

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

CASE NO.:

FEDNER CHARLES ASEMY, JEAN D. CHRISTIAN, CHRISTOPHER DIAZ, FUMILAYO C. FADIPE, DIEUVERSON FANFAN, JERMAINE FINLEY, TIMOTHY GREEN, BERGELIN JEAN LOUIS, JUANY JEAN LOUIS, FRED JOSEPH, LESLEY JOSEPH, VILNES JUSMA, ANTOINE LEONARD, JEAN G. LOUIS, JOHN DARREL LEEKING MADDOO, JULES MAKENLY OSCAR, FRANCISCO MORALES, CARLOS NEIRA, OMAR PHILLIPS, MARC H. PIERRE, ROBERSON PIERRE, DUPerval RENE, TVAUGHN RIGBY, EVENS SAEL, JOVANNY F. SANQUINTIN CHECO, YVENER SIDO, JONATHAN SILVA JR., JUNIOR SPENCER, RODRIGUE SYLVESTRE, OSCAR LANDEIRO, HERNAN ARGUELLO, AND PABLO SALGUEIRO

others similarly- situated,

Plaintiffs,

v.

SWISSPORT SA, LLC f/k/a SERVISAIR LLC,  
a Delaware limited liability company,

Defendants.

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**COMPLAINT**

COMES NOW, Plaintiff, FEDNER CHARLES ASEMY, JEAN D. CHRISTIAN, CHRISTOPHER DIAZ, FUMILAYO C.FADIPE, DIEUVERSON FANFAN, JERMAINE FINLEY, TIMOTHY GREEN, BERGELIN JEAN LOUIS, JUANY JEAN LOUIS, FRED

JOSEPH, LESLEY JOSEPH, VILNES JUSMA, ANTOINE LEONARD, JEAN G. LOUIS, JOHN DARREL LEEKING MADOO, JULES MAKENLY OSCAR, FRANCISCO MORALES, CARLOS NEIRA, OMAR PHILLIPS, MARC H. PIERRE, ROBERSON PIERRE, DUPerval RENE, TVAUGHN RIGBY, EVENS SAEL, JOVANNY F. SANQUINTIN CHECO, YVENER SIDO, JONATHAN SILVA, JR., JUNIOR SPENCER, AND RODRIGUE SYLVESTRE, OSCAR LANDEIRO, HERNAN ARGUELLO, AND PABLO SALGUEIRO (“Plaintiffs”) individually and on behalf of themselves and those similarly situated, hereby sue Defendant, SWISSPORT SA, LLC f/k/a SERVISAIR LLC (referred to as “the Employer” or “Defendant”), and alleges:

### **JURISDICTION AND PARTIES**

1. This is an action to recover money damages for unpaid overtime wages under the laws of the United States. This Court has jurisdiction pursuant to the Fair Labor Standards Act, 29 U.S.C. §§ 201-219 (§ 216 for jurisdictional placement) (“the FLSA”).

2. Plaintiffs are residents of the State of Florida who worked at Defendants’ Miami location – Miami International Airport.

3. The Defendant SWISSPORT SA, LLC f/k/a SERVISAIR LLC is a Delaware limited liability company with its principal place of business in Miami-Dade County. Upon information and belief, the Defendant was the FLSA employer for the Plaintiffs and those similarly-situated.

4. This action is brought by Plaintiffs to recover from the Employer unpaid overtime as well as an additional amount as liquidated damages, costs, and reasonable attorney’s fees under the provisions of 29 U.S.C. § 201 et seq., and specifically under the provisions of 29 U.S.C. § 207.

5. Jurisdiction is conferred on this Court by Title 28 U.S.C. § 1337 and by Title 29 U.S.C. § 216(b). The Employer is and, at all times pertinent to this Complaint, was engaged in interstate commerce. At all times pertinent to this Complaint, the Employer operates as an organization which sells and/or markets its services and/or goods and/or materials to customers from throughout the United States and also provides its services for goods sold and transported from across state lines of numerous other states, and the Employer obtains and solicits funds from non-Florida sources, accepts funds from non-Florida sources, uses telephonic transmissions going over state lines to do its business, transmits funds outside the State of Florida, and otherwise regularly engages in interstate commerce, particularly with respect to its employees. Upon information and belief, the annual gross revenue of the Employer was at all times material hereto in excess of \$500,000.00 per annum, and/or Plaintiffs and those similarly-situated, by virtue of working in interstate commerce, otherwise satisfy the FLSA's requirements.

