

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION**

DAVID KAISER, for himself and on  
behalf of those similarly situated,

Plaintiff,

Case No.:

vs.

NORTHWOOD HOSPITALITY, LLC.,  
a Foreign Limited Liability Company;  
NWNW LLC d/b/a NAPLES GRANDE  
RESORT & SPA,

Defendants.

\_\_\_\_\_ /

**COMPLAINT AND DEMAND FOR JURY TRIAL**

Plaintiff, DAVID KAISER, (“Plaintiff”), for himself and on behalf of those similarly situated, hereby files this Complaint against Defendant, NORTHWOOD HOSPITALITY, LLC., (“NORTHWOOD”), a Foreign Limited Liability Company, and NWNW, LLC d/b/a NAPLES GRANDE RESORT & SPA (“NAPLES GRANDE”) (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.) (“FLSA”) to obtain declaratory relief, a judgment against Defendants as to liability, recover unpaid wages, liquidated damages, and reasonable attorneys’ fees and costs.

2. The jurisdiction of the Court over this controversy is proper pursuant to 28 U.S.C. §1331, as Plaintiff’s claims arise under 29 U.S.C. §216(b).

**PARTIES**

3. At all times material to this action, Plaintiff was a resident of Collier County, Florida.

4. At all times material to this action, NORTHWOOD, was and continues to be a Foreign Limited Liability Company, Further, at all times material to this action, Defendant NORTHWOOD was, and continues to be, engaged in business in Florida, doing business, in Collier County, Florida.

5. At all times material to this action, Defendant NAPLES GRANDE is a beach resort and spa located in Naples, Florida. NAPLES GRANDE is a fictitious name owned by NWNG, LLC, a New York corporation, which is registered and continues to be engaged in business in Florida, doing business in Collier County, Florida.

6. At all times relevant hereto, NORTHWOOD and NAPLES GRANDE were Plaintiff's "integrated employer" under the FLSA, because they had: (i) Common management; (ii) Interrelated operations; (iii) Centralized control of labor relations; and (iv) Common ownership/financial control.

7. At all times relevant hereto, NORTHWOOD and NAPLES GRANDE were Plaintiff's "joint employer," for the purposes of FLSA coverage, pursuant to 29 C.F.R. §825.106, because: (i) There was an arrangement between them to share employees' services or to interchange employees; (ii) Each of them acted directly or indirectly in the interest of each other in relation to Plaintiff; or, (iii) They were not and are not completely disassociated with respect to the Plaintiff's employment, and shared control of Plaintiff, directly or indirectly, because each of them was under common control with each other.

8. NORWOOD is an enterprise engaged in the hospitality industry, and specifically in the operation of hotels and resorts.

9. NWNG does business as NAPLES GRANDE and is an enterprise engaged in the hospitality industry, and specifically in the operation of hotels and resorts.

10. NORTHWOOD and NAPLES GRANDE are currently listed with the Florida Department of State, Division of Corporations, as “Active” businesses. See Corporation search results for NORTHWOOD and NAPLES GRANDE attached hereto as Exhibits A and B, respectively.

11. NORWOOD and NAPLES GRANDE share the same principal and mailing addresses of 1819 Wazee, 2<sup>nd</sup> Floor, Denver, CO 80202.

12. Erwin Aulis, John Kukral, and Jonathan Wang jointly own, operate and/or control both NORTHWOOD and NAPLES GRANDE.

13. According to NORTHWOOD’s website <https://www.hcareers.com/seeker/employer-profiles/northwood-hospitality-jobs>, it promotes Job Opportunities for several of its companies, including NAPLES GRANDE.

14. Plaintiff’s paystubs are issued by NORTHWOOD through the location of Plaintiff’s employment within NAPLES GRANDE.

15. At all times material to this action, Plaintiff was “engaged in commerce” within the meaning of §6 and §7 of the FLSA.

16. At all times material to this action, Plaintiff was an “employee” of Defendants within the meaning of the FLSA.

17. At all times material to this action, Defendants were Plaintiff’s

“employers” within the meaning of the FLSA.

18. Defendants were, and continue to be, “employers” within the meaning of the FLSA.

19. At all times material to this action, Defendants were, and continue to be, an “enterprise engaged in commerce” and/or an enterprise engaged in the “production of goods for commerce” within the meaning of the FLSA.

20. 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.

21. At all times material to this action, Defendants had two (2) or more employees handling, selling, or otherwise working on goods or materials that had been moved in or produced for commerce such as cash registers, telephones, plates, cups, liquor, knives, chairs, tables, and cleaning supplies which were used directly in furtherance of Defendants’ commercial activity of running a resort and spa.

