

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

THERESA BUSZTA, on behalf of herself
and all others similarly situated,

Plaintiff,

v.

**QUALITY MIDWESTERN
HOLDINGS, INC. d/b/a/ “QUALITY
SERVICES MOVING”**

Registered Agent:

Edward Graves
10595 Furnace Rd Ste 140
Lorton, VA 22079

and

EDWARD GRAVES
10595 Furnace Rd Ste 140
Lorton, VA 22079

Defendants.

JURY TRIAL DEMANDED

CASE NO.: 1:18cv593 (LO/IDD)

COLLECTIVE ACTION COMPLAINT FOR PAYMENT OF OVERTIME WAGES

Plaintiff Theresa Buszta (“Plaintiff”), individually and on behalf of all others similarly situated, by her attorneys, files this Collective and Class Action Complaint (the “Complaint”) against Defendant Quality Midwestern Holdings Inc. d/b/a “Quality Services Moving” and Defendant Edward Graves (collectively, the “Defendants”) seeking all available relief under the Fair Labor Standards Act of 1938 (“FLSA”), 29 U.S.C §§ 201 *et seq.*

INTRODUCTION

1. This lawsuit seeks to recover unpaid wages and overtime compensation for

Plaintiff and other similarly situated co-workers who work or have worked for Quality Services Moving.

2. Plaintiff alleges on behalf of herself and other current and former employees as well as those similarly situated current and former employees holding comparable positions but different titles employed by Defendants who elect to opt in to this action pursuant to the Fair Labor Standards Act, 29 U.S.C. § 216(b) (hereinafter the “Collective” or “Collective Action Members”), that they are entitled to, (i) unpaid wages for all hours worked in a workweek , as required by law, (ii) unpaid overtime wages for hours worked above 40 in a workweek, as required by law, and (iii) liquidated damages pursuant to the FLSA, 29 U.S.C. §§ 201, *et seq.*

JURISDICTION AND VENUE

3. This Court has jurisdiction over Plaintiff’s FLSA claims pursuant to 29 U.S.C. §216(b) and this Court’s Federal Question Jurisdiction, 28 U.S.C. § 1331.

4. Upon information and belief, Defendants are headquartered in, and regularly conduct business in, this district.

THE PARTIES

5. Plaintiff Theresa Buszta is a former employee of Defendants.

6. At all relevant time, Plaintiff Theresa Buszta was a citizen of the Commonwealth of Virginia.

7. During all relevant times, Plaintiff was employed by Defendants, including from June 15, 2017 to January 5, 2018 in and around Lorton, Virginia.

8. Defendant Quality Midwestern Holdings, Inc., d/b/a/ “Quality Services Moving” is a company with its principal place of business located at 10595 Furnace Road, Lorton, Virginia 22079.

9. Defendant Edward Graves is the president of Defendant Quality Midwestern Holdings, Inc. d/b/a “Quality Services Moving.”

10. Upon information and belief, Defendant Edward Graves is an owner and principal person who exerts control over Defendant Quality Midwestern Holdings Inc. d/b/a “Quality Services Moving” and is a resident of Prince William County.

11. At all times relevant, the Defendants were Plaintiff’s “employer” for purposes of the FLSA.

12. At all times relevant herein, Defendants were employers within the meaning of Section 3(d) of the FLSA. 29 U.S.C. § 203(d).

FACTUAL ALLEGATIONS

13. Defendants employed Plaintiff and the Collective Action Members.

14. Defendants maintain control, oversight, and discretion over the operations of worksites, including employment practices with respect to Plaintiff and the Collective Action Members.

15. Plaintiff worked as a “Mover,” a position that entailed driving Sprinter vans to sites to ship and deliver items for clients, which included loading and unloading trucks, preparing the trucks for shipments, and driving to and from the delivery sites.

16. During all relevant times, Plaintiff and Collective Action Members drove and/or loaded and/or served as drivers’ helpers for vehicles weighing less than 10,000lbs., such as a Sprinter van, which had a Gross Vehicle Weight Rating (“GVWR”) of 8,550 lbs.