6. By reason of the foregoing, the Employer is and was, during all times hereafter mentioned, an enterprise engaged in commerce or in the production of goods for commerce as defined in §§ 3(r) and 3(s) of the FLSA, 29 U.S.C. §§ 203(r) and 203(s) and/or Plaintiffs were within interstate commerce.

7. Plaintiffs have complied with all conditions precedent to the bringing of this action or same have been waived or excused.

8. Plaintiffs have retained the undersigned to represent them individually and incurred attorneys' fees and costs in bringing this action.

#### **GENERAL ALLEGATIONS**

9. Plaintiffs worked for Defendant at Miami International Airport, located in Miami-Dade County, Florida, as non-exempt hourly aircraft refueler.

10. At all material times hereto, Defendants employed Plaintiffs and similarly situated employees within the meaning of the FLSA. Defendants have substantial control over Plaintiffs' working conditions and the unlawful policies and practices alleged herein.

11. Plaintiffs' duties included re-fueling the aircrafts on site at Miami International Airport.

12. The Employer routinely deducted thirty (30) minutes for lunch; however, Plaintiffs rarely, if ever takes a lunch break.

13. Plaintiffs routinely work over forty hours per workweek on behalf of Defendant, but were consistently not compensated for all the hours they worked in excess of forty (40) per week

14. While Defendants paid Plaintiffs and the similarly situated employees for *some* of their overtime hours worked, they failed to pay Plaintiffs and others similarly situated for *all* overtime hours worked, based upon the failure to credit Plaintiffs and other similarly situated employees for all of their hours worked at the beginning of their shifts, at the end of their shifts, and during their meal breaks (collectively, this uncompensated overtime work performed by Plaintiffs will be referenced as "Off-The-Clock Overtime.").

15. Plaintiffs seek to recover the wages for three years preceding the date they filed their respective opt-in notice in the Aguilar case to the present<sup>1</sup> or three years preceding this complaint if they did not file an opt-in notice

### **COLLECTIVE ACTION ALLEGATIONS**

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<sup>1</sup> *Mickell Aguilar v. Swissport SA, LLC, et. al.* – Case No.: 15-22357-CV-MARTINEZ/GOODMAN in the District Court, Southern District of Florida. All the Plaintiffs opted in to the Aguilar case. The Plaintiffs and Defendants stipulated that their claims would be tolled from the day they filed their opt-in notice until thirty (30) days after the Opt-in Dismissal. The Aguilar Court approved the stipulation and dismissed the Plaintiffs complaint on March 9, 2016.

16. Plaintiffs brings this lawsuit against the Employer as a collective action on behalf of themselves and all others persons similarly situated – all refuelers of the Employer that worked at the Miami International location – who suffered damages as a result of Defendant’s violations of the FLSA pursuant to the collective action provisions of 29 U.S.C. § 216(b), on or after April 8, 2013 (“FLSA Collective Plaintiffs”).

17. Plaintiff, and those similarly situated are aircraft re-fuelers.

18. At all times material hereto, the work performed by the Plaintiffs, and those similarly situated, was directly essential to the business performed by the Employer.

19. Plaintiffs and all similarly situated routinely worked more than forty hours per week and were not properly paid for all overtime.

20. Defendant routinely deducted thirty (30) minutes for lunch from Plaintiffs and all similarly situated; however, rarely, if ever did the similarly situated employees take a lunch break.

21. Plaintiff and the class members performed the same or similar job duties as one another in that they worked as refuelers for Defendant within the past three (3) years in Miami-Dade County. Plaintiff and the class members were subjected to the same pay provisions in that they suffered or were permitted to work overtime, had lunch time wrongfully deducted, but were not paid for all hours worked. Thus, the class members are owed overtime wages for the same reasons as Plaintiff.

22. The Employer’s failure to compensate employees for all wages as required by the FLSA results from a policy or practice of intentionally failing to pay all overtime wages and deducting lunch even when they did not take same. This policy or practice was applicable to Plaintiff and the class members. Application of this policy or practice does not depend on the

personal circumstances of Plaintiff or those joining this lawsuit. Rather, the same policy or practice which resulted in the non-payment of every overtime hour worked over forty hours to Plaintiffs applies to all class members. Accordingly, the class members are properly defined as: all fulers who worked for The Employer during anytime within the previous three (3) years of this complaint and who were not paid for every hour of overtime worked.

23. At all relevant times, Plaintiffs and the other FLSA Collective Plaintiffs are and have been similarly situated, have had substantially similar job requirements and pay provisions, and are and have been subjected to Defendant's decisions, policies, plans, programs, practices, procedures, protocols, routines, and rules, all culminating in a willful failure and refusal to pay them the proper off the clock wage and overtime premium at the rate of one and one half times the regular rate for work in excess of forty (40) hours per workweek.