22. At all times material hereto, the work performed by the Plaintiff was directly essential to the business performed by Defendants.

### **STATEMENT OF FACTS**

23. On September 3, 2015, Defendants hired Plaintiff to work as a non-exempt hourly-paid server for Defendants’ company.

24. Plaintiff’s job duties included, but were not limited to, setting up and closing at pool area, maintenance and serving resort guests.

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

26. From at least September 3, 2015, through July 21, 2016, Defendants

failed to compensate Plaintiff at a lawful overtime rate for all hours worked in excess of forty (40) hours in a single workweek.

27. Specifically, Plaintiff was not paid the lawful minimum overtime wage for his overtime hours throughout his employment. Rather, Plaintiff was paid even less than the lower overtime wage permitted for tipped employees.

28. In addition, Defendants failed to compensate Plaintiff the lawful minimum wage for all of his hours worked.

29. Specifically, Defendants paid Plaintiff only the minimum wage applicable to tipped employees for significant daily hours Plaintiff spent doing non-tipped work, including opening and closing the service area when no customers were present or permitted to be present.

30. Defendants are not permitted to utilize the “tip credit” for these significant hours spent doing non-tipped work.

31. 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 workweek, as required by the FLSA.

32. Plaintiff should be compensated at the full minimum wage rate for hours spent doing non-tipped work before and after the restaurant was open.

33. Upon information and belief, the majority of Plaintiff’s pay and time records are in the possession of Defendants.

34. The additional persons who may become Plaintiffs in this action also “worked” for Defendants as servers, and were denied proper overtime compensation for overtime hours because Defendants paid an hourly rate lower than the lawful minimum

hourly overtime rate for tipped employees, and were also denied proper minimum wage and overtime compensation because Defendants paid only the tipped minimum wage to its servers even though they performed significant non-tipped work due to the same policies, practices and procedures applicable to Plaintiff.

35. Defendants have violated Title 29 U.S.C. §206 from at least September 3, 2015, through July 21, 2016, in that:

- a. Defendants have failed to pay Plaintiff, and those similarly situated, proper minimum wage for all hours worked for Defendants as required by the FLSA; and
- b. No payments or provisions for payment have been made by Defendants to properly compensate Plaintiff, and those similarly situated, at the applicable minimum wage for each hour worked as provided by the FLSA, due to the policies and practices described above.

36. Defendants have violated Title 29 U.S.C. §207 from at least September 3, 2015, through July 21, 2016, in that:

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

workweek, as provided by the FLSA, due to the policies and practices described above.

37. Defendants' failure and/or refusal to properly compensate Plaintiff, and those similarly situated, at the rates and amounts required by the FLSA was willful, as Defendants are and have been aware of the FLSA mandates and their applicability to Plaintiff's employment, but chose not to pay him correct wages.

38. Defendants failed and/or refused to properly disclose or apprise Plaintiff of his rights under the FLSA.

39. Plaintiff has retained the law firm of MORGAN & MORGAN, P.A. to represent Plaintiff in the litigation and has agreed to pay the firm a reasonable fee for its services.

**COUNT I**  
**RECOVERY OF MINIMUM WAGES**

40. Plaintiff re-alleges paragraphs 1 through 39 of the Complaint as if fully set forth herein.

41. Plaintiff was entitled to be paid the applicable minimum wage for each hour Plaintiff worked during Plaintiff's employment with Defendants.

42. Defendants paid Plaintiff the minimum wage applicable to tipped employees for significant daily hours Plaintiff spent doing non-tipped work.

43. Defendants failed to pay Plaintiff the applicable minimum wage for each hour Plaintiff worked for Defendants performing significant schedules of non-tipped work.

44. Because Plaintiff was paid the tipped minimum wage for all hours, Defendants' use of the tip credit during significant hours of non-tipped work necessarily

resulted in Plaintiff's wages for each workweek falling below the minimum wage.

45. As a result of Defendants' actions in this regard, Plaintiff has not been paid the applicable minimum wage for each hour worked during one or more weeks of employment with Defendants.

46. Defendants had specific knowledge it was paying sub-minimum wage to Plaintiff, but still failed to pay Plaintiff at least minimum wages.

47. Defendants willfully failed to pay Plaintiff the applicable minimum wage for all hours during one or more weeks of work contrary to 29 U.S.C. §206.

