

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BRITNY KEYES, on behalf of herself and all :  
persons similarly situated, :

Plaintiff, :

v. :

G.E.C. Restaurant Management & Design, :  
LLC, d/b/a Green Eggs Café; and Green :  
Eggs Café 1306, Inc., d/b/a Green Eggs Café, :

Defendants. :

Civil Action No.:

Jury Trial Demanded

**COMPLAINT - COLLECTIVE ACTION**

Plaintiff Britny Keyes (“Keyes”), by and through her undersigned counsel, on behalf of herself and all persons similarly situated, hereby files this Collective Action Complaint against Defendant G.E.C. Restaurant Management & Design, LLC, d/b/a Green Eggs Café and Defendant Green Eggs Café 1306, Inc., d/b/a Green Eggs Café (collectively, “Defendants”), seeking all available relief under the Fair Labor Standards Act of 1938, 29 U.S.C. § 201, *et seq.* (“FLSA”).

**JURISDICTION AND VENUE**

1. Jurisdiction over Plaintiff’s FLSA claims is proper under 29 U.S.C. § 216(b) and 28 U.S.C. § 1331.
2. Venue in this Court is proper pursuant to 28 U.S.C. § 1391. The events giving rise to Plaintiffs’ claims occurred within this District, Defendants conduct business in this District, and Defendants are headquartered in this District.

**PARTIES**

3. Plaintiff Britny Keyes (“Keyes”) is an individual currently residing in Philadelphia,

Pennsylvania. She was employed by Defendants in North Wildwood, New Jersey as a server from on or about May 2017 through on or about August 2017, and, pursuant to 29 U.S.C. § 216(b) has consented in writing to being a Plaintiff in this action. *See Ex. A.*

4. Defendant G.E.C. Restaurant Management & Design, LLC (“GEC”), d/b/a Green Eggs Café is a Pennsylvania limited liability company headquartered in Philadelphia, Pennsylvania, and operating in Philadelphia, Pennsylvania, New Jersey and Florida.

5. Defendant Green Eggs Café 1306, Inc. (“1306” and together with GEC, “Green Eggs Café” or “Defendants”), d/b/a Green Eggs Café is a Pennsylvania limited liability company headquartered in Philadelphia, Pennsylvania, and operating in Philadelphia, Pennsylvania, New Jersey and Florida.

6. Defendants employ individuals engaged in commerce or in the production of goods for commerce and/or handling, selling, or otherwise working on goods or materials that have been moved in or produced in commerce by any person, as required by 29 U.S.C. §§ 206-207.

7. Defendants’ annual gross volume of business exceeds \$500,000.

#### **CLASS DEFINITIONS**

8. Plaintiff Keyes brings Count I of this lawsuit pursuant to the FLSA, 29 U.S.C. § 216(b) as a collective action on behalf of herself and the following class of potential opt-in litigants:

All current or former servers employed by GEC Restaurant Management & Design, Inc. (“GEC”) or Green Eggs Café 1306, Inc. (“1306”) who performed work at any restaurant in Pennsylvania or New Jersey during the last three years (the “FLSA Class”).

9. Plaintiff Keyes reserves the right to redefine the FLSA Class and to assert claims on behalf of other classes prior to notice or class certification, and thereafter, as necessary.

**FACTS**

10. Green Eggs Café operates three restaurants in Philadelphia, Pennsylvania and one restaurant near Miami, Florida.

11. From approximately May 2017 through approximately September 2017, Green Eggs Café also operated a restaurant business out of Keenan's Irish Pub ("Keenan's") in North Wildwood, New Jersey.

12. Green Eggs Café employed Plaintiff Keyes and the FLSA Class as servers in Philadelphia and/or North Wildwood.

13. During the past three years, at any given time, Green Eggs Café employed approximately 45-60 servers at its Philadelphia restaurants.

14. From approximately May 2017 through approximately August 2017 Plaintiff Keyes was employed by Defendants as a server out of the Keenan's location. During this time period, Defendants employed approximately 25 servers out of the Keenan's location.

15. Servers are primarily responsible for taking customer food and drink orders, serving food and drink and otherwise waiting on customers at restaurant tables.