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

25. Defendant did not act in good faith or reliance upon any of the following in formulating its pay practices: (a) case law, (b) the FLSA, 29 U.S.C. § 201, et seq., (c) Department of Labor Wage & Hour Opinion Letters or (d) the Code of Federal Regulations.

26. The similarly-situated current and former employees are all those other employees who worked for Defendant and performed the same or similar duties as that of Plaintiffs. Plaintiffs believes there are other similarly situated individuals who would, if offered the chance, would join this lawsuit against Defendant.

**COUNT I**  
**UNPAID OVERTIME**

27. Plaintiffs re-alleges and re-avers paragraphs 1 through 26 as fully set forth herein.

28. Plaintiffs worked in excess of forty (40) hours per week but were not paid overtime for all hours worked in excess of forty (40) hours per week, as required by the Fair Labor Standards Act. Plaintiffs were paid for some, but not all overtime hours. The failure to pay these overtime hours resulted in an overtime violation.

29. At all times material hereto, the Employer failed to comply with Title 29 U.S.C. §§ 201-219 and 29 C.F.R. § 516.2 and § 516.4 et seq. in that Plaintiffs performed services and worked in excess of the maximum hours provided by the FLSA but no provision were made by the Employer to properly pay them the rate of time and one-half for all hours worked in excess of forty (40) per workweek as provided in the FLSA.

30. The Employer intentionally failed to pay Plaintiffs their overtime wages as the Employer had knowledge of Plaintiffs' schedule and the overtime hours that Plaintiffs worked and showed reckless disregard by failing to comply with the provisions of the FLSA concerning the payment of overtime wages as required by the Fair Labor Standards Act.

31. The Employer remains owing Plaintiffs these overtime wages since the commencement of Plaintiffs' employment with the Employer as set forth above, and Plaintiffs are entitled to recover double damages.

32. Plaintiffs have retained the law offices of the undersigned attorney to represent them in this action and is obligated to pay a reasonable attorney's fee.

WHEREFORE, Plaintiffs and those similarly-situated requests compensatory and liquidated damages and reasonable attorney's fees and costs against Defendant pursuant to the Fair Labor Standards Act as cited above, to be proven at the time of trial for overtime owing from Plaintiffs and those similarly-situated employees entire employment period with Defendant, or as much as allowed by the Fair Labor Standards Act, whichever is greater, along with court

costs. In the event that Plaintiffs and those similarly-situated do not recover liquidated damages, then Plaintiffs and those similarly-situated seek an award of prejudgment interest for the unpaid overtime, and any and all other relief which this Court deems reasonable under the circumstances

**JURY DEMAND**

Plaintiffs and those similarly-situated demand trial by jury of all issues triable as of right by jury

Respectfully Submitted,

**LAW OFFICES OF CHRISTOPHER F.  
ZACARIAS, P.A.**

*Counsel for Plaintiffs*

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Miami, Florida 33126

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Facsimile: 305-459-3964

E-Mail: [czacarias@zacariaslaw.com](mailto:czacarias@zacariaslaw.com)

*/s/ Christopher F. Zacarias*

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CHRISTOPHER F. ZACARIAS

Florida Bar No.: 85609



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
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CASE NO.:

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CHRISTIAN, CHRISTOPHER DIAZ,  
FUMILAYO C. FADIPE, DIEUVERSON  
FANFAN, JERMAINE FINLEY, TIMOTHY  
GREEN, BERGELIN JEAN LOUIS, JUANY  
JEAN LOUIS, FRED JOSEPH, LESLEY  
JOSEPH, VILNES JUSMA, ANTOINE  
LEONARD, JEAN G. LOUIS, JOHN DARREL  
LEEKING MADDOO, JULES MAKENLY  
OSCAR, FRANCISCO MORALES, CARLOS  
NEIRA, OMAR PHILLIPS, MARC H.  
PIERRE, ROBERSON PIERRE, DUPERVAL  
RENE, TVAUGHN RIGBY, EVENS SAEL,  
JOVANNY F. SANQUINTIN CHECO,  
YVENER SIDO, JONATHAN SILVA JR.,  
JUNIOR SPENCER, RODRIGUE  
SYLVESTRE, OSCAR LANDEIRO,  
HERNAN ARGUELLO, AND PABLO  
SALGUEIRO

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SWISSPORT SA, LLC f/k/a SERVISAIR LLC,  
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**SUMMONS IN A CIVIL ACTION**

To: (Defendant's name and address)  
SWISSPORT SA, LLC f/k/a SERVISAIR LLC  
c/o CORPORATION SERVICE COMPANY (Registered Agent)  
1201 HAYS STREET  
TALLAHASSEE, FL 32301  
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:

Christopher F. Zacarias, Esq.  
The Law Offices of Christopher F. Zacarias, P.A  
5757 Blue Lagoon Drive, Suite 230  
Miami, Florida 33126

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.

