

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

**BRANDY TERRIS, on behalf of
herself and on behalf of all others
similarly situated,**

Plaintiff,

Case No.:

v.

**ANGIE OF POLK COUNTY, INC., d/b/a
MANNY'S ORIGINAL CHOPHOUSE and
EMMANUEL NIKOLAIDIS, an individual,**

Defendants.

_____ /

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiffs, BRANDY TERRIS, ("Plaintiff"), by and through undersigned counsel, on behalf of herself and on behalf of all others similarly situated, bring this action against Defendants, LAKELAND CHOPHOUSE, LLC d/b/a MANNY'S ORIGINAL CHOPHOUSE, ("MANNY'S ORIGINAL CHOPHOUSE") and EMMANUEL NIKOLAIDIS, in his individual capacity ("Defendants"), and in support of their claims state as follows:

JURISDICTION AND VENUE

1. This is an action for damages under the Fair Labor Standards Act, ("FLSA"), 29 U.S.C. § 201 *et seq.*, for failure to pay a minimum wage, failure to pay overtime wages under 29 U.S.C. § 215(a)(3), and Florida common law for unpaid wages.
2. This Complaint is filed as a collective action under 29 U.S.C. § 216(b) and a class action under Federal Rule of Civil Procedure 23.

3. Venue lies within this Judicial District because events giving rise to this claim arose in this Judicial District at the time the lawsuit was commenced.

PARTIES

4. Plaintiffs is a resident of Levering in Emmet County, Michigan.
5. Plaintiffs was employed by Defendants from July 2011 to May 2017.
6. Defendants operate a restaurant in Polk County, Florida.

GENERAL ALLEGATIONS

7. Plaintiffs have satisfied all conditions precedent, or they have been waived.
8. Plaintiffs have hired the undersigned attorneys and agreed to pay them a fee.
9. Plaintiffs request a jury trial for all issues so triable.
10. At all times material hereto, Plaintiff and the similarly situated employees were “engaged in the production of goods” for commerce within the meaning of Sections 6 and 7 of the FLSA, and as such were subject to the individual coverage of the FLSA.

11. Plaintiffs handle and sell goods that have been moved in or been produced for commerce. 29 U.S.C. § 203(s)(1).

12. At all times material hereto, Plaintiff and the similarly situated employees were “employees” of Defendants within the meaning of the FLSA.

13. At all times material hereto, Defendant, MANNY’S ORIGINAL CHOPHOUSE, was an “employer” within the meaning of the FLSA, 29 U.S.C. § 203(d).

14. Defendant, MANNY’S ORIGINAL CHOPHOUSE, continues to be an “employer” within the meaning of the FLSA.

15. At all times material hereto, Defendant, MANNY'S ORIGINAL CHOPHOUSE, was and continues to be an enterprise covered by the FLSA, as defined under 29 U.S.C. §§ 203(r) and 203(s).

16. At all times relevant to this action, Defendant, MANNY'S ORIGINAL CHOPHOUSE, engaged in interstate commerce within the meaning of the FLSA, 29 U.S.C. § 203(s).

17. At all times relevant to this action, the annual gross sales volume of Defendant, MANNY'S ORIGINAL CHOPHOUSE, exceeded \$500,000.00 per year.

18. Defendant, EMMANUEL NIKOLAIDIS, is the owner of MANNY'S ORIGINAL CHOPHOUSE.

19. As part of his duties, Defendant, EMMANUEL NIKOLAIDIS, supervised Plaintiff, and exercised control over the wages, hours, and working conditions of Plaintiff and the similarly situated employees. Defendant, EMMANUEL NIKOLAIDIS, also controlled the payroll practices of MANNY'S ORIGINAL CHOPHOUSE.

20. Through the exercise of dominion and control over all employee-related matters at MANNY'S ORIGINAL CHOPHOUSE, in his individual capacity EMMANUEL NIKOLAIDIS is also an "employer" within the meaning of the FLSA.