17. Plaintiff and the Collective Action Members would regularly perform work for which Defendants did not pay them wages.

18. Specifically, if Plaintiff and the Collective Action Members were still working at a job site, they would not be paid for driving back from the job site to the office. Thus, even though Plaintiff and the Collective Action Members would have to complete the job and drive back to headquarters and return their vans, Plaintiff and the Collective Action Members would not receive wages for driving back from the job site to the office.

19. Plaintiff and the Collective Action Members were required to show up to work at 7:00 am. However, upon arrival, Plaintiff and Collective Action Members would have to wait for the administrators to arrive and assign them jobs. Plaintiff and the Collective Action Members were not paid for this time even though they were required to be there. In addition, Plaintiff and Collective Action Members were not paid to prep their vans, and only received a set amount of pay for driving within certain distances. Plaintiff and the Collective Action Members were not paid for the actual amount of time they spent driving if the time exceeded the amount of pay set by the company for the particular distance driven.

20. For example, during the pay period between September 16, 2017 to September 29, 2017, Defendants' records indicate that Plaintiff worked a total of 101.97 hours for Defendants. During this pay period, she received exactly \$0 in overtime compensation even though she worked well over 40 hours per work week.

21. By way of further example, during the pay period between September 30, 2017 and October 13, 2017, Defendants' pay records indicate Plaintiff worked a total of 95.22 hours for Defendants. During this pay period, she received exactly \$0 in overtime compensation even though she worked well over 40 per work week.

22. By way of further example, during the pay period between October 14, 2017 and October 27, 2017, Defendants' pay records indicate that Plaintiff worked a total of 152.16 hours

for Defendants. During this pay period, she received exactly \$0 in overtime compensation even though she worked well over 40 hours per work week.

23. During each of the foregoing example pay periods and throughout her employment with Defendants, Plaintiff was *required* to show up before her shift and wait for the administrators to assign tasks to her. Plaintiff was not paid for this time even though she was required to show up at Defendants' headquarters. Defendants also did not pay Plaintiff for any time she spent driving back from the job site to the office. Thus, the hours worked on Defendants' pay records are not accurate because Plaintiff worked off the clock.

24. Consistent with Defendants' policy, pattern, and/or practice, Plaintiff and the Collective Action Members regularly worked in excess of 40 hours per workweek without being paid overtime wages and regularly worked off of the clock in violation of the FLSA.

25. All of the overtime compensation and off the clock compensation due to Plaintiff and the Collective Action Members remained unpaid for thirty days beyond the regularly scheduled payday.

26. Plaintiff and the Collective Action Members' work as Movers was integrated into and performed in the normal course of Defendants' business.

27. Consistent with Defendants' policy, pattern, and/or practice, Plaintiff and the Collective Action Members regularly worked in excess of 40 hours per workweek without being paid wages for all hours worked and without being paid overtime wages, in violation of the FLSA.

FLSA COLLECTIVE ACTION ALLEGATIONS

28. Plaintiff brings this lawsuit pursuant to 29 U.S.C. § 216(b) as a collective action on behalf of the Collective Action Members as defined above.

29. Plaintiff desires to pursue her FLSA claim on behalf of any individuals who opt in to this action pursuant to 29 U.S.C. § 216(b).

30. Plaintiff and the Collective Action Members are “similarly situated” as that term is used in 29 U.S.C. § 216(b), because, *inter alia*, all such individuals worked pursuant to Defendants’ above described common business policies and practices and, as a result of such policies and practices, were not paid the full and legally mandated wages for all hour worked in a workweek or the legally mandated overtime premium for hours worked over 40 during a workweek.

31. Resolution of this action requires inquiry into common facts, including, *inter alia*, Defendants’ common compensation, timekeeping, and payroll practices.

32. Specifically, Defendants failed to pay Plaintiff and the Collective Action Members the legally required amount of overtime compensation for hours worked in excess of 40 hours per workweek, in violation of the FLSA and the regulations promulgated thereunder, including 29 U.S.C. §§ 207(a)(1), 215(a), and 29 C.F.R. § 778.104, because Defendants failed to pay Plaintiff and the Collective Action Members at a rate of 1.5 times its regular hourly rate for hours worked in excess of 40 hours per week.