*CLERK OF COURT*

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 provide 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 THE REVERSE OF THE FORM.) **NOTICE: Attorneys MUST Indicate All Re-filed Cases Below.**

<b>I. (a) PLAINTIFFS</b> FEDNER CHARLES ASEMY, et. al.  <b>(b) County of Residence of First Listed Plaintiff</b> <u>Miami-Dade</u> (EXCEPT IN U.S. PLAINTIFF CASES)  <b>(c) Attorney's (Firm Name, Address, and Telephone Number)</b>  Christopher F. Zacarias, Esq. 757 Blue Lagoon Drive, Suite 230 Miami, Florida 33126	<b>DEFENDANTS</b> SWISSPORT SA, LLC f/k/a SERVISAIR LLC, a Delaware limited liability company County of Residence of First Listed Defendant _____ (IN U.S. PLAINTIFF CASES ONLY)  NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT LAND INVOLVED.  Attorneys (If Known) BAKER & HOSTETLER LLP, Meagan L. Martin, Esq., and Patrick M. Muldowney, Esq.
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(d) Check County Where Action Arose:  MIAMI-DADE  MONROE  BROWARD  PALM BEACH  MARTIN  ST. LUCIE  INDIAN RIVER  OKEECHOBEE HIGHLANDS

<b>II. BASIS OF JURISDICTION</b> (Place an "X" in One Box Only)  <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)  <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	<b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> (Place an "X" in One Box for Plaintiff and One Box for Defendant) (For Diversity Cases Only) <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:30%;"></td> <td style="width:10%; text-align: center;"><b>PTF</b></td> <td style="width:10%; text-align: center;"><b>DEF</b></td> <td style="width:40%;"></td> <td style="width:10%; text-align: center;"><b>PTF</b></td> <td style="width:10%; text-align: center;"><b>DEF</b></td> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated <i>or</i> Principal Place of Business In This State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated <i>and</i> Principal Place of Business In Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>		<b>PTF</b>	<b>DEF</b>		<b>PTF</b>	<b>DEF</b>	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated <i>or</i> 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 <i>and</i> 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
	<b>PTF</b>	<b>DEF</b>		<b>PTF</b>	<b>DEF</b>																				
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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 (Excl. 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  <b>REAL PROPERTY</b> <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	<b>PERSONAL INJURY</b> <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  <b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities Employment <input type="checkbox"/> 446 Amer. w/Disabilities Other <input type="checkbox"/> 440 Other Civil Rights	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability  <b>PERSONAL PROPERTY</b> <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  <b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General Habeas Corpus <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other  <b>LABOR</b> <input checked="" type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act  <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157  <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark  <b>SOCIAL SECURITY</b> <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 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))  <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<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"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes

**V. ORIGIN** (Place an "X" in One Box Only)  
 1 Original Proceeding  2 Removed from State Court  3 Re-filed- (see VI below)  4 Reinstated or Reopened  5 Transferred from another district (specify)  6 Multidistrict Litigation  7 Appeal to District Judge from Magistrate Judgment

**VI. RELATED/RE-FILED CASE(S).** (See instructions second page):  
 a) Re-filed Case  YES  NO      b) Related Cases  YES  NO  
 JUDGE Honorable Marcia G. Cooke      DOCKET NUMBER 17-21457-272-MGC

**VII. CAUSE OF ACTION** FLSA  
 Cite the U.S. Civil Statute under which you are filing and Write a Brief Statement of Cause (Do not cite jurisdictional statutes unless diversity):  
 LENGTH OF TRIAL via 6 days estimated (for both sides to try entire case)

**VIII. REQUESTED IN COMPLAINT:**  CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23      DEMAND \$ \_\_\_\_\_  
 CHECK YES only if demanded in complaint:  
 JURY DEMAND:  Yes  No

ABOVE INFORMATION IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE      SIGNATURE OF ATTORNEY OF RECORD \_\_\_\_\_      DATE April 18, 2017

FOR OFFICE USE ONLY

AMOUNT \_\_\_\_\_ RECEIPT # \_\_\_\_\_ IFP \_\_\_\_\_

# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Lawsuit: Airplane Re-Fuelers Claim Unpaid Overtime Wages](#)

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