

LAW OFFICE of ANN BALL, P.C.
Ann Ball
357 Veterans Memorial Highway
Commack, New York 11725

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ **FEB 27 2017** ★

LONG ISLAND OFFICE

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

LAURIE WASSERMAN, Individually and on
Behalf of all others Similarly Situated,

Plaintiffs,

-against-

GREAT AMERICAN JEWELRY, INC., LAURIE
CHARITON, and LAWRENCE CHARITON,

Defendants.

COMPLAINT

Jury Trial Demanded

CV 17 1089

FEUERSTEIN, J.

LOCKE, M. J.

NATURE OF ACTION

1. Plaintiff was a sales associate employed at Defendant's jewelry store, located at 5163 Merrick Road, Massapequa Park, New York. Plaintiff brings this action to recover unpaid overtime premium pay owed to her pursuant to the Fair Labor Standards Act ("FLSA"), 29 U.S.C. §§201 et seq. and the New York Labor Law ("NYLL"), §§650 et seq. Plaintiff also brings claims for unpaid spread-of-hours premiums and for failure to provide proper wage notices and wage statements pursuant to the NYLL and the supporting regulations. Plaintiff brings her FLSA claims on behalf of herself and all other

similarly situated employees of Defendants, and her NYLL claims on behalf of herself and a Federal Rule of Civil Procedure 23 class of all hourly employees working for Defendant in New York.

JURISDICTION AND VENUE

2. This Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C. §§ 1331, 1337, and 1367. In addition, this Court has jurisdiction over Plaintiff's claims under the FLSA pursuant to 29 U.S.C. § 216(b).

3. Venue is proper in this district pursuant to 28 U.S.C. § 1391.

4. This Court is empowered to issue a declaratory judgment pursuant to 28 U.S.C. §§ 2201 and 2202.

THE PARTIES

Plaintiff:

5. Plaintiff Laurie Wasserman ("Wasserman") was, and is, an individual residing in Seaford, Nassau County, New York.

6. Throughout the relevant time period, Wasserman performed work for Defendants at Great American Jewelry, Inc., located at 5163 Merrick Road, Massapequa Park, New York.

Defendants:

7. Upon information and belief, Great American Jewelry, Inc. ("Great American") is an active New York corporation with its principal place of business at 5163 Merrick Road, Massapequa

Park, New York.

8. Upon information and belief, Defendant Laurie Chariton is the owner, operator and general manager of Great American.

9. Upon information and belief, Defendant Lawrence Chariton is an operator and manager of Great American.

10. Upon information and belief, Defendants Laurie Chariton and Lawrence Chariton, jointly and severally, set Defendant Great American's operation and payroll policies and, in particular, the unlawful practices that are the subject of this Complaint.

11. Upon information and belief, throughout the relevant time period, Defendants Laurie Chariton and Lawrence Chariton, jointly and severally, were in charge of hiring and firing employees, setting work schedules and wage rates, and otherwise running the business operations of Great American.

12. Upon information and belief, Defendants Laurie Chariton and Lawrence Chariton, jointly and severally, acted maliciously and intentionally in the management, direction and control of Plaintiffs, and are an "employer" pursuant to the FLSA 29 U.S.C. § 203 (d) and regulations promulgated thereunder, 29 C.F.R. § 791.2, as well as the New York State Labor Law § 2 and the regulations promulgated thereunder, and are jointly and severally liable with Laurie Chariton and Lawrence Chariton.

STATEMENT OF FACTS

Defendants' Jewelry Store:

13. At all relevant times Defendants owned, operated, managed and controlled a retail jewelry store located at 5163 Merrick Road, Massapequa Park, New York, and continue to do so.

14. According to the New York State, Division of Corporations website, Defendant Great American Jewelry, Inc. is a domestic business corporation established on February 19, 2008 in Nassau County New York.

15. Upon information and belief, at all relevant times, Defendants Laurie Chariton and Lawrence Chariton, have been, and still are, in charge of the management of daily business operations, including payroll, of Great American.