21. At all times material hereto, the work performed by Plaintiff and the similarly situated employees was directly essential to the business performed by Defendants.

FACTS

22. Defendants employed Plaintiff, BRANDY TERRIS as a server from July 2011 to May 2017.

23. At all times material hereto, Plaintiff and the similarly situated employees worked hours at the direction of Defendants, and they were not paid at least the applicable minimum wage for all of the hours that they worked.

24. Specifically, Defendants have been taking advantage of a tip credit which allows Defendants to include in their calculation of wages a portion of the amounts employees receive in tips.

25. Defendants did not provide proper notice of its intent to utilize a “tip credit.”

26. Defendants required Plaintiff and the similarly situated employees to “tip out” a portion of their tip each shift to a tip pool controlled by Defendants.

27. Defendants required Plaintiff and the similarly situated employees to make “tip out” payments to the expeditors, who do not customarily and usually receive tips.

28. The expeditors worked in Defendants’ kitchen, did not run food to tables, and had no customer contact.

29. Defendants required the collective action to participate in an illegal and mandatory tip pool (or tip sharing arrangement) which Defendants distributed to individuals who are not considered “customarily and regularly tipped employees.” Therefore, Defendants forfeited their right to claim a tip credit adjustment to minimum wage obligations for each hour Plaintiff worked in the last three years.

30. At various times material hereto, Plaintiff and the similarly situated employees worked hours in excess of forty hours within a work week for Defendants, and they were entitled to be paid an overtime premium equal to one and one-half times their regular hourly rate for all of these hours.

31. Plaintiff and the similarly situated employees did not receive minimum wage or overtime due for hours worked over forty hours and were not compensated in accordance with the FLSA for hours worked over forty.

32. By failing to accurately record all of the hours worked by Plaintiff and the similarly situated employees, Defendants have failed to make, keep, and preserve records with respect to each of its employees in a manner sufficient to determine their wages, hours, and other conditions of employment, in violation of the FLSA. *See* 29 C.F.R. § 516.2

33. Defendants’ actions were willful, and showed reckless disregard for the provisions of the FLSA.

COLLECTIVE ACTION ALLEGATIONS

34. Plaintiff bring this case as an “opt-in” collective action on behalf of similarly situated employees of Defendants pursuant to 29 U.S.C. § 216(b). The similarly situated employees are tipped employees, including servers and bartenders.

35. Plaintiff, BRANDY TERRIS, on behalf of herself and all similarly situated employees, seek relief on a collective basis challenging Defendants’ illegal tip pooling and overtime payment policy and practice.

36. Therefore, notice is properly sent to: “All tipped employees of Manny’s Original Chophouse who were required to contribute a portion of their tips to employees who were not customarily and regularly tipped employees, and/or who worked more than forty hours per week during the three years preceding the filing of this Complaint.”

37. The total number and identities of the similarly situated employees may be determined from the records of Defendants and may easily and quickly be notified of the pendency of this action.

38. Plaintiff is representative of similarly situated employees because she has been required to participate in an illegal tip pooling scheme and has been unlawfully denied payment of minimum wage and overtime.

39. Plaintiff’s experience with Defendants’ payroll practices is typical of the experiences of the similarly situated employees.

40. Specific job titles or job duties of Plaintiff and the similarly situated employees do not prevent collective treatment.

41. Plaintiff and the similarly situated employees, irrespective of their particular job duties, are entitled to the difference between the “tip credit” and the minimum wage for all hours worked.

42. Plaintiff and the similarly situated employees, irrespective of their particular job duties, are entitled to compensation for all hours worked, including hours worked over forty for which they only received tips, in accordance with the FLSA.

43. Although the issues of damages can be individual in character, there remains a common nucleus of operative facts concerning Defendants’ liability under the FLSA in this case.

