

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

JESUS CASAREZ, Individually and on Behalf of All Others Similarly Situated)	
)	
)	No. 2:17-cv-1086
PLAINTIFF)	
)	
vs.)	
)	
PRODUCERS SERVICE CORPORATION,)	
)	
)	
DEFENDANT)	

ORIGINAL COMPLAINT— COLLECTIVE AND CLASS ACTION

COMES NOW Plaintiff Jesus Casarez, individually and on behalf of all others similarly situated, by and through his attorney Robert E. DeRose of Barkan Meizlish, LLP, and for his Original Complaint—Collective Action against Defendant Producers Service Corporation (“Defendant”), and in support thereof he does hereby state and allege as follows:

I. PRELIMINARY STATEMENTS

1. This is an action brought by Plaintiff, both individually and on behalf of all others similarly situated, against Defendant pursuant to Section 216(b) of the Fair Labor Standards Act (“FLSA”), and as a class action brought pursuant to Ohio’s Minimum Fair Wage Standards Act (“OMFWSA”), O.R.C. §§ 4111.01, 4111.03 and 4111.10, the Ohio Prompt Pay Act (“OPPA”), O.R.C. § 4113.15 (the OMFWSA and the OPPA will be referred to collectively as the “Ohio Acts”); and Federal Rule of Civil Procedure 23.

2. The proposed Section 216 collective and Ohio Rule 23 class (the “Ohio Acts Class”) (collectively referred to as “Classes”) are composed entirely of employees

who are or were non-management oilfield operations employees for Defendant, who, during the applicable time period, work/worked for Defendant and are/were denied their rights under applicable federal wage and hour laws.

3. The proposed Classes will seek recovery of monetary damages for all overtime worked by Plaintiff and the putative class members.

4. Defendant does not pay its non-management oilfield operations employees overtime wages as required by the FLSA, 29 U.S.C. § 201 et seq. and the Ohio Acts. This collective and class action seeks the unpaid wages and other damages owed to these workers.

5. Plaintiff, both individually and on behalf of all others similarly situated, brings this action under the FLSA and the Ohio Acts, for declaratory judgment, monetary damages, liquidated damages, prejudgment interest, civil penalties and costs, including reasonable attorney's fees as a result of Defendant's commonly applied policy and practice of failing to pay Plaintiff and all others similarly situated overtime compensation for all the hours in excess of forty hours in a single week that they were/are made to work.

6. Upon information and belief, for at least three (3) years prior to the filing of this Complaint, Defendant has willfully and intentionally committed violations of the FLSA and the Ohio Acts as described, *infra*.

II. THE PARTIES

7. Plaintiff Jesus Casarez worked for Defendant as a non-management oilfield operations employee, specifically as an equipment operator, from approximately July of 2016 through November of 2016. His signed consent to join this action is

attached as Exhibit A.

8. Plaintiff is a citizen and resident of Collin County.

9. Defendant Producers Service Corporation is a domestic, for-profit limited liability company, created and existing under and by virtue of the laws of Ohio, registered to do business in the State of Ohio, providing products and services in the oil and gas industry, throughout the United States in those areas in which fracking is a viable business.

10. Defendant has annual gross revenues exceeding \$500,000.00.

11. Defendant's principal address is 109 Graham Street, Zanesville, Ohio 43701 (Guernsey County).

12. Defendant was at all times relevant hereto Plaintiff's employer and is and has been engaged in interstate commerce as that term is defined under the FLSA.

13. Defendant can be served within the State of Ohio through its registered agent: Daniel Pottmeyer, 5115 Heritage Drive, Zanesville, Ohio 43701.

III. JURISDICTION AND VENUE

14. The United States District Court for the Southern District of Ohio has subject matter jurisdiction over this suit under the provisions of 28 U.S.C. § 1331 because this suit raises federal questions under the FLSA.

15. This Court has supplemental jurisdiction over the Ohio Acts claims pursuant to 28 U.S.C. § 1367.

16. The acts complained of herein were committed and had their principal effect against the named Plaintiff herein within the Eastern Division of the Southern District of Ohio; therefore, venue is proper within this District pursuant to 28 U.S.C.