16. At all relevant times Defendants were, and are, an employer engaged in interstate commerce and/or the production of goods for commerce, within the meaning of the FLSA, 29 U.S.C. §§ 206(a) and 207 (a) and, more particularly, are engaged in the business of jewelry sales, custom jewelry design and jewelry repair to the general public.

17. At all relevant times Defendants employed Plaintiff Wasserman within the meaning of the FLSA.

18. At all relevant times Defendants employed the Plaintiff within the meaning of NYLL §§ 2 and 651.

19. Upon information and belief, at all relevant times, Great American has had gross revenues in excess of \$500,000.00.

PLAINTIFF'S WORK FOR DEFENDANTS

20. Plaintiff was employed by Defendant Great American from January 5, 2017 until May 27, 2016 as a sales associate. Plaintiff found that position when she answered an ad seeking a jewelry sales associate posted by Defendants on the website *Indeed*.

21. Plaintiff was hired at a salary of \$64,000.00 per year. From her date of hire, until July 28, 2016, during each calendar month, Plaintiff worked fifty-three (53) hours per week for three out of the four calendar weeks. The fourth calendar week per month included a Sunday workday and on those weeks she worked forty-nine hours per week. Plaintiff's workday included one thirty (30) minute paid lunch period.

22. Throughout Plaintiff's employment, her workweek was from Friday through Thursday. Defendants did not pay Plaintiff until after closing time on the following Saturday. This practice applied to all of Defendants' hourly workers

23. On July 28, 2016, Defendants forced Plaintiff to sign an "Employment Clarification" (incorporated herein and made a part hereof as exhibit "A") wherein her regular working hours per week was defined as five days per week from 9:00 a.m.

through 7:00 p.m. with an approximate additional half hour she was required to work at open and at close, increasing Plaintiff's working hours to fifty-five (55) hours per week, with a forty-five (45) minute paid lunch period. Plaintiff continued to work fifty-five (55) hours per week until she left Defendants' employ on January 5, 2017.

24. Defendants wrongfully classified Plaintiff's position as "Assistant Manager" although Plaintiff was not, in fact, a bona fide manager. Plaintiff had no management or supervisory authority; she had no authority to hire, fire, manage, set schedules, discipline other employees or make management decisions regarding any aspect of Defendants' business.

25. Plaintiff's duties included: place merchandise in the display cases, count and record the daily count of the merchandise, clean and organize display cases, prepare displays, contact vendors to order replacement parts as needed, assist clients with sales, custom designs, repair intake and pick up, remove merchandise from displays and store the merchandise in the safe.

26. Plaintiff did not receive a wage notice providing her hourly rate, overtime rate, and regular payday when Defendants hired her.

27. Plaintiff was not paid overtime wages for any hours

worked in excess of forty hours per workweek.

28. Notwithstanding the fact that Plaintiff always worked a minimum of forty-nine hours per week, Defendants failed to pay her overtime premium pay equal to one and one half (1.5) times her regular hourly rate for the hours worked over forty (40) per week. Defendants' failure to pay overtime premiums to Plaintiff was a business policy that applied to all of Defendants' hourly workers.

29. Although Plaintiff was required to work more than ten (10) hours a day, Defendants failed to pay her spread of hours premiums equal to an additional hour of minimum wage for each hour worked in excess of ten in a given day. Defendants' failure to pay plaintiff spread of hours premiums was a corporate policy that applied to all of Defendants' employees working shifts of more than ten (10) hours in one day and/or split shifts.

30. Plaintiff recorded her hours by clocking in and out of an electronic timekeeping system.

31. Plaintiff's work was performed in the usual and normal course of Defendants' business as a retail jewelry store.

FIRST CAUSE OF ACTION
FAIR LABOR STANDARDS ACT: UNPAID OVERTIME

32. Plaintiff repeats and realleges each and every allegation in paragraphs "1" through "31", inclusive, with the

same force and effect as though fully set forth herein.

