs and other similarly situated individuals working more than 40 hours per week, Defendants did not compensate them at a rate of one and one-half times their regular hourly rate for all overtime worked.
34. Plaintiffs and other similarly situated individuals were subject to the same payroll practices and performed similar job duties under similar conditions.
35. As a result of Defendants’ unlawful practices, Plaintiffs and other similarly situated individuals were and/or are unlawfully deprived of overtime compensation for all hours worked in excess of forty (40) per week.

COUNT ONE
VIOLATION OF THE FAIR LABOR STANDARDS ACT
ON BEHALF OF PLAINTIFFS, INDIVIDUALLY,
AND ON BEHALF OF ALL OTHER SIMILARLY SITUATED EMPLOYEES,
CURRENT AND FORMER
COLLECTIVE ACTION ALLEGATIONS

36. Defendants failed to pay Plaintiffs and other similarly situated individuals proper overtime compensation for hours worked in excess of forty (40) per week.
37. Defendants have a policy and practice of failing and refusing to pay Plaintiffs and all other similarly situated employees for all hours worked in violation of the Fair Labor Standards Act, 29 U.S.C. §§ 201, *et seq.*
38. Defendants' conduct in this regard was a willful violation of the FLSA.
39. As a result of Defendants' unlawful acts, Plaintiffs and all other similarly situated current and former employees are being deprived of earned wages in amounts to be determined at trial. They are entitled to compensation for unpaid overtime wages, interest, liquidated damages, attorneys' fees and costs, and any other remedies available at law or in equity.

COUNT TWO
VIOLATION OF THE OHIO WAGE ACT, O.R.C. §§ 4111.01, 4111.03, 4111.10
BY PLAINTIFFS, INDIVIDUALLY AND
ON BEHALF OF ALL OTHER SIMILARLY SITUATED INDIVIDUALS
CLASS ACTION ALLEGATIONS

40. Plaintiffs and the members of the putative class are employees within the meaning of the Ohio Wage Act.
41. Defendants failed to pay Plaintiffs and other similarly situated individuals proper compensation for all hours worked in violation of the Ohio Wage Act.
42. Defendants' policy and practice denied and continues to deny Plaintiffs and other similarly situated employees from receiving payment of the overtime premium for all hours worked in excess of forty hours in a work week.
43. Defendants' conduct in this regard is a willful violation of O.R.C. §§4111.01, 4111.03 and 4111.10.
44. Plaintiffs and other similarly situated individuals who worked in Ohio are entitled to compensation for unpaid overtime wages, interest, attorneys' fees and costs, and any other remedies available at law or in equity.

COUNT THREE
VIOLATION OF THE OHIO PROMPT PAY ACT, O.R.C. § 4113.15,
FAILURE TO PAY WAGES WITHIN THIRTY DAYS OF PERFORMING
THE WORK
BY PLAINTIFFS, INDIVIDUALLY AND
ON BEHALF OF ALL OTHER SIMILARLY SITUATED INDIVIDUALS
CLASS ACTION ALLEGATIONS

45. Plaintiffs and the members of the putative class are employees within the meaning of the Ohio Prompt Pay Act (“OPPA”).
46. Defendants violated and continues to violate the OPPA because of its willful failure to compensate Plaintiffs and other similarly situated individuals at the time prescribed by the OPPA.
47. During all times relevant to this complaint, Plaintiffs and the members of the putative class are/were not paid wages within 30 days of performing the work.
48. Plaintiffs and other similarly situated individuals who worked in Ohio are entitled to compensation including liquidated damages, penalties, six percent interest on all available compensatory damages, attorneys’ fees and costs, and any other remedies available at law or in equity.

DEMAND FOR RELIEF

WHEREFORE, Plaintiffs claim, individually and on behalf of all other similarly situated as follows:

1. Designation of this action as a collective action pursuant to the FLSA and prompt issuance of notice pursuant to 29 U.S.C. § 216(b);
2. Certification of the Ohio law claims as class action pursuant to Fed. R. Civ. P. 23 and the appointment of Plaintiffs and their counsel to represent the class;
3. An award of unpaid overtime wages under the FLSA and Ohio state law;
4. An award of liquidated damages under the FLSA and Ohio state law;
5. Penalties;
6. Interest;
7. Attorneys' fees and costs under the FLSA and Ohio state law;
8. Such other relief as in law or equity may pertain.