RULE 23 CLASS ACTION ALLEGATIONS

44. Plaintiff asserts her Rule 23 class claim on behalf of the Putative Class defined as follows:

UNPAID WAGES RULE 23 CLASS: All persons employed by Defendant Manny’s Original Chophouse, who were denied compensation for work performed within four years of the filing of this complaint through the date of final judgment in this action.

45. Plaintiff is and has been members of the Putative Unpaid Wages Class (“Putative Rule 23 Class”) described herein.

46. The number of persons in the Putative Rule 23 Class herein is so numerous that joinder of all such persons would be impracticable. While the exact number and identities of all such persons are unknown to Plaintiff at this time and can only be obtained through appropriate discovery, Plaintiff is informed and believes, and on that basis alleges, that the Putative Rule 23 Class herein include over 100 persons.

47. Disposition of Plaintiff's claims in a class action will benefit all parties and the Court.

48. There is a well-defined community of interest presented by the Putative Rule 23 Class herein in that, among other things, each member of the Putative Rule 23 Class has an interest in collecting unpaid wages, obtaining other appropriate legal relief for the harm of which Plaintiff complains, and obtaining other adequate compensation for the common damages which Plaintiff and all other persons similarly situated have suffered as a result of Defendants' actions.

49. Each Class Member herein has performed work for Defendants at Defendants' request at some time during the Class Period, and were denied all wages earned because of the willful withholding of compensation by Defendants.

50. A class action in this case is superior to any other available method for the fair and efficient adjudication of the claims presented herein.

51. The prosecution of separate actions by individual members of the Putative Rule 23 Class herein would create a risk of inconsistent and/or varying adjudications with respect to individual members of the Putative Rule 23 Class which would or may establish incompatible standards of conduct for Defendants and which would also create a risk of adjudications with respect to individual members of the Putative Rule 23 Class herein which would, as a practical matter, be dispositive of the interests of other members of the Putative Rule 23 Class not parties to the particular individual adjudications, and/or would or may substantially impede or impair the ability of those other members to protect their interests.

52. Common questions of law and fact exist in this case with respect to the Putative Rule 23 Class which predominate over any questions affecting only individual members of the Class and which do not vary between members thereof.

53. At some time during the Class Period, all of the individuals in the Putative Rule 23 Class herein have been employed by Defendants and were denied wages for all hours worked, as described more fully herein.

54. The claims of the named Plaintiffs in this case are typical of those of the other Class Members which they seek to represent, in that, among other things, Plaintiffs and each other Class Member have sustained damages and are facing irreparable harm because of, and arising out of, a common course of conduct engaged in by Defendants as complained of herein.

55. The claims of the named Plaintiffs herein are coincident with, and not antagonistic to, the claims of other Class Members which the named Plaintiffs seek to represent.

56. The named Plaintiffs herein will fairly and adequately represent and protect the interests of the members of the Putative Class which they seek to represent. Plaintiffs do not have any interests which are antagonistic to the interests of the Putative Class herein.

57. Counsel for Plaintiffs are experienced, qualified and generally able to conduct complex class action legislation.

58. The relief sought in this action is necessary to restore to members of the Putative Class the money and property which the Defendants have illegally acquired through the unlawful treatment of each Class Member as described herein.

59. Plaintiffs intend to send notice to all members of the Putative Class to the extent required by Fed. R. Civ. P. 23. The names and addresses of the Putative Class members are available from Defendant's records.

COUNT I – FLSA MINIMUM WAGE VIOLATION

60. Plaintiffs reallege and readopt the allegations of paragraphs 1 through 59 of this Complaint as though fully set forth herein.

61. Defendants' policy and practice of requiring its tipped employees to tip out employees who do not customarily and regularly receive tips, violates the FLSA. 29 U.S.C. § 203(m).

62. Defendants' policy and practice by which it fails to inform tipped employees of the provisions of 29 U.S.C. § 2013(m) violates the FLSA.

63. During the statutory period Defendants violated the tip credit exception to the minimum wage provisions of the FLSA. Accordingly, Defendants are not permitted to take a tip credit.