33. In failing to pay overtime compensation at a rate not less than one and one half times the regular rate of pay for work performed in excess of forty (40) hours per week, Defendants jointly and severally violated the FLSA, 29 U.S.C. §§ 201 *et seq.*, including 29 U.S.C. §§ 207(a)(1) and 215(a).

34. The foregoing conduct, as alleged, constitutes a willful violation of the FLSA within the meaning of 29 U.S.C. § 255(a).

35. Defendants' failure to pay overtime caused Plaintiff to suffer loss of wages and interest thereon. Plaintiff is entitled to recover from Defendants his unpaid overtime premium compensation, damages for unreasonably delayed payment of wages, liquidated damages, reasonable attorney's fees, and the costs and disbursements of this action pursuant to 29 U.S.C. § 216(b).

SECOND CAUSE OF ACTION
NEW YORK LABOR LAW: UNPAID OVERTIME

36. Plaintiff repeats and realleges each and every allegation in paragraphs "1" through "31", inclusive, with the same force and effect as though fully set forth herein.

37. Defendants willfully violated Plaintiff's rights by failing to pay overtime compensation at a rate of not less than one and one half times the regular rate of pay for hours worked in excess of forty (40) each week, in violation of the NYLL and

regulations promulgated thereunder.

38. Defendants' failures to pay overtime premium compensation caused Plaintiff to suffer loss of wages and interest thereon. Plaintiff is entitled to recover from Defendants his unpaid overtime compensation, damages for unreasonably delayed payment of wages, liquidated damages, reasonable attorney's fees, and the costs and disbursements of the action pursuant to NYLL §§ 663(1) *et seq.*

THIRD CAUSE OF ACTION
NEW YORK LABOR LAW: UNPAID SPREAD OF HOURS

39. Plaintiff repeats and realleges each and every allegation in paragraphs "1" through "31", inclusive, with the same force and effect as though fully set forth herein.

40. Defendants willfully violated Plaintiff's rights by failing to pay compensation in an amount equal to one hour's pay at the relevant minimum wage in all instances when the Plaintiffs worked either a split shift or more than ten (10) hours per day, in violation of the NYLL §§ 650, *et seq.*, and the regulations promulgated thereunder including NY Comp. Code Rules & Regs. Title 12 §§ 137-1.7 (2010), 146-1.6 (2012).

41. Defendants' failure to pay spread of hours compensation caused Plaintiff to suffer loss of wages and interest thereon. Plaintiff is entitled to recover from Defendants his unpaid spread of hours compensation, damages for

unreasonably delayed payment of wages, liquidated damages, reasonable attorney's fees, and the costs and disbursements of this action pursuant to NYLL §§ 663(1) *et seq.*

FOURTH CAUSE OF ACTION
NEW YORK LABOR LAW: WAGE NOTICE VIOLATIONS

42. Plaintiff repeats and realleges each and every allegation on paragraphs "1" through "31", inclusive, with the same force and effect as though fully set forth herein.

43. Defendants willfully failed to supply Plaintiff notice as required by Article 6 § 195, containing Plaintiff's correct rate or rates of pay and the basis thereof, whether paid by the hour, shift, day, week, salary, piece, commission, or other; hourly rate or rates of pay and overtime rate or rate of pay if applicable; the regular pay day designated by the employer in accordance with NYLL, Article 6 § 191; deductions; net wages; and such other information as the commissioner deems material and necessary.

44. As a direct result of Defendants' violations of the NYLL, Plaintiff is entitled to recover from Defendants fifty dollars (\$50) per employee for each work week that the violations occurred, or continue to occur, or a total of twenty-five hundred dollars (\$2,500.00) per employee, as provided for by the NYLL, Article 6 §§ 190 *et seq.*, liquidated damages as provided for by the NYLL, reasonable attorney's fees, costs,

pre-judgment interest, and injunctive and declaratory relief.