48. Due to the intentional, willful, and unlawful acts of Defendants, Plaintiff suffered and continues to suffer damages and lost applicable minimum wage for one or more weeks of work contrary to 29 U.S.C. §206.

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

**COUNT II**  
**RECOVERY OF OVERTIME COMPENSATION**

50. Plaintiff re-alleges paragraphs 1 through 39 of the Complaint, as if fully set forth herein.

51. From September 3, 2015, through July 21, 2016, Plaintiff worked in excess of forty (40) hours in one or more workweeks for which Plaintiff was compensated at a rate lower than the minimum lawful overtime wage rate.

52. Plaintiff was, and is, entitled to be paid at least the lowest lawful overtime wage rate for all hours worked in excess of forty (40) hours in a workweek.

53. Defendants failed to properly disclose or apprise Plaintiff of Plaintiff's rights under the FLSA.



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

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

56. Based upon information and belief, the employees and former employees of Defendants similarly situated to Plaintiff were not paid proper overtime for hours worked in excess of forty (40) in one or more workweeks, because Defendants have failed to properly pay Plaintiff proper overtime wages for such hours, pursuant to a policy, plan or decision equally applicable to similarly situated employees.

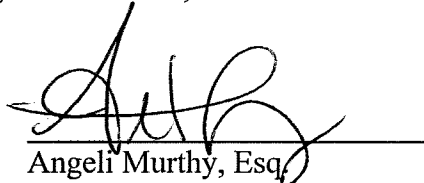
57. Plaintiff is entitled to an award of reasonable attorneys' fees and costs pursuant to 29 U.S.C. §216(b).

WHEREFORE, Plaintiff, for himself and on behalf of those similarly situated, request conditional certification; pursuant to Section 216(b) of the FLSA, of a class of the servers who worked for Defendants in the three years preceding the filing of the complaint, an order permitting Notice to all potential class members; a Declaration that Defendants' policy violates the FLSA; entry of judgment in Plaintiff's favor and against Defendants for actual and liquidated damages, as well as costs, expenses and attorneys' fees and such other relief deemed proper by this Court.

**JURY DEMAND**

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

Respectfully submitted this 16<sup>th</sup> day of November, 2016.

A handwritten signature in black ink, appearing to read 'Angeli Murthy', is written over a horizontal line.

Angeli Murthy, Esq.  
Florida Bar No.: 088758  
[amurthy@forthepeople.com](mailto:amurthy@forthepeople.com)  
Morgan & Morgan, P.A.  
600 North Pine Island Road  
Suite 400  
Plantation, Florida 33324  
Telephone: (954) 318-0268  
Facsimile: (954) 327-3016  
*Trial Attorneys for Plaintiff*

# EXHIBIT “A”



## Detail by Entity Name

### Foreign Limited Liability Company

NORTHWOOD HOSPITALITY LLC

### Filing Information

Document Number	M11000003130
FEI/EIN Number	27-1721466
Date Filed	06/20/2011
State	DE
Status	ACTIVE
Last Event	LC AMENDMENT
Event Date Filed	07/19/2011
Event Effective Date	NONE

### Principal Address

1819 Wazee, 2nd Floor  
Denver, CO 80202

Changed: 04/28/2016

### Mailing Address

1819 Wazee, 2nd Floor  
Denver, CO 80202

Changed: 04/28/2016

### Registered Agent Name & Address

C T CORPORATION SYSTEM  
1200 SOUTH PINE ISLAND ROAD  
PLANTATION, FL 33324

Name Changed: 12/26/2013

Address Changed: 12/26/2013

### Authorized Person(s) Detail

#### **Name & Address**

Title COO

AULIS, ERWIN  
575 FIFTH AVE., 23RD FLOOR  
NEW YORK, NY 10017

Title P

KUKRAL, JOHN  
575 FIFTH AVE., 23RD FLOOR  
NEW YORK, NY 10017

Title VPS

WANG, JONATHAN  
575 FIFTH AVE., 23RD FLOOR  
NEW YORK, NY 10017

**Annual Reports**

Report Year	Filed Date
2014	09/18/2014
2015	01/09/2015
2016	04/28/2016

**Document Images**

<u>04/28/2016 -- ANNUAL REPORT</u>	View image in PDF format
<u>01/09/2015 -- ANNUAL REPORT</u>	View image in PDF format
<u>09/18/2014 -- ANNUAL REPORT</u>	View image in PDF format
<u>12/26/2013 -- Reg. Agent Change</u>	View image in PDF format
<u>01/17/2013 -- ANNUAL REPORT</u>	View image in PDF format
<u>07/17/2012 -- ANNUAL REPORT</u>	View image in PDF format
<u>07/19/2011 -- LC Amendment</u>	View image in PDF format
<u>06/20/2011 -- Foreign Limited</u>	View image in PDF format

