

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
BROWARD DIVISION

LEROY BRUTON, JR., on behalf of himself
and all others similarly situated,

CASE NO.:

Plaintiff,

v.

CYPRESS COMMUNICATIONS, INC.,
a Florida Profit Corporation, CYPRESS
COMMUNICATIONS OF S. FLORIDA, INC.,
a Florida Profit Corporation, and
DEAN R. PEZZA, individually

Defendants.

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, LEROY BRUTON, JR., (“BRUTON” or “Plaintiff”), by and through undersigned counsel, and on behalf of himself and all others similarly situated, files this Complaint against Defendants, CYPRESS COMMUNICATIONS, INC., (“CYPRESS”), a Florida Profit Corporation, CYPRESS COMMUNICATIONS OF S. FLORIDA, INC., (“CCSF”), a Florida Profit Corporation, and DEAN R. PEZZA (“PEZZA”) individually, (“collectively” “Defendants”), and states as follows:

JURISDICTION

1. Jurisdiction in this Court is proper as the claims are brought pursuant to the Fair Labor Standards Act, as amended (29 U.S.C. §201, et seq., hereinafter called the “FLSA”) to recover unpaid overtime wages, an additional equal amount as liquidated damages, obtain declaratory relief, and reasonable attorney’s fees and costs.

2. The jurisdiction of the Court over this controversy is based upon 28 U.S.C. § 1331 and 29 U.S.C. § 216(b).

3. This Court has the authority to grant declaratory relief pursuant to the FLSA and the Federal Declaratory Judgment Act (“DJA”), 28 U.S.C. §§ 2201-02.

PARTIES

4. Plaintiff was and continues to be a resident of Broward County, Florida.

5. Defendant, CYPRESS, a Florida Profit Corporation, was, and continues to be, engaged in business as a cable installation and repair service provider in Florida, with its principal place of business in Palm Beach County, Florida.

6. Defendant, CCSF, a Florida Profit Corporation, was, and continues to be, engaged in business as a cable installation and repair service provider in Florida, with its principal place of business in Palm Beach County, Florida.

7. Defendants, CYPRESS and CCSF, were, and continue to be, an “enterprise engaged in commerce” within the meaning of FLSA.

8. At all times material hereto, Defendants, were the “employer” of Plaintiff, as the term is defined under the FLSA.

9. At all times material hereto, Defendants, continue to be “employers” as the term is defined under the FLSA.

10. Defendant, PEZZA, is an individual and resident of Palm Beach County, Florida.

11. PEZZA is manager and owner of CYPRESS and CCSF. Upon reasonable belief, PEZZA regularly held and/or exercised the authority to hire and fire employees and determine the work schedules, duties, and compensation for the employees, like Plaintiff. Accordingly,

PEZZA's degree of control over day-to-day operations and compensation practices, and role in causing CYPRESS and CCSF to improperly compensate employees in violation of the FLSA makes Defendant, PEZZA, an individual employer pursuant to 29 USC § 203(d).

12. At all times material hereto, Defendants had two (2) or more employees, including Plaintiff, handling, selling, or otherwise working on goods or materials that had been moved in or produced for commerce, such as tools, supplies, and equipment.

13. Based upon information and belief, the annual gross revenue of Defendants was in excess of \$500,000.00 per annum during the relevant time periods.

14. At all times material hereto, Plaintiff was "engaged in commerce" by virtue of the fact that he regularly used tools, supplies, and equipment, including motor vehicles, in furtherance of his employment that was manufactured outside the State of Florida.

15. At all times material hereto, Plaintiff was an "employee" of Defendants within the meaning of the FLSA.

16. At all times material hereto, the work performed by Plaintiff was directly essential to the business performed by Defendants in that Defendants could not operate their businesses without cable installation and repair technicians.

STATEMENT OF FACTS

17. This action is intended to cover the following class of employees who worked for Defendant during the last three (3) years: "Any and all cable technicians who worked for Defendants during the last three (3) who: (a) worked more than forty (40) hours per week; (b) were paid on a piece rate basis; and (c) did not receive full and proper FLSA overtime wages for all hours worked over forty (40) in one or more workweeks.

