

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Civil Action No.:

WILLIAM DAVID BAKER and  
JEFFREY GILL on their own behalf and  
on behalf of all others similarly situated,

Plaintiffs,

v.

HELIX TCS, INC.

Defendant.

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**CLASS AND COLLECTIVE ACTION COMPLAINT FOR UNPAID WAGES**

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Plaintiffs, by and through undersigned counsel, file this Class and Collective Action Complaint for Unpaid Wages against the above-named Defendant.

**STATEMENT OF THE CASE**

1. Plaintiffs and those similarly situated are currently, or were formerly, employed by Defendant to work long hours for low wages as salaried security guards.

2. Defendant did not pay its salaried security guard employees overtime premiums for hours worked beyond forty each workweek.

3. Defendant thus violated the Fair Labor Standards Act (the "FLSA"), 29 U.S.C. §§ 201 *et seq.*, and the Colorado Minimum Wage Act (the "CMWA"), Colo. Rev. Stat. § 8-6-101 *et seq.*, as implemented by the Colorado Minimum Wage Order (the "MWO"), 7 C.C.R. 1103-1(4).

4. Defendant violated the FLSA and the CMWA because those Acts require employers to pay their employees one-and-one-half times each employee's regular rate

of pay for each hour worked beyond forty each workweek.

5. Plaintiffs seek compensation for Defendant's violations of the FLSA and CMWA on their own behalf and on behalf of all other similarly-situated salaried security guard employees of Defendant.

**PARTIES, JURISDICTION, AND VENUE**

6. Plaintiff William David Baker was employed by Defendant from approximately January, 2016 through approximately December, 2016. Plaintiff Baker's signed FLSA Consent to Joint Litigation is attached to this Complaint as Plaintiffs' Exhibit 1.

7. Plaintiff Jeffrey Gill was employed by Defendant from approximately September, 2016 through approximately December, 2016. Plaintiff Gill's signed FLSA Consent to Joint Litigation is attached to this Complaint as Plaintiffs' Exhibit 2.

8. Defendant Helix TCS, Inc. is a registered foreign corporation with a principal street address of 5300 DTC Parkway, Suite 300, Greenwood Village, Colorado 80111.

9. Jurisdiction is conferred upon this Court by 28 U.S.C. § 1331, this case arising under the FLSA, 29 U.S.C. §§ 201 *et seq.*

10. Plaintiffs request that this Court exercise supplemental jurisdiction over their claims under the CMWA pursuant to 28 U.S.C. § 1367.

11. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2) because all the events and omissions giving rise to the claims occurred in the District of Colorado.

**FACTUAL ALLEGATIONS RELEVANT TO ALL CLAIMS**

12. Plaintiffs and those similarly situated worked as salaried security guards for Defendant.

13. Defendant compensated Plaintiffs and other security guard employees on a

salary basis and did not pay Plaintiffs and others overtime premiums for hours worked beyond forty each workweek.

14. For example, during the two-week pay period running from June 26, 2016 through July 10, 2016, Plaintiff Baker worked approximately 114 hours for Defendant. During the two-week pay period running from July 26, 2016 through August 10, 2016, Plaintiff Baker worked approximately 122 hours for Defendant. And during the pay period running from August 11, 2016 through August 25, 2016, Plaintiff Baker worked approximately 98 hours for Defendant. Defendant paid Plaintiff Baker a flat rate salary of \$1,235.05 for his work in each of these pay periods and did not pay him overtime premiums for the hours he worked beyond forty each workweek.

15. Similarly, Plaintiff Gill worked 125.75 hours for Defendant during the October 11, 2016 through October 25, 2016 pay period, and 94.5 hours during the November 11, 2016 through November 25, 2016 pay period and was not paid overtime premiums.

16. Defendant subjected all their salaried security guard employees to the same policy and practice of avoidance of overtime premium payments.

17. At all times relevant to this action, Defendant employed persons, including Plaintiffs and the Members of the Class they seek to represent, within the State of Colorado.

18. At all times relevant to this action, Plaintiffs and all others similarly situated performed labor for the benefit of Defendant wherein Defendant commanded when, where, and how much labor Plaintiffs and others were to perform.

19. During each year relevant to this action, Plaintiffs and others handled handcuffs, asps, uniforms and other materials which moved in interstate commerce.

20. Defendant enjoyed more than \$500,000.00 in gross receipts each year relevant to this action.

### **RULE 23 CLASS ALLEGATIONS**

21. Plaintiffs assert their First Claim, brought under the CMWA, as implemented by the MWO, as a Fed. R. Civ. P. 23 class action, on their own behalf and on behalf of a class for which Plaintiffs seek certification.

22. Pending any modifications necessitated by discovery, Plaintiffs preliminarily define this “Rule 23 Class” as follows:

All salaried security guard employees who worked for Helix TCS, Inc. on or after March 8, 2015.

23. This action is properly brought as a class action for the following reasons.

24. Upon information and belief, all of Defendant’s salaried security guard employees were subject to Defendant’s common policy of refusing to pay overtime wages.