§1391.

IV. REPRESENTATIVE ACTION ALLEGATIONS

17. Plaintiff brings this claim for relief for violation of the FLSA as a collective action pursuant to Section 16(b) of the FLSA, 29 U.S.C. § 216(b) and as a class action pursuant to Rule 23, on behalf of all persons similarly situated as non-management oilfield operations employees who were or are employed by Defendant and were improperly misclassified as exempt from payment of the overtime premium at any time within the applicable statute of limitations period, who are entitled to payment for overtime wages which Defendant failed to pay due to the intentional misclassification of Plaintiffs and of those similarly situated.

18. Plaintiff asserts violations of the FLSA and the Ohio Acts on behalf of all persons who were employed by Defendant as non-management oilfield operations employees from three years prior to the date of the filing of this lawsuit, through the time of the trial of this case.

19. Plaintiff is unable to state the exact number of class members but believes that the class membership exceeds 50 persons but is less than 250 persons. Defendant can readily identify the members of the class, who are a certain portion of the current and former employees of Defendant.

20. The proposed FLSA class members are similarly situated in that they are and have been subject to uniform practices by Defendant which violated the FLSA, including:

A. Defendant's uniform misclassification of them as exempt employees under the FLSA; and

B. Defendant's failure to pay members of the class overtime compensation in violation of the FLSA, 29 U.S.C. § 201 et seq.

21. Defendant has been an employer within the meaning of the FLSA and the Ohio Acts.

22. Plaintiff and the Class members have been employees within the meaning of the FLSA and the Ohio Acts.

23. Plaintiff and the Class members have not been exempt from the protections of the FLSA or the Ohio Acts.

24. Defendant is not exempt from the requirements of paying overtime benefits under the FLSA and the Ohio Acts.

V. FACTUAL ALLEGATIONS

25. Plaintiff repeats and re-alleges all previous paragraphs of this Complaint as though fully incorporated herein.

26. Plaintiff held a job title of equipment operator, a non-management oilfield operations employee, for Defendant within the three years preceding the filing of the Original Complaint.

27. Plaintiff's duties as a non-management oilfield operations employee included assisting those working at oil well sites to assist in pumping and fracking oil wells.

28. Defendant's annual gross volume of sales made or business done was not less than \$500,000.00 (exclusive of excise taxes at the retail level that are separately stated) during each of the four calendar years preceding the filing of the Original Complaint.

29. To perform their job duties, at least two employees of Defendant routinely used hard hats, drilling equipment, pump equipment, lubricators, blow-out preventers, and various hand-tools, at least some of which had been moved in or produced for interstate commerce.

30. Throughout the time relevant to this complaint, Defendant has been an enterprise engaged in interstate commerce as defined by the FLSA.

31. Defendant paid Plaintiff, and all other non-management oilfield operations employees during Plaintiff's tenure, an hourly wage with overtime premiums for some of the hours they worked in excess of forty (40) per week.

32. It was Defendant's universally applied policy and practice to only pay its non-management oilfield operations employees overtime once they worked in excess of sixty (60) hours per week.

33. Thus, Plaintiff and all others similarly situated did not receive overtime wages for the hours they worked in excess of forty (40) hours, but less than sixty (60) hours.

34. Plaintiff regularly worked more than 40 hours per week as a non-management oilfield operations employee.

35. Non-management oilfield operations employees other than Plaintiff also regularly worked more than 40 hours per week.

36. The policy has been in place for more than three years.

37. Plaintiff's experiences described herein are substantially shared across similarly situated employees and putative Class members.

38. Upon information and belief, Defendant knew, or showed reckless

disregard for whether, its pay practices toward Plaintiff and other non-management oilfield operations employees violated the FLSA and the Ohio Acts.