18. On or about July 2016, Defendants hired Plaintiff to work as a non-exempt, piece rate paid cable technician from July 2016 through June 2017.

19. Plaintiff was paid a piece rate as determined by the company for each type of installation and repair service that he performed for Defendants customers.

20. Plaintiff's job was to install and or repair cable television, internet, and telephone.

21. At various material times hereto, Plaintiff worked for Defendants in excess of forty (40) hours within a work week.

22. From at least July 2016, and continuing through June 2017, Defendants failed to compensate Plaintiff at a rate of one and one-half times Plaintiff's regular rate for all hours worked in excess of forty (40) hours in a single work week.

23. Plaintiff should be compensated at the rate of one and one-half times Plaintiff's regular rate for those hours that Plaintiff worked in excess of forty (40) hours per week, as required by the FLSA.

24. Defendants have violated Title 29 U.S.C. §§ 206 and 207 from July 2016 through June 2017, in that:

- a. Plaintiff, and all others similarly situated, worked in excess of forty (40) hours per week for the period of employment with Defendants;
- b. No payments or provisions for payment have been made by Defendants to properly compensate Plaintiff, and all others similarly situated, at the statutory rate of one and one-half times their regular rate for those hours worked in excess of forty (40) hours per work week, as provided by the FLSA; and

c. Defendants failed to maintain proper time records as mandated by the FLSA.

25. Plaintiff has retained the law firm of CELLER LEGAL, P.A. to represent him in the litigation and has agreed to pay the firm a reasonable fee for its services.

26. Multiple former employees have filed similar claims against Defendant during the last three (3) years, demonstrating that others desire to join and pursue claims against Defendant for identical allegations raised in this Complaint.

COUNT I
VIOLATION OF 29 U.S.C. §207 OVERTIME COMPENSATION
COLLECTIVE ACTION

27. Plaintiff re-alleges and reavers paragraphs 1 through 26 of the Complaint, as if fully set forth herein.

28. From July 2016 through June 2017, Plaintiff worked in excess of the forty (40) hours per week for which Plaintiff was not compensated at the statutory rate of one and one-half times Plaintiff's regular rate of pay.

29. Plaintiff was, and is, entitled to be paid at the statutory rate of one and one-half times Plaintiff's regular rate of pay for those hours worked in excess of forty (40) hours.

30. At all times material hereto, Defendants failed and continue to fail to maintain proper time records as mandated by the FLSA.

31. Defendants' actions were willful and/or showed reckless disregard for the provisions of the FLSA, as evidenced by their failure to compensate Plaintiff at a rate of one and one-half times Plaintiff's regular rate of pay for the hours worked in excess of forty (40) hours per week when they knew, or should have known, such was, and is due.

32. Defendants failed to properly disclose or apprise Plaintiff of his rights under the FLSA.

33. Due to the intentional, willful, and unlawful acts of Defendants, Plaintiff suffered and continues to suffer damages and lost compensation for time worked over forty (40) hours per week, plus liquidated damages.

34. Plaintiff is entitled to an award of reasonable attorney's fees and costs pursuant to 29 U.S.C. § 216(b).

35. At all times material hereto, Defendants failed to comply with Title 29 and Department of Labor Regulations, 29 C.F.R. §§ 516.2 and 516.4, with respect to those similarly situated to the named Plaintiff by virtue of the management policy, plan or decisions that intentionally provided for the compensation of such employees at a rate less than time and one half for his overtime hours.

36. Based on information and belief, both current and former employees of Defendants similarly situated to Plaintiff were not, and are not, being paid proper overtime hours worked in excess of forty (40) in one or more work weeks and should be issued notice of their rights and an opportunity to join this litigation.

37. WHEREFORE, Plaintiff requests a judgment entered in his favor and against Defendants for actual and liquidated damages, as well as costs, expenses and attorney's fees and such other relief deemed proper by this Court.