# EXHIBIT “B”

# FLORIDA DEPARTMENT OF STATE DIVISION OF CORPORATIONS



[Home](#)   [Contact Us](#)   [E-Filing Services](#)   [Document Searches](#)   [Forms](#)   [Help](#)

[Previous on List](#)   [Next on List](#)   [Return to List](#)

No Filing History

## Fictitious Name Detail

### Fictitious Name

NAPLES GRANDE RESORT & SPA

### Filing Information

Registration Number G13000106455  
Status ACTIVE  
Filed Date 10/29/2013  
Expiration Date 12/31/2018  
Current Owners 1  
County MULTIPLE  
Total Pages 1  
Events Filed NONE  
FEI/EIN Number 90-1006872

### Mailing Address

575 5TH AVENUE, 23RD FLOOR  
NEW YORK, NY 10017

### Owner Information

NWNG LLC  
575 5TH AVENUE, 23RD FLOOR  
NEW YORK, NY 10017  
FEI/EIN Number: 90-1006872  
Document Number: M13000005790

### Document Images

10/29/2013 -- Fictitious Name Filing

[Previous on List](#)   [Next on List](#)   [Return to List](#)

No Filing History

FLORIDA DEPARTMENT OF STATE  
DIVISION OF CORPORATIONS



## Detail by Entity Name

### Foreign Limited Liability Company

NWNG LLC

### Filing Information

Document Number	M13000005790
FEI/EIN Number	90-1006872
Date Filed	09/13/2013
State	DE
Status	ACTIVE
Last Event	LC STMNT OF RA/RO CHG
Event Date Filed	12/10/2015
Event Effective Date	NONE

### Principal Address

1819 WAZEE  
2ND FLOOR  
DENVER, CO 80202

Changed: 12/10/2015

### Mailing Address

1819 WAZEE  
2ND FLOOR  
DENVER, CO 80202

Changed: 12/10/2015

### Registered Agent Name & Address

C T CORPORATION SYSTEM  
1200 SOUTH PINE ISLAND ROAD  
PLANTATION, FL 33324

Name Changed: 12/10/2015

Address Changed: 12/10/2015

### Authorized Person(s) Detail

#### Name & Address

Title MGR

AULIS, ERWIN



575 5TH AVENUE, 23RD FLOOR  
NEW YORK, NY 10017

Title MGR

KUKRAL, JOHN  
575 5TH AVENUE, 23RD FLOOR  
NEW YORK, NY 10017

Title MGR

WANG, JONATHAN  
575 5TH AVENUE, 23RD FLOOR  
NEW YORK, NY 10017

Title MGR

SULLIVAN, MICHAEL  
575 5TH AVENUE, 23RD FLOOR  
NEW YORK, NY 10017

**Annual Reports**

Report Year	Filed Date
2014	02/24/2014
2015	01/29/2015
2016	01/21/2016

**Document Images**

<a href="#">01/21/2016 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">01/29/2015 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">02/24/2014 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">09/25/2013 -- LC Article of Correction</a>	<a href="#">View image in PDF format</a>
<a href="#">09/13/2013 -- Foreign Limited</a>	<a href="#">View image in PDF format</a>

JS 44 (Rev. 11/15)

**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**  
DAVID KAISER, for himself and on behalf of those similarly situated

**DEFENDANTS**  
NORTHWOOD HOSPITALITY, LLC., a Foreign Limited Liability Company; NWNG LLC d/b/a NAPLES GRAND RESORT & SPA

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

County of Residence of First Listed Defendant \_\_\_\_\_  
(IN U.S. PLAINTIFF CASES ONLY)

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

(c) Attorneys (Firm Name, Address, and Telephone Number)  
Angeli Murthy, Esq., Morgan & Morgan, P.A.  
600 N. Pine Island Rd, Suite 400, Plantation, FL 33324  
(954) 318-0268

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)

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 Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<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 <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <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 <b>IMMIGRATION</b> <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 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 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

**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):  
28 U.S.C §1331; 29 U.S.C. §§ 201, 206, 207, 216(b)  
Brief description of cause:  
Unpaid Wages

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ Unknown 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 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: [Class Action Claims Northwood Hospitality Owes Unpaid Wages](#)

---