39. Because other non-management oilfield operations employees are similarly situated to Plaintiff, and they are owed overtime for the same reasons, at least one proper definition of the FLSA collective is as follows:

Each individual employed as a non-management oilfield operations employee for Defendant at any time during the three years preceding the filing of this complaint (“216 Collective”).

40. Because other non-management oilfield operations employees are similarly situated to Plaintiff in Ohio, and they are owed overtime for the same reasons, at least one proper definition of the Ohio class is as follows:

Each individual employed as a non-management oilfield operations employee for Defendant at any time during the three years preceding the filing of this complaint (“Ohio Class”).

VI.
FIRST CLAIM FOR RELIEF
(Individual Claims for Violation of FLSA)

41. Plaintiff repeats and re-alleges all the preceding paragraphs of this Original Complaint as if fully set forth in this section.

42. Section 207 of the FLSA requires employers to pay employees one and one-half times the employee’s regular rate for all hours that the employee works in excess of forty (40) per week. 29 U.S.C.S. § 207 (LEXIS 2013).

43. Defendant deprived Plaintiff of proper overtime compensation for all of the hours over forty (40) per week in violation of the FLSA.

44. Defendant’s conduct and practice, as described above, is and has been at

all times relevant hereto, willful, intentional, unreasonable, arbitrary and in bad faith.

45. By reason of the unlawful acts alleged herein, Defendant is liable to Plaintiff for monetary damages, liquidated damages and costs, including reasonable attorney's fees provided by the FLSA for all violations which occurred beginning at least three (3) years preceding the filing of Plaintiff's initial complaint, plus periods of equitable tolling.

46. Alternatively, should the Court find that Defendant acted in good faith in failing to pay Plaintiff as provided by the FLSA, Plaintiff is entitled to an award of prejudgment interest at the applicable legal rate.

VII.
SECOND CLAIM FOR RELIEF
(Collective Action Claim for Violation of FLSA against Plaintiff
and All Those Similarly Situated Class Members)

47. Plaintiff repeats and re-alleges all the preceding paragraphs of the Original Complaint above, as if fully set forth herein.

48. Defendant required Plaintiff and similarly situated members of the class to work in excess of forty (40) hours each week but failed to pay Plaintiff and the class members overtime compensation for all of the hours in excess of forty (40) in each workweek.

49. Defendant deprived Plaintiff and the class members overtime compensation for all of the hours over forty (40) per week, in violation of the FLSA.

50. Defendant's conduct and practice, as described above, were/are willful, intentional, unreasonable, arbitrary and in bad faith.

51. By reason of the unlawful acts alleged herein, Defendant is liable to Plaintiff and similarly situated members of the class for monetary damages, liquidated

damages and costs, including reasonable attorney's fees provided by the FLSA.

52. Alternatively, should the Court find that Defendant acted in good faith in failing to pay Plaintiff and similarly situated members of the class as provided by the FLSA, Plaintiff and similarly situated members of the class are entitled to an award of prejudgment interest at the applicable legal rate.

VIII.
THIRD CLAIM FOR RELIEF
(Individual Action Alleging Violations of the Ohio Acts)

53. Plaintiff repeats and re-alleges all the preceding paragraphs of the Original Complaint above, as if fully set forth herein.

54. The OMFWSA requires that employees, including Plaintiff receive "time and one-half" overtime premium compensation for hours worked over 40 per week.

55. The OPPA requires that the Defendant pay Plaintiff all wages, including unpaid overtime, on or before the first day of each month, for wages earned by him during the first half of the preceding month ending with the fifteenth day thereof, and on or before the fifteenth day of each month, for wages earned by him during the last half of the preceding calendar month.

56. Plaintiff was or has been employed by Defendant from three years preceding this complaint through the final disposition of this matter, and has been a covered employee entitled to the protections of the Ohio Acts.

57. Defendant is and has been an employer covered by the requirements set forth in the Ohio Acts.

58. Plaintiff has not been exempt from receiving overtime benefits under the Ohio Acts.

59. Plaintiff worked more than 40 hours in workweeks during times relevant to this case, however, Defendant violated the Ohio Acts by failing to pay Plaintiff overtime compensation for hours worked over 40 per week.