COUNT II
DECLARATORY RELIEF

38. Plaintiff adopts all allegations in paragraphs 1 through 37.

39. Plaintiff and Defendants have a Fair Labor Standards Act dispute pending, which

the Court has jurisdiction to hear pursuant to 28 U.S.C. § 1331, as a federal question exists.

40. The Court, also, has jurisdiction to hear Plaintiff's request for declaratory relief pursuant to the Declaratory Judgment Act. 28 U.S.C. §§ 2201-2202.

41. Plaintiff may obtain declaratory relief.

42. Defendants employed Plaintiff.

43. Defendants are an enterprise, subject to the coverage of the FLSA in 2015.

44. Defendants are an enterprise, subject to the coverage of the FLSA in 2016.

45. Defendants are an enterprise, subject to the coverage of the FLSA in 2017.

46. Plaintiff was individually covered by the FLSA.

47. Defendant failed to pay Plaintiff proper overtime wages.

48. Defendants did not keep accurate time records pursuant to 29 U.S.C. § 211(c) and 29 C.F.R. Part 516.

49. Defendants failed to take affirmative steps to support a good faith defense.

50. Plaintiff is entitled to liquidated damages.

51. It is in the public interest to have these declarations of rights recorded.

52. Plaintiff's declaratory judgment action serves the useful purpose of clarifying and settling the legal relations in issue.

53. Other similarly situated current and former employees are entitled to notice of this action and an opportunity to join same.

54. The declaratory judgment action terminates and affords relief from uncertainty, insecurity, and controversy giving rise to the proceeding.

55. It is in the interest of all current and former similarly situated employees to get a

declaratory judgment.

56. Plaintiff demands trial by jury.

WHEREFORE, Plaintiff respectfully requests that judgment be entered in his favor against Defendants:

- a. Declaring, pursuant to 29 U.S.C. §§ 2201 and 2202, that the acts and practices complained of herein are in violation of the maximum hour provisions of the FLSA;
- b. Awarding Plaintiff the declaratory relief sought herein;
- c. Awarding Plaintiff proper overtime compensation in the amount due to him for Plaintiff's time worked in excess of forty (40) hours per work week;
- d. Conditionally certifying a class of similarly situated employees who are entitled to notice of this matter, and an opportunity to join same;
- e. Awarding Plaintiff liquidated damages in an amount equal to the overtime award;
- f. Awarding Plaintiff reasonable attorney's fees and costs and expenses of the litigation pursuant to 29 U.S.C. § 216(b);
- g. Awarding Plaintiff pre-judgment interest;
- h. Ordering any other further relief the Court deems just and proper.

JURY DEMAND

Plaintiff demands trial by jury on all issues so triable as a matter of right by jury.

Dated: August 22, 2017

Respectfully submitted,


By: _____

Noah E. Storch, Esquire

Florida Bar No. 0085476

Email: noah@floridaovertimelawyer.com

Richard Celler, Esquire

Florida Bar No. 00173370

Email: richard@floridaovertimelawyer.com

RICHARD CELLER LEGAL, P.A.

7450 Griffin Road, Suite 230

Davie, Florida 33314

Telephone: (866) 344-9243

Facsimile: (954) 337-2771

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
BROWARD DIVISION

LEROY BRUTON, JR., on behalf of himself
and all others similarly situated,

CASE NO.:

Plaintiff,

v.

CYPRESS COMMUNICATIONS, INC.,
a Florida Profit Corporation, CYPRESS
COMMUNICATIONS OF S. FLORIDA, INC.,
a Florida Profit Corporation, and DEAN R. PEZZA, individually

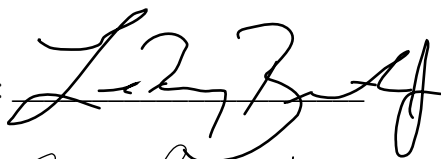
Defendants.

CONSENT TO BECOME PARTY PLAINTIFF

I, LEROY BRUTON, JR, consent to become the party plaintiff in the above-styled
Lawsuit.