33. These similarly situated individuals are known to Defendants, are readily identifiable, and can be located through Defendants’ payroll record which Defendants were required to maintain pursuant to the FLSA. *See* 29 U.S.C. § 211(c); 29 C.F.R. § 215.2, *et seq.*

34. Conditional certification of this case as a collective matter pursuant to U.S.C. § 216(b) is proper and necessary so that these employees may be readily notified of this action through direct U.S. mail and/or other means including email and allowed to opt in for the

purpose of collectively adjudicating their claims for overtime compensation, liquidated damages (or, alternatively, interest), and attorneys' fees and costs under the FLSA.

35. There are many similarly situated current and former Movers who have not been paid for all wages worked and have not been paid proper overtime wages in violation of the FLSA who would benefit from the issuance of a court-supervised notice of this lawsuit and the opportunity to join it. Thus, notice should be sent to the Collective pursuant to 29 U.S.C. § 216(b).

FIRST CAUSE OF ACTION
FAIR LABOR STANDARDS ACT

36. Plaintiff, on behalf of herself and all Collective Action Members, realleges and incorporates by reference the receding paragraphs.

37. At all relevant times, Defendants have been and continue to be, an employer engaged in interstate commerce, within the meaning of the FLSA, 29 U.S.C. §§ 206(a) and 207(a).

38. At all relevant times, Defendants employed, and/or continues to employ, Plaintiff and each of the Collective Action Members within the meaning of the FLSA.

39. At all relevant times, Defendants had a policy and practice of willfully refusing to pay its Movers, including Plaintiff and all Collective Action Members, for all hours worked.

40. At all relevant times, Defendants had a policy and practice of willfully refusing to pay its Movers, including Plaintiff and all Collective Action Members, the legally required amount of overtime compensation for all hours worked in excess of 40 hours per workweek, in violation of the FLSA.

41. As a result of Defendants' willful failure to compensate Plaintiff and the Collective Action members at a rate not less than 1.5 times the regular rate of pay for work performed in

excess of 40 hours in a workweek, Defendants have violated and continue to violate the FLSA, 29 U.S.C. §§ 201 *et seq.*, including 29 U.S.C. §§ 207(a)(1), 215(a), and 29 C.F.R. §§ 778.104.

42. Defendants' conduct as alleged herein constitutes a willful violation of the FLSA within the meaning of 29 U.S.C. § 255(a).

43. Due to Defendants' FLSA violations, Plaintiff and the Collective Action Members are entitled to recover all unpaid wages, including unpaid wages for the legally required amount of overtime compensation for all hours worked by them in excess of 40 in a workweek, actual and liquidated damages, including the employer's share of FICA, FUTA, state employment insurance, and any other required employment taxes, reasonable attorneys' fees and costs and disbursements of this action, pursuant to 29 U.S.C. § 216(b).

DEMAND FOR TRIAL BY JURY

44. The Plaintiff hereby demands a trial by jury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff and the Collective Action Members are entitled to and pray for the following relief:

- a. Designation of this action as an FLSA collective action on behalf of Plaintiff and the Collective Action Class and prompt issuance of pursuant to 29 U.S.C. § 216(b) to all similarly situated members of the Collective Action Class, apprising them of the pendency of this action, permitting them to assert timely FLSA claims in this action by filing individual Consents to Sue pursuant to 29 U.S.C. § 216(b), and tolling the statute of limitations;
- b. A declaratory judgment that the practices complained of herein are unlawful under the FLSA;

- c. An injunction requiring Defendants to cease its unlawful practices under, and comply with the FLSA;
- d. An award of unpaid wages for all hours worked and for all unpaid overtime wages for hours worked in excess of 40 in a workweek at a rate of one and one-half times the regular rate of pay under the FLSA.
- e. An award of liquidated and/or punitive damages as a result of Defendants' willful failure to pay for all hours worked and all hours worked in excess of 40 in a workweek at a rate of one and one-half times the regular rate of pay pursuant to 29 U.S.C. § 216;
- f. An award of damages representing the employers' share of FICA, FUTA, state unemployment insurance, and any other required employment taxes.
- g. An award of costs and expenses of this action together with reasonable attorneys' and expert fees and an award of a service payment to the Plaintiff; and
- h. Such other further relief as this Court deems just and proper.