PRAYER FOR RELIEF

Wherefore, Plaintiff respectfully requests that this Court grant the following relief:

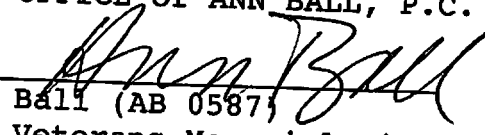
- a. An order tolling the statute of limitations;
- b. A declaratory judgment that the practices complained of herein are unlawful under the FLSA and the NYLL;
- c. An injunction against Defendant(s) and its officers, agents, successors, employees, representatives and any and all persons acting in concert with Defendants, as provided by law, from engaging in each of the unlawful practices, policies and patterns set forth herein;
- d. An award of compensatory damages as a result of Defendants' failure to pay overtime compensation pursuant to the FLSA and the NYLL and supporting regulations;
- e. An award of liquidated and/or punitive damages as a result of the Defendants' result of Defendants' willful failure to pay overtime compensation pursuant to the FLSA and the NYLL and supporting regulations;
- f. An award of damages for the non-payment of spread of hours pay for each split shift and/or shift worked in New York in excess of ten hours;

- g. Fifty dollars (\$50.00) per Plaintiff for each workweek that the violations of NYLL, Article 6 § 195 occurred or continue to occur, or a total of twenty-five hundred (\$2,500.00) per Plaintiff as provided for by NYLL, Article 6 § 198 (1)-b.
- h. An award of prejudgment and post judgment interest;
- i. An award of costs and expenses of this action together with reasonable attorney's fees; and
- j. Such other and further relief as this Court deems just and proper.

DEMAND FOR TRIAL BY JURY

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiffs demand a trial by jury on all questions of fact raised by the complaint.

LAW OFFICE of ANN BALL, P.C.

By: 
Ann Ball (AB 0587)
357 Veterans Memorial Highway
Commack, New York 11725
Telephone (631) 864-8700
Facsimile (631) 864-1415
Email: Ann.Ball@mac.com

Attorney for the Plaintiff

**Great American Jewelry
5163 Merrick Rd
Massapequa Park, N.Y. 11762
516-279-6752**

July 28, 2016

Subject- Employment Clarification

Dear Laurie Wasserman,

This is a letter of clarification to review your offer of employment. This is to provide transparency of duties and the scope of the position is as follows:

- Assistant manager- This position is a managerial position. Duties include assisting manager and owners with all aspects of Sales, inventory management and control, events, creative input, and all aspects involved in a professional sales position.
- Position is Five Days a Week, to be determined. During the Christmas season you will be asked to work 6/7 days a week and paid for the extra days. You will be paid \$197.30 gross for each additional day over 5.
- Hours are 9:00 AM to 7:00 PM close, there is approximately an additional ½ to closing putting inventory away.
- After a waiting period of 12 months from hire, you will be eligible for 1 week vacation and after 2 years 2 weeks vacation every year thereafter. There is no eligible vacation from Thanksgiving to Jan 15th.
- After a waiting period of 1 year you will receive 5 days to use as sick days/personal days.
- Lunch is 30 minutes paid. We have agreed to extend your lunch by 15 minutes paid.
- Your starting salary is \$64,000.00
- If you are interested in health insurance, we would be glad to connect you with our broker for you to purchase. We can withhold your premiums accordingly. Should you decide to take health insurance we will subsidize your premium up to \$250.00

We look forward to you becoming a long and successful member of our team.
Please forward his letter of intent, along with your signature as soon as possible.

Very truly yours,

Laurie Chariton
Owner

Laurie Wasserman x




Exhibit A

CONSENT TO BECOME PARTY PLAINTIFF

By my signature below, I hereby authorize the filing and prosecution of claims in my name and on my behalf concerning the failures of Great American Jewelry, Inc., and its owners, managers, related companies, subsidiaries, officers, directors, franchisees and affiliates to pay me overtime premiums for work in excess of forty hours per week as required by state and federal law. I authorize the filing of this consent in the action(s) challenging this conduct. I authorize being named as the representative "Named Plaintiff" in this action to make decisions on behalf of all other plaintiffs concerning the litigation, the method and manner of conducting this litigation, the entering of an agreement with Plaintiff's counsel concerning attorney's fees and costs, and all other matters pertaining to this lawsuit and agree to act in accordance with the best interest of the class.