Date: August 21, 2017

Signature:



Print:

Leroy Bruton Jr

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

ROSA CHAMBERLAIN

Plaintiff(s)

v.

METRO 1 PROPERTIES, INC., a Florida Profit Corporation,

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

METRO 1 PROPERTIES, INC.
Thomas Sherman, Esquire-Registered Agent
218 Almeria Avenue
Coral Gables, Florida 33134

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:

RICHARD CELLER LEGAL, P.A.
NOAH E. STORCH, ESQUIRE
7450 GRIFFIN ROAD, SUITE 230
DAVIE, FLORIDA 33314
(866) 344-9243
E-mail: noah@floridaovertimelawyer.com

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

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

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

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

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

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

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

I returned the summons unexecuted because _____ ; or

Other *(specify)*:

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

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

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Print

Save As...

Reset

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

LEROY BRUTON, JR., on behalf of himself
and all others similarly situated,

Plaintiff(s)

v.

CYPRESS COMMUNICATIONS, INC.,
a Florida Profit Corporation, CYPRESS
COMMUNICATIONS OF S. FLORIDA, INC.,
a Florida Profit Corporation, and Dean Pezza

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Cypress Communications of S. Florida, Inc.
Dean R. Pezza-Registered Agent
3201 Tuxedo Avenue
West Palm Beach, FL 33405

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:

RICHARD CELLER LEGAL, P.A.
NOAH E. STORCH, ESQUIRE
7450 GRIFFIN ROAD, SUITE 230
DAVIE, FLORIDA 33314
(866) 344-9243
E-mail: noah@floridaovertimelawyer.com

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

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

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

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

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

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

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

I returned the summons unexecuted because _____ ; or

Other *(specify)*:

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

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

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Print

Save As...

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AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

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Southern District of Florida

LEROY BRUTON, JR., on behalf of himself
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Plaintiff(s)

v.

CYPRESS COMMUNICATIONS, INC.,
a Florida Profit Corporation, CYPRESS
COMMUNICATIONS OF S. FLORIDA, INC.,
a Florida Profit Corporation, and

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

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Dean R. Pezza-Registered Agent
3201 Tuxedo Avenue
West Palm Beach, FL 33405

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:

RICHARD CELLER LEGAL, P.A.
NOAH E. STORCH, ESQUIRE
7450 GRIFFIN ROAD, SUITE 230
DAVIE, FLORIDA 33314
(866) 344-9243
E-mail: noah@floridaovertime.com

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

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

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

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

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

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

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

I returned the summons unexecuted because _____ ; or

Other *(specify)*:

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

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

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Print

Save As...

Reset

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.)

I. (a) PLAINTIFFS

LEROY BRUTON, JR., on behalf of himself
and all others similarly situated,

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

(c) Attorneys (Firm Name, Address, and Telephone Number)
Richard Celler Legal, P.A., Noah E. Storch, Esq., 7450 Griffin Road,
Suite 230, Davie, FL 33314 Tel: (866) 344-9243
noah@floridaovertimelawyer.com

DEFENDANTS

CYPRESS COMMUNICATIONS, INC., a Florida Profit Corporation,
CYPRESS, CYPRESS COMMUNICATIONS OF S. FLORIDA, INC.,
a Florida Profit Corporation, and DEAN R. PEZZA, individually

County of Residence of First Listed Defendant PALM BEACH COUNTY
(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
 2 U.S. Government Defendant
 3 Federal Question (U.S. Government Not a Party)
 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

| | 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"/> 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 checked="" 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 (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)) 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 |

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).

Brief description of cause:
Fair Labor Standards Act, as amended, 29 U.S.C. § 216(b) (hereinafter as "FLSA").

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 BETH BLOOM DOCKET NUMBER Case 0:17-cv-61517-BB

DATE 08/22/2017 SIGNATURE OF ATTORNEY OF RECORD

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 in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six 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.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

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

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Lawsuit: Cypress Communications Denies Cable Technicians Proper OT Wages](#)