64. Defendants knew or should have known that its policies and practices relating to tip pooling violates the FLSA.

65. Defendants have not made a good faith effort to comply with the FLSA.

66. Rather, Defendants have knowingly, willfully, and/or with reckless disregard, carried out, and continues to carry out its illegal tip-pooling practices.

67. Plaintiffs and the similarly situated employees are entitled to the difference between the wage received by them from Defendants and the applicable minimum wage for all hours worked, in addition to the amount they were required to tip-out to Defendants' employees who are not customarily tipped.

68. Defendants also failed and refused to pay Plaintiffs minimum wage for all the work that Plaintiffs performed for Defendants, including work that Defendants required Plaintiffs to do off the clock.

69. The similarly situated employees were all tipped employees employed by Defendants, were compensated in the same manner, and were all subject to Defendants' common policy and practice of working off the clock, in violation of the FLSA.

70. In addition, Plaintiffs' and the similarly situated employees are entitled to an amount equal to their unpaid wages as liquidated damages, as well as reasonable attorney's fees and costs of this action. 29 U.S.C. § 216(b).

71. As a result of the foregoing, Plaintiffs and similarly situated individuals have suffered damages.

WHEREFORE, Plaintiffs demand:

- a) Judgment against Defendants for an amount equal to Plaintiffs unpaid back wages;
- b) Judgment against Defendants that its violations of the FLSA were willful;
- c) An equal amount to the overtime damages as liquidated damages;

- d) To the extent liquidated damages are not awarded, an award of prejudgment interest;
- e) All costs and attorney's fees incurred in prosecuting these claims; and
- f) For such further relief as the Court deems just and equitable.

COUNT II – FLSA OVERTIME VIOLATIONS

72. Plaintiffs reallege and readopt the allegations of paragraphs 1 through 59 of this Complaint as though fully set forth herein.

73. During the statutory period, Plaintiffs and similarly situated individuals worked overtime hours while employed by Defendants and were not compensated for these hours in accordance with the FLSA.

74. The actions of Defendants as set forth above in failing to pay overtime to Plaintiffs constitutes a violation of the FLSA, 29 U.S.C. § 207.

75. Defendants knew or should have known that their policies and practices relating to tip pooling violates the FLSA.

76. Defendants have not made a good faith effort to comply with the FLSA.

77. Rather, Defendants have knowingly, willfully, and/or with reckless disregard, carried out, and continues to carry out its illegal tip-pooling practices.

78. As a result of the foregoing, Plaintiffs and similarly situated employees have suffered damages.

WHEREFORE, Plaintiffs demand:

- a) Judgment against Defendants for an amount equal to Plaintiffs unpaid back wages at the applicable overtime rate;

- b) Judgment against Defendants that its violations of the FLSA were willful;
- c) An equal amount to the overtime damages as liquidated damages;
- d) To the extent liquidated damages are not awarded, an award of prejudgment interest;
- e) All costs and attorney's fees incurred in prosecuting these claims; and
- f) For such further relief as the Court deems just and equitable.

COUNT III – UNPAID WAGES UNDER FLORIDA COMMON LAW CLASS ACTION CLAIM

79. Plaintiffs reallege and readopt the allegations of paragraphs 1 through 59 of this Complaint as though fully set forth herein.

80. During the statutory period, Plaintiffs and similarly situated individuals worked for Defendant Manny's Original Chophouse, and Defendant Manny's Original Chophouse agreed to pay them for their services.

81. Defendant Manny's Original Chophouse failed to pay Plaintiffs and similarly situated individuals all "wages" owed to them, including wages for work that Defendant Manny's Original Chophouse required them to complete off the clock.