25. The class is so numerous that joinder of all the potential Class Members is impracticable. Plaintiffs do not know the exact size of the Class because that information is within the control of Defendant. However, Plaintiffs believe and allege that the number of Class Members is in the 75-150 persons range. Membership in the class is readily ascertainable from Defendant’s employment records.

26. Numerous questions of law and fact regarding the liability of Defendant are common to the Class and predominate over any individual issues that may exist. Common questions of law and of fact include: whether Defendant failed to pay its salaried security guard employees overtime wages for all hours worked beyond forty each workweek.

27. The claims asserted by Plaintiffs are typical of the claims of all of the Class Members. This is an uncomplicated case of an employer choosing not to pay overtime premiums to non-exempt security guard employees. The claims at issue arise from a policy applicable to all Members of the Class. Each Member of the Class suffered the same violations that Plaintiffs challenge with their claims. If Defendant's policy of refusing to pay overtime wages was unlawful as applied to the representative Plaintiffs, it was unlawful as applied to the absent Members of the putative Class.

28. A class action is superior to other available methods for the fair and efficient adjudication of this controversy because numerous identical lawsuits alleging identical causes of action would not serve the interests of judicial economy.

29. The representative Plaintiffs will fairly and adequately protect the interests of the Members of the Class. Because all Class Members were subject to the same violations of law perpetrated by Defendant, the interests of absent Class Members are coincident with, and not antagonistic to, those of Plaintiffs. The representative Plaintiffs will litigate the Class's claims fully.

30. The representative Plaintiffs are represented by counsel experienced in wage and hour class action litigation.

31. The prosecution of separate actions by individual Class Members would create a risk of inconsistent or varying adjudications with respect to individual Class Members which would establish incompatible standards of conduct for Defendant.

32. Those Class Members who worked for Defendant for short periods of time have small claims that they are unlikely to bring individually. All Members of the Class have claims that are factually very similar and legally identical to Plaintiffs'. Thus, the

interest of Members of the Class in individually controlling the prosecution or defense of separate actions is slight, while the broad remedial purposes of the CMWA counsel toward vindicating the rights of those employees with small claims as part of the larger Class.

33. Plaintiffs are unaware of any Members of the putative Class who are interested in presenting their claims in a separate action.

34. Plaintiffs are aware of no pending litigation commenced by Members of the Class concerning the instant controversy.

35. It is desirable to concentrate this litigation in this forum because all claims arose in this Judicial District.

36. This class action will not be difficult to manage due to the uniformity of claims among the Class Members and the susceptibility of wage and hour cases to both class litigation and the use of representative testimony and representative documentary evidence.

37. The contours of the class will be easily defined by reference to payroll documents that Defendants was legally required to create and maintain. 7 CCR 1103-1 at 12; 29 C.F.R. § 516.2. Notice will be easily distributed because all Members of the putative Class are or were recently employed by Defendant and Defendant was required to create and maintain records containing the mailing addresses of each Class Member.

**§ 216(b) COLLECTIVE ACTION ALLEGATIONS**

38. Plaintiffs bring their Second Claim, brought pursuant to the FLSA, as a collective action, pursuant to 29 U.S.C. § 216(b), on behalf of themselves and on behalf of all similarly situated salaried security guard employees currently and formerly employed by Defendant. Pending any modifications necessitated by discovery, Plaintiffs preliminarily define this “216(b) Class” as follows:

All salaried security guard employees who worked for Helix TCS, Inc. on or after March 8, 2014.

39. The relevant time period dates back three years from the date on which this Complaint was filed and continues forward through the date of judgment because the FLSA provides a three-year statute of limitations for claims of willful violations brought under the Act. 29 U.S.C. § 255(a).

40. All potential 216(b) Class Members are similarly situated because they worked for Defendant as salaried security guard employees and were subject to Defendant’s common policy of refusing to pay overtime premiums.

**FIRST CLAIM – Failure to Pay Overtime Premiums  
Violation of the CMWA (Colo. Rev. Stat. §§ 8-6-101, et seq.) as implemented by  
the MWO (7 CCR 1103-1)**

41. Plaintiffs repeat and re-allege each of the above allegations as if fully set forth herein.

42. Plaintiffs assert this count on their own behalf and on behalf of all other similarly situated employees. Fed.R.Civ.P. 23.

43. Defendant was Plaintiffs’ and others’ “employer” as that term is defined by the MWO because it employed Plaintiffs and others in Colorado. 7 C.C.R. 1103-1(2).

44. Plaintiffs and others were Defendant’s “employees” as that term is defined by

the MWO because they performed labor for the benefit of Defendant in which Defendant commanded when, where, and how much labor or services would be performed. 7 C.C.R. 1103-1(2).

45. Defendant employed Plaintiffs and others in a business or enterprise engaged in providing services to other commercial firms through the use of service employees. 7 C.C.R. 1103-1(2)(B).

46. Defendant violated the CMWA, as implemented by the MWO, when it failed to pay Plaintiffs and others overtime premiums for hours worked over forty in each given workweek. 7 CCR 1103-1(4).

47. As a result, Plaintiffs and others have suffered lost wages and lost use of those wages in an amount to be determined at trial.