Respectfully submitted,

s/Kera L. Paoff
John D. Franklin (0055359)
Kera L. Paoff (0082674)

PLAINTIFFS DEMAND TRIAL BY JURY.

s/Kera L. Paoff
John D. Franklin (0055359)
Kera L. Paoff (0082674)
Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

BRANDON STUARD, et al. *
Individually and on behalf of all other *
similarly situated individuals *

Plaintiff, *

vs. *

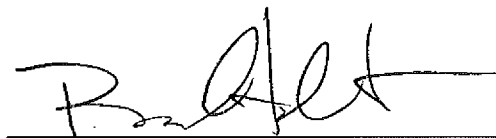
LUCAS COUNTY, OHIO *
et al. *

Defendants.

* * * * *

CONSENT TO JOIN ACTION AND AUTHORIZATION TO REPRESENT

I, Brandon STUARD, consent to be a party plaintiff in the above
action pursuant to section 16(b) of the Fair Labor Standards Act, and the lawyers of Widman &
Franklin, LLC, to act on my behalf in all matters relating to this action, including the settlement of
my claims.



Signature

10-26-16

Date

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

BRANDON STUARD, et al. *
Individually and on behalf of all other *
similarly situated individuals *

Plaintiff, *

vs. *


LUCAS COUNTY, OHIO *
et al. *

Defendants.

* * * * *

CONSENT TO JOIN ACTION AND AUTHORIZATION TO REPRESENT

I, Michael ISA, consent to be a party plaintiff in the above
action pursuant to section 16(b) of the Fair Labor Standards Act, and the lawyers of Widman &
Franklin, LLC, to act on my behalf in all matters relating to this action, including the settlement of
my claims.



Signature

10/26/2016

Date

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

BRANDON STUARD, et al. *
Individually and on behalf of all other *
similarly situated individuals *

Plaintiff, *

vs. *

LUCAS COUNTY, OHIO *
et al. *

Defendants.

* * * * *

CONSENT TO JOIN ACTION AND AUTHORIZATION TO REPRESENT

I, Patrick Mangold, consent to be a party plaintiff in the above
action pursuant to section 16(b) of the Fair Labor Standards Act, and the lawyers of Widman &
Franklin, LLC, to act on my behalf in all matters relating to this action, including the settlement of
my claims.



Signature

10-26-16

Date

CIVIL COVER SHEET

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

I. (a) PLAINTIFFS
Brandon Strard, Patrick Mangold and Mike Iliia, Individually and on behalf of all other similarly situated individuals

DEFENDANTS
Lucas County Ohio, et al

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

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

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

Attorneys (If Known)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Kera L. Paoff (0082674), Widman & Franklin, LLC, 405 Madison Avenue, Suite 1550, Toledo, Ohio 43604, (419) 243-9005, kera@wflawfirm.com

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)

- Citizen of This State
Citizen of Another State
Citizen or Subject of a Foreign Country
PTF DEF
1 1 Incorporated or Principal Place of Business In This State
2 2 Incorporated and Principal Place of Business In Another State
3 3 Foreign Nation
4 4
5 5
6 6

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

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

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
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

Brief description of cause:
Violations of the Fair Labor Standards Act

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 10/26/2016 SIGNATURE OF ATTORNEY OF RECORD s/ Kera L. Paoff

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

I. Civil Categories: (Please check one category only).

- 1. General Civil
- 2. Administrative Review/Social Security
- 3. Habeas Corpus Death Penalty

*If under Title 28, §2255, name the SENTENCING JUDGE: _____

CASE NUMBER: _____

II. **RELATED OR REFILED CASES.** See LR 3.1 which provides in pertinent part: "If an action is filed or removed to this Court and assigned to a District Judge after which it is discontinued, dismissed or remanded to a State court, and subsequently refiled, it shall be assigned to the same Judge who received the initial case assignment without regard for the place of holding court in which the case was refiled. Counsel or a party without counsel shall be responsible for bringing such cases to the attention of the Court by responding to the questions included on the Civil Cover Sheet."