82. As a result of the foregoing, Plaintiffs and similarly situated individuals have suffered damages.

WHEREFORE, Plaintiffs demand:

- a) A jury trial on all issues so triable;
- b) That process issue, and that this Court take jurisdiction over the case;

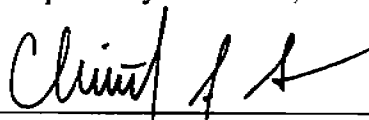
- c) Judgment against Defendant Manny's Original Chophouse for an amount equal to Plaintiff's' unpaid back wages;
- d) All costs and attorney's fees incurred in prosecuting these claims, in accordance with Fla. Stat. § 448.08;
- e) For such further relief as this Court deems just.

JURY TRIAL DEMAND

Plaintiffs demand trial by jury as to all issues so triable.

Dated this 27th day of September, 2017.

Respectfully submitted,



CHRISTOPHER J. SABA
Florida Bar Number: 0092016
WENZEL FENTON CABASSA, P.A.
1110 North Florida Avenue, Suite 300
Tampa, Florida 33602
Main Number: 813-224-0431
Direct Dial: 813-321-4086
Facsimile: 813-229-8712
Email: csaba@wfclaw.com
Email: tsoriano@wfclaw.com
Attorneys for Plaintiff

JS 44 (Rev. 12-12)

CIVIL COVER SHEET

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

<p>I. (a) PLAINTIFFS</p> <p>BRANDY TERRIS, on behalf of herself and on behalf of all others similarly situated,</p> <p>(b) County of Residence of First Listed Plaintiff _____ <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i></p> <p>(c) Attorneys (Firm Name, Address, and Telephone Number) CHRISTOPHER J. SABA, WENZEL FENTON CABASSA, P.A., 1110 North Florida Avenue, Suite 300, Tampa, Florida 33602, Main No.: 813-224-0431</p>	<p>DEFENDANTS</p> <p>ANGIE OF POLK COUNTY, INC., d/b/a MANNY'S ORIGINAL CHOPHOUSE and EMMANUEL NIKOLAIDIS, an individual,</p> <p>County of Residence of First Listed Defendant <u>Polk</u> <i>(IN U.S. PLAINTIFF CASES ONLY)</i></p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>Attorneys (If Known)</p>
--	--

<p>II. BASIS OF JURISDICTION <i>(Place an "X" in One Box Only)</i></p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input checked="" type="checkbox"/> 3 Federal Question <i>(U.S. Government Not a Party)</i></p> <p><input type="checkbox"/> 4 Diversity <i>(Indicate Citizenship of Parties in Item III)</i></p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES <i>(Place an "X" in One Box for Plaintiff and One Box for Defendant)</i></p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;">Citizen of This State</td> <td style="width:11%;"><input type="checkbox"/> 1</td> <td style="width:11%;"><input type="checkbox"/> 1</td> <td style="width:33%;">Incorporated or Principal Place of Business In This State</td> <td style="width:11%;"><input type="checkbox"/> 4</td> <td style="width:11%;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>	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
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														

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

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Arbitration <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities' Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act-Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	
	PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSD Title XVI <input type="checkbox"/> 865 RSI (405(g))	
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	FEDERAL TAX SUITS	
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing Accommodations <input type="checkbox"/> 445 Amer w Disabilities - Employment <input type="checkbox"/> 446 Amer w Disabilities - Other <input type="checkbox"/> 448 Education	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	
			IMMIGRATION	
			<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	

V. ORIGIN *(Place an "X" in One Box Only)*

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from Another District *(specify)* 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity):*
 29 U.S.C. § 201 et seq. - 29 U.S.C. § 215(a)(3)

Brief description of cause:
 FLSA MINIMUM WAGE VIOLATION, FLSA OVERTIME VIOLATIONS, and UNPAID WAGES UNDER FLORI

VII. REQUESTED IN COMPLAINT:

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

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

JUDGE _____ DOCKET NUMBER _____

DATE: 09/27/17 SIGNATURE OF ATTORNEY OF RECORD: Christopher J. Saba

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Manny's Original Chop House, Owner Named in Unpaid Wage Lawsuit](#)