48. Plaintiffs and others are entitled to recover in a civil action wages owed to them, together with attorney fees and costs of suit. Colo. Rev. Stat. § 8-6-118; 7 C.C.R. 1103-1(18).

**SECOND CLAIM – Failure to Pay Overtime Premiums**  
**Violation of the FLSA (29 U.S.C. § 201 et seq.)**

49. Plaintiffs repeat and re-allege each of the allegations above as if fully set forth herein.

50. Plaintiffs assert this count on their own behalf and on behalf of all others similarly situated. 29 U.S.C. § 216(b).

51. Plaintiffs and others were “employees” as that term is defined by the FLSA. 29 U.S.C. § 203(e).

52. Defendant “employed” the Plaintiffs and others as that term is defined by the FLSA. 29 U.S.C. § 203(g).

53. Defendant was Plaintiffs' and others' "employer" as that term is defined by the FLSA. 29 U.S.C. § 203(d).

54. Defendant violated the FLSA when it refused to pay Plaintiffs and others overtime premiums for hours worked beyond forty in each given workweek. 29 U.S.C. § 207.

55. Defendant's violations of the FLSA were willful. 29 U.S.C. § 255(a).

56. Plaintiffs and others have suffered lost wages and lost use of those wages in an amount to be determined at trial.

57. Plaintiffs and others are entitled to recover unpaid overtime premiums liquidated damages, attorney fees and costs. 29 U.S.C. § 216(b).

**WHEREFORE**, Plaintiffs pray that:

As to their FIRST CLAIM brought under the CMWA as implemented by the MWO, Plaintiffs respectfully request an Order from the Court that:

- a. This action be certified as a class action pursuant to Fed. R. Civ.P. 23;
- b. Plaintiffs be certified as the class representatives of the Rule 23 Class;
- c. Undersigned counsel be appointed Rule 23 class counsel;
- d. Prompt notice of this litigation be sent to all potential Rule 23 Class members;
- e. Plaintiffs and the Rule 23 Class be awarded the wages they are due, together with attorney fees and costs of suit. Colo. Rev. Stat. § 8-6-118; 7 CCR 1103-1(18);
- f. Plaintiffs be awarded a service award in recognition of their work as representatives of the Rule 23 Class;
- g. Plaintiffs and the Rule 23 Class be awarded such other and further relief as may be necessary and appropriate.

As to their SECOND CLAIM claim brought under the FLSA, Plaintiffs respectfully request an Order from the Court that:

- a. This case be certified to proceed as a collective action under 29 U.S.C. § 216(b) and that appropriate notice of this suit and the opportunity to opt into it be provided to all potential class members;
- b. Plaintiffs and the 216(b) Class be awarded unpaid overtime premiums;
- c. Plaintiffs and the 216(b) Class be awarded liquidated damages as required by law;
- d. Plaintiffs and the 216(b) Class be awarded pre-judgment and post-judgment interest as permitted by law;
- e. Plaintiffs and the 216(b) Class be awarded costs and attorney fees as per 29 U.S.C. § 216(b); and
- f. Plaintiffs and the 216(b) Class be awarded such other and further relief as may be necessary and appropriate.

Respectfully submitted,

*s/ Brandt Milstein*

**Brandt Milstein**

Milstein Law Office

595 Canyon Boulevard

Boulder, CO 80302

303.440.8780

[brandt@milsteinlawoffice.com](mailto:brandt@milsteinlawoffice.com)

*Attorney for Plaintiffs*

**CONSENT TO JOIN LITIGATION**

I, WILLIAM DAVID FAHERN hereby express my intention and consent to join the above-captioned case filed by the Milstein Law Office against my former employers alleging that they violated wage and hour law.

Date: 13 FEB 2017

Signature: 

**CONSENT TO JOIN LITIGATION**

I, Jeffrey Gill, hereby express my intention and consent to join the above-captioned case filed by the Milstein Law Office against my former employers alleging that they violated wage and hour law.

Date: Feb-13-2017

Signature: 

**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**

WILLIAM DAVID BAKER and JEFFREY GILL, on their own behalf and on behalf of all others similarly situated

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

**(c)** Attorneys (Firm Name, Address, and Telephone Number)

Milstein Law Office  
595 Canyon Blvd., Boulder, CO 80302

**DEFENDANTS**

HELIX TCS, INC.

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)

**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)

(For Diversity Cases Only)

	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

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

7 Appeal to District Judge from Magistrate Judgment

**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

Brief description of cause:  AP Docket

Unpaid wages action

**VII. 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

**DATE** 6/21/2016

**SIGNATURE OF ATTORNEY OF RECORD** Brandt Milstein

**FOR OFFICE USE ONLY**

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**

Authority For Civil Cover Sheet

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

**I. (a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

**(b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

**(c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment noting, noting in this section "(see attachment)".

**II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.C.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; 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 clerks 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. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

**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**

**Or:**

**"AP Docket"**

**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 dollar amount (in thousands of dollars) 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.

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

# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Helix TCS Facing Security Guards' Lawsuit Over Unpaid Wages](#)

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