This action is **RELATED** to another **PENDING** civil case. This action is **REFILED** pursuant to **LR 3.1**.

If applicable, please indicate on page 1 in section VIII, the name of the Judge and case number.

III. In accordance with Local Civil Rule 3.8, actions involving counties in the Eastern Division shall be filed at any of the divisional offices therein. Actions involving counties in the Western Division shall be filed at the Toledo office. For the purpose of determining the proper division, and for statistical reasons, the following information is requested.

ANSWER ONE PARAGRAPH ONLY. ANSWER PARAGRAPHS 1 THRU 3 IN ORDER. UPON FINDING WHICH PARAGRAPH APPLIES TO YOUR CASE, ANSWER IT AND STOP.

(1) **Resident defendant.** If the defendant resides in a county within this district, please set forth the name of such county
COUNTY: Lucas
Corporation For the purpose of answering the above, a corporation is deemed to be a resident of that county in which it has its principal place of business in that district.

(2) **Non-Resident defendant.** If no defendant is a resident of a county in this district, please set forth the county wherein the cause of action arose or the event complained of occurred.
COUNTY:

(3) **Other Cases.** If no defendant is a resident of this district, or if the defendant is a corporation not having a principle place of business within the district, and the cause of action arose or the event complained of occurred outside this district, please set forth the county of the plaintiff's residence.
COUNTY:

IV. The Counties in the Northern District of Ohio are divided into divisions as shown below. After the county is determined in Section III, please check the appropriate division.

EASTERN DIVISION

- AKRON (Counties: Carroll, Holmes, Portage, Stark, Summit, Tuscarawas and Wayne)
- CLEVELAND (Counties: Ashland, Ashtabula, Crawford, Cuyahoga, Geauga, Lake, Lorain, Medina and Richland)
- YOUNGSTOWN (Counties: Columbiana, Mahoning and Trumbull)

WESTERN DIVISION

- TOLEDO (Counties: Allen, Auglaize, Defiance, Erie, Fulton, Hancock, Hardin, Henry, Huron, Lucas, Marion, Mercer, Ottawa, Paulding, Putnam, Sandusky, Seneca VanWert, Williams, Wood and Wyandot)

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 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.

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Brandon Stuard, et al. Individually and on behalf of all other similarly situated individuals

Plaintiff

v.

Lucas County, et al

Defendant

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)
)
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)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Lucas County Ohio Auditor
One Government Center, Suite 600
Toledo, Ohio 43604

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Kera L. Paoff
Widman & Franklin, LLC
405 Madison Avenue, Suite 1550
Toledo, Ohio 43604
kera@wflawfirm.com

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

GERI M. SMITH, CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Print

Save As...

Reset

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Brandon Stuard, et al. Individually and on behalf of all
other similarly situated individuals

Plaintiff

v.

Lucas County, et al

Defendant

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Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Lucas County Ohio Juvenile Detention Center
1801 Spielbusch Avenue
Toledo, Ohio 43604

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Kera L. Paoff
Widman & Franklin, LLC
405 Madison Avenue, Suite 1550
Toledo, Ohio 43604
kera@wflawfirm.com

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

GERI M. SMITH, CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Print

Save As...

Reset

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Brandon Stuard, et al. Individually and on behalf of all other similarly situated individuals

Plaintiff

v.

Lucas County, et al

Defendant

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Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Lucas County Ohio Sheriff's Office
1622 Spielbusch Avenue
Toledo, Ohio 43604

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Kera L. Paoff
Widman & Franklin, LLC
405 Madison Avenue, Suite 1550
Toledo, Ohio 43604
kera@wflawfirm.com

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

GERI M. SMITH, CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

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Plaintiff

v.

Lucas County, et al

Defendant

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Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Lucas County Ohio
One Government Center
Toledo, Ohio 43604

A lawsuit has been filed against you.

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Server's signature

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Server's address

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ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [FLSA Class Action Filed Against Lucas County, Ohio](#)