60. Plaintiff was not paid all wages, including overtime wages at one and one-half times his regular rates within thirty (30) days of performing the work.

61. The wages of Plaintiff remain unpaid for more than thirty (30) days beyond his regularly scheduled payday.

62. Plaintiff has suffered damages and continues to suffer damages as a result of Defendant's acts or omissions as described herein; though Defendant is in possession and control of necessary documents and information from which Plaintiff would be able to precisely calculate damages.

63. In violating the Ohio Acts, Defendant acted willfully, without a good faith basis and with reckless disregard of applicable Ohio law.

IX.
FOURTH CLAIM FOR RELIEF
(Class Action Alleging Violations of the Ohio Acts)

64. Plaintiff repeats and re-alleges all the preceding paragraphs of the Original Complaint above, as if fully set forth herein.

65. The OMFWSA requires that employees, including Plaintiff and the Ohio Acts Class members receive "time and one-half" overtime premium compensation for hours worked over 40 per week.

66. The OPPA requires that the Defendant pay Plaintiff and the Ohio Acts Class members all wages, including unpaid overtime, on or before the first day of each month, for wages earned by her during the first half of the preceding month ending with

the fifteenth day thereof, and on or before the fifteenth day of each month, for wages earned by her during the last half of the preceding calendar month.

67. Plaintiff and the Ohio Acts Class members were or have been employed by Defendant from three years preceding this complaint through the final disposition of this matter, and have been covered employees entitled to the protections of the Ohio Acts.

68. Defendant is and has been an employer covered by the requirements set forth in the Ohio Acts.

69. Plaintiff and other Ohio Acts Class members have not been exempt from receiving overtime benefits under the Ohio Acts.

70. Plaintiff and the Ohio Acts Class members worked more than 40 hours in workweeks during times relevant to this case, however, Defendant violated the Ohio Acts by failing to pay Plaintiff and other Ohio Acts Class members overtime compensation for hours worked over 40 per week.

71. Plaintiff and the Ohio Acts Class members were not paid all wages, including overtime wages at one and one-half times their regular rates within thirty (30) days of performing the work.

72. The wages of Plaintiff and the Ohio Acts Class members remain unpaid for more than thirty (30) days beyond their regularly scheduled payday.

73. Plaintiff and the Ohio Acts Class members have suffered damages and continue to suffer damages as a result of Defendant's acts or omissions as described herein; though Defendant is in possession and control of necessary documents and information from which Plaintiff would be able to precisely calculate damages.

74. In violating the Ohio Acts, Defendant acted willfully, without a good faith basis and with reckless disregard of applicable Ohio law.

75. The precise size and identity of the proposed class should be ascertainable from the business records, tax records, and/or employee or personnel records of Defendant.

76. Class action treatment of Plaintiff's Ohio Acts claim is appropriate because, as alleged herein, all of Rule 23's class action requisites are satisfied.

77. The number of Ohio Acts members is, on information and belief, so numerous that joinder of all class members is impracticable.

78. Plaintiff is a member of the Ohio Acts Class and his claims are typical of the claims of other Ohio Acts Class members.

79. Plaintiff has no interests that are antagonistic to or in conflict with the interests of other class members.

80. Plaintiff and his counsel will fairly and adequately represent the Ohio Acts Class members and their interests.

81. Class certification is appropriate under Federal Rule of Civil Procedure 23(b)(3) because common questions of law and fact predominate over questions affecting only individual class members and because a class action is superior to other available methods for the fair and efficient adjudication of this litigation. For example, Plaintiff was not paid overtime for all hours worked in excess of 40 in a workweek just as those of the Ohio Acts Class members. The failure to pay overtime was the result of the company-wide conduct of Defendant.

82. Accordingly, the Ohio Acts Class should be certified as defined in

Paragraph 40, above.