JURY TRIAL DEMAND

Plaintiff hereby demands a trial by jury with respect to each claim in this Complaint.

Date: May 17, 2018.

Respectfully Submitted,
Plaintiff
By Counsel

/s/
Matthew T. Sutter, Esq., VSB No. 66741
Sutter & Terpak, PLLC
7540 Little River Tnpk.
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Annandale, VA 22003
Tel: (703) 256-1800
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Nicholas A. Migliaccio, Esq.*

Jason S. Rathod, Esq.*

Migliaccio & Rathod LLP

412 H Street N.E., Suite 302

Washington, D.C. 20002

Tel: (202) 470-3520

Fax: (202) 800-2730

* *Pro hac vice* admission to be sought

NOTICE OF CONSENT

By my signature below, I consent to become a party plaintiff in a lawsuit seeking damages for unpaid wages under the Fair Labor Standards Act against Quality Services Moving and any other entities or individuals who are determined to be employers under the Fair Labor Standards Act for the claims set forth in the Complaint. I hereby appoint Nicholas Migliaccio and Jason Rathod of Migliaccio & Rathod LLP, 412 H St NE, Suite 302, Washington D.C. 20002 and Matthew T. Sutter, of Sutter & Terpak, PLLC, 7540 Little River Tnpk., Suite A, First Floor, Annandale, VA 22003, and others that the above attorneys choose to associate with to represent me in this case.

Name: Theresa Buszta

Date: 05/07/2018

Mailing Address: 8 Cloverleaf Ct.

Fredericksburg, VA 22406

—

Signature: 

Signature Certificate



Document Reference: IIFXXKISI3K9I4L7W8J89G

RightSignature
Easy Online Document Signing



Theresa Buszta
Party ID: EYYEZIJ8TKTF8BFYEARTWM
IP Address: 70.174.187.142

Electronic Signature:

Multi-Factor
Digital Fingerprint Checksum

7654a4d124abc5bb15a6ca72e755a7f663c47559



Timestamp

2018-05-07 18:26:26 -0700

2018-05-07 18:26:25 -0700

2018-05-07 18:26:23 -0700

2018-05-07 18:22:42 -0700

Audit

All parties have signed document. Signed copies sent to: Nicholas Migliaccio.

Document signed by Theresa Buszta (noemail@rightsignature.com) with drawn signature. - 70.174.187.142

Generated Document from Online Form ConsentForm (ConsentForm-e06e2f). - 70.174.187.142

Online Form viewed by Theresa Buszta (noemail@rightsignature.com). - 70.174.187.142



This signature page provides a record of the online activity executing this contract.

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
THERESA BUSZTA**DEFENDANTS**

QUALITY MIDWESTERN HOLDINGS, INC. and EDWARD GRAVES

(b) County of Residence of First Listed Plaintiff Fredericksburg
(EXCEPT IN U.S. PLAINTIFF CASES)County of Residence of First Listed Defendant Prince William
(IN U.S. PLAINTIFF CASES ONLY)

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

(c) Attorneys (Firm Name, Address, and Telephone Number)
Matthew T. Sutter, Esq.; Sutter & Terpak, PLLC; 7540A Little River Turnpike, First Floor; Annandale, VA 22003; 703-256-1800

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)

- | | 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)

Click here for: Nature of Suit Code Descriptions.

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 Tort 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"/> 835 Patent - Abbreviated New Drug Application <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"/> 376 Qui Tam (31 USC 3729(a)) <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 <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	CIVIL RIGHTS <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 PRISONER PETITIONS 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 - Transfer ☐ 8 Multidistrict Litigation - Direct File

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:
Unpaid Overtime

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

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 there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- 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 – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- 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 Against Quality Services Moving Packed with Potential Labor Law Violations](#)