L Wasserman 2-24-17
Signature Date

Laurie Wasserman
Printed Name

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.)

(a) PLAINTIFFS
 LAURIE WASSERMAN

DEFENDANTS
 GREAT AMERICAN JEWELRY, INC., LAURIE CHARITON, LAWRENCE CHARITON

FILED
 IN CLERK'S OFFICE
 U.S. DISTRICT COURT, N.Y.

★ FEB 27 2017 ★

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

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

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

(c) Attorney (Firm Name, Address, and Telephone Number)
 Law Office of Ann Ball P.C.
 357 Veterans Memorial Highway
 Commack, New York 11725

Attorneys (If Known)

CV 17 1089

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

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 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)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| 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 |
- HEUBERSTEIN, J.**
LOCKE, M. J.

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	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability 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	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other 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 IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <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
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS			
<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			

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

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

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
 29 USC 201 et seq.

Brief description of cause:
 Unpaid overtime, unpaid spread of hours

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$

CHECK YES only if demanded in complaint:
 JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE
 February 27, 2017

SIGNATURE OF ATTORNEY OF RECORD

Ann Ball

FOR OFFICE USE ONLY

RECEIPT # 22146 AMOUNT 400.00 APPLYING IFP JUDGE MAG. JUDGE

CERTIFICATION OF ARBITRATION ELIGIBILITY

Local Arbitration Rule 83.10 provides that with certain exceptions, actions seeking money damages only in an amount not in excess of \$150,000, exclusive of interest and costs, are eligible for compulsory arbitration. The amount of damages is presumed to be below the threshold amount unless a certification to the contrary is filed.

I, _____, counsel for _____, do hereby certify that the above captioned civil action is ineligible for compulsory arbitration for the following reason(s):

- monetary damages sought are in excess of \$150,000, exclusive of interest and costs,
- the complaint seeks injunctive relief,
- the matter is otherwise ineligible for the following reason

DISCLOSURE STATEMENT - FEDERAL RULES CIVIL PROCEDURE 7.1

Identify any parent corporation and any publicly held corporation that owns 10% or more of its stocks:

RELATED CASE STATEMENT (Section VIII on the Front of this Form)

Please list all cases that are arguably related pursuant to Division of Business Rule 50.3.1 in Section VIII on the front of this form. Rule 50.3.1 (a) provides that "A civil case is "related" to another civil case for purposes of this guideline when, because of the similarity of facts and legal issues or because the cases arise from the same transactions or events, a substantial saving of judicial resources is likely to result from assigning both cases to the same judge and magistrate judge." Rule 50.3.1 (b) provides that " A civil case shall not be deemed "related" to another civil case merely because the civil case: (A) involves identical legal issues, or (B) involves the same parties." Rule 50.3.1 (c) further provides that "Presumptively, and subject to the power of a judge to determine otherwise pursuant to paragraph (d), civil cases shall not be deemed to be "related" unless both cases are still pending before the court."

NY-E DIVISION OF BUSINESS RULE 50.1(d)(2)

- 1.) Is the civil action being filed in the Eastern District removed from a New York State Court located in Nassau or Suffolk County? No
- 2.) If you answered "no" above:
 - a) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in Nassau or Suffolk County? Yes
 - b) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in the Eastern District? Yes

If your answer to question 2 (b) is "No," does the defendant (or a majority of the defendants, if there is more than one) reside in Nassau or Suffolk County, or, in an interpleader action, does the claimant (or a majority of the claimants, if there is more than one) reside in Nassau or Suffolk County? _____

(Note: A corporation shall be considered a resident of the County in which it has the most significant contacts).

BAR ADMISSION

I am currently admitted in the Eastern District of New York and currently a member in good standing of the bar of this court.

- Yes
- No

Are you currently the subject of any disciplinary action (s) in this or any other state or federal court?

- Yes (If yes, please explain)
- No

I certify the accuracy of all information provided above.

Signature: Ann Ball

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Great American Jewelry Failed to Follow NY Wage Laws, Suit Claims](#)