VI. PRAYER FOR RELIEF

WHEREFORE, premises considered, Plaintiff Jesus Casarez, individually and on behalf of all others similarly situated, respectfully prays for declaratory relief and damages as follows:

- (a) That Defendant be summoned to appear and answer herein;
- (b) That Defendant be required to account to Plaintiff, the 216 Collective and Ohio Acts Class members, and the Court for all of the hours worked by Plaintiff and the Class members and all monies paid to them;
- (c) A declaratory judgment that Defendant's practices alleged herein violate the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.*, attendant regulations at 29 C.F.R. § 516 *et seq.*, and the Ohio Acts
- (d) Certification of, and proper notice to, together with an opportunity to participate in the litigation, all qualifying current and former members of the Class;
- (e) Judgment for damages for all unpaid overtime compensation under the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.*, attendant regulations at 29 C.F.R. § 516 *et seq.* and the Ohio Acts
- (e) Judgment for liquidated damages pursuant to the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.*, attendant regulations at 29 C.F.R. § 516 *et seq.*, and the Ohio Acts in an amount equal to all unpaid overtime compensation owed to Plaintiff and members of the Class during the applicable statutory period;

(f) An order directing Defendant to pay Plaintiff and members of the Class prejudgment interest, reasonable attorney's fees and all costs connected with this action; and

(g) Such other and further relief as this Court may deem necessary, just and proper.

Date: December 14, 2017

Respectfully submitted,

By: **BARKAN MEIZLISH HANDELMAN
GOODIN DEROSE WENTZ, LLP**

/s/Robert E. DeRose

Robert E. DeRose OH Bar No. 0055214)
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Attorneys in Charge for Plaintiffs

Exhibit A

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

<u>JESUS CASAREZ, Individually and on</u>)	
<u>Behalf of All Others Similarly Situated</u>)	
)	No. 1:17-cv-____
PLAINTIFF)	
)	
vs.)	
)	
PRODUCERS SERVICE)	
CORPORATION,)	
)	
DEFENDANT)	

CONSENT TO JOIN COLLECTIVE ACTION

I was employed as a non-management oilfield operations employee for Producers Service Corporation during some of the three years prior to the signing of this document. I understand this lawsuit is being brought under the Fair Labor Standards Act for unpaid overtime and/or minimum wage compensation. I consent to becoming a party-plaintiff in this lawsuit, to be represented by Barkan Meizlish Handelman Goodin Derose Wentz, LLP, and to be bound by any settlement of this action or adjudication by the Court.

I declare under penalty of perjury that the foregoing is true and correct.



JESUS CASAREZ
c/o Barkan Meizlish Handelman
Goodin Derose Wentz, LLP
250 E. Board Street, 10th Floor
Columbus, Ohio 43215
TELEPHONE: (614) 221-42221
FACSIMILE: (614) 744-2300

Date: December 11, 2017

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
Jesus Casarez, Individually and on Behalf of All Others Similarly Situated
(b) County of Residence of First Listed Plaintiff Collin
(c) Attorneys (Firm Name, Address, and Telephone Number)
Barkan Meizlish Handelman Goodin DeRose Wentz, LLP, 250 E. Broad Street, 10th Floor, Columbus, Ohio 43215, Telephone: (800) 274-5297 Robert E. DeRose, Esq. (OH0055214)

DEFENDANTS
Producers Service Corporation
County of Residence of First Listed Defendant Guernsey
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)
Citizen of This State
Citizen of Another State
Citizen or Subject of a Foreign Country
PTF DEF
Incorporated or Principal Place of Business In This State
Incorporated and Principal Place of Business In Another State
Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)
Table with columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal codes and descriptions.

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):
Section 216(b) of the Fair Labor Standards Act (FLSA), Ohio Minimum Fair Wage Standards Act (OMFWSA)
Brief description of cause:
Non-payment of employees overtime wages as required by FLSA, 29 U.S.C. §201 et seq. and the Ohio Acts

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 12/14/2017 SIGNATURE OF ATTORNEY OF RECORD /s/ Robert E. DeRose, Esq.

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.

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:

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Class Action: Former Employee Questions Oil Company's Pay Practices](#)