16. Green Eggs Café also employed "runners," busboys, and baristas at its Philadelphia restaurants and at Keenan's.

17. Plaintiff Keyes typically worked a range of approximately 12 - 24 hours per week.

**Method of Customer Payment and Server Compensation**

18. Green Eggs Café is an all-cash business. Customers pay their bills and gratuities only via cash.

19. Defendants never provided Plaintiff Keyes a paycheck, paystub, or any other accounting of wages and tips earned.

20. Plaintiff Keyes would be compensated as follows: Plaintiff Keyes would collect all cash from her customers (comprising customer bill amounts plus tips) during her shift. At the end of her shift, Plaintiff Keyes would show her manager Brian Pizzi (“Pizzi”) how much cash she collected. Pizzi worked off of an Excel spreadsheet on his laptop computer (not visible to Plaintiff Keyes) and verbally told Plaintiff Keyes how much Defendants were owed in customer bills, as well as what amount of Plaintiff Keyes’ tips would be shared with “runners,” busboys and baristas. Pizzi required Plaintiff Keyes to provide each of these amounts to him in cash at the end of each shift. Plaintiff Keyes would retain the remainder of the cash as her compensation.

21. Defendants failed to pay Plaintiff Keyes or the FLSA Class any “wage” within the meaning of 29 U.S.C. § 203(m), much less the minimum wage required by 29 U.S.C. § 206, or even the sub-minimum wage allowed under Section 203(m) under limited circumstances. Rather, Plaintiff Keyes was compensated solely from customer tips when she was employed as a server by Defendants.

22. The customer tips were at all times the property of Plaintiff Keyes and the FLSA Class, and were not the property of Defendants. *See* 29 C.F.R. § 531.52 (“Tips are the property of the employee whether or not the employer has taken a tip credit under Section 3(m) of the FLSA”).

#### **Unavailability of a Tip Credit**

23. Under limited circumstances, an employer is permitted to pay its tipped employees a sub-minimum wage of \$2.13 per hour worked and claim the employees’ tips as a credit towards the remainder of the minimum wage, where the tipped employee receives tips sufficient to cover the remaining \$5.12 towards the minimum wage (\$7.25 minus \$2.13) and any tips are retained by the employee or pooled with other employees who may validly be included in a tip pool. 29 U.S.C. § 203(m).

24. Employers may only include in a tip pool those employees who “customarily and regularly receive tips.” 29 U.S.C. § 203(m); 29 C.F.R. § 531.54. In a restaurant setting, tipped employees must have regular customer interaction.

25. On a typical workday, two employees who were designated as “runners” worked out of each of Defendants’ restaurants.

26. In industry parlance, runners generally assist waiters and waitresses in running food from the kitchen to customer tables. Runners have customer interaction because they step in when servers are unavailable.

27. However, one of the two “runners” utilized by Defendants at each of their restaurants was in fact an expediter – that is, an employee who worked almost entirely out of the kitchen area and thus had little to no customer interaction.

28. Expediters, such as those employed by Defendants, predominately work in a restaurant kitchen, arranging customer dishes and performing other food preparatory duties.

29. Because expediters generally have little to no customer interaction, they are not the types of employees who may validly share in a tip pool. *See, e.g., Ford v. Lehigh Valley Rest. Grp., Inc.*, No. 3:14CV227, 2014 WL 3385128 (M.D. Pa. July 9, 2014).

30. Defendants’ practice of including expediters in server tip pools was carried out at all Philadelphia locations, as well as at Keenan’s and thus applied to the entire FLSA Class.

31. Furthermore, “an employer is not eligible to take the tip credit unless it has informed its tipped employees in advance of the employer's use of the tip credit of the provisions of section 3(m) of the Act.” 29 C.F.R. § 531.59(b). (Emphasis added).

32. Defendants did not inform Plaintiff Keyes or the FLSA Class in advance as to the nature of any tip credit that Defendants took towards their minimum wage obligations.

33. Where, as here, an employer utilizes a tip-pooling arrangement, it “must notify its employees of any required tip pool contribution amount, may only take a tip credit for the amount of tips each employee ultimately receives, and may not retain any of the employees' tips for any other purpose.” 29 C.F.R. § 531.54. (Emphasis added).

34. Defendants did not inform Plaintiff Keyes or the FLSA Class in advance as to what amount of tips would be contributed to runners, expeditors, busboys, baristas, or other employees.

35. Plaintiff Keyes frequently questioned Pizzi about how he calculated the amount of cash that she was allowed to retain at the end of her shifts. Pizzi never provided Plaintiff Keyes an answer, and instead willfully refused to explain to her Defendants' wage and tip compensation system or provide Plaintiff Keyes any accounting of her compensation.

36. Without prior notice to Plaintiff Keyes, Pizzi several times changed the bases by which he would calculate tip pooling contributions to runners, busboys, and baristas.

37. Other servers similarly complained to their respective managers about the calculation of their wages, without response by Defendants.

38. Even if Defendants compensated Plaintiff Keyes with wages of at least \$2.13/hour, which they did not, Defendants would be ineligible to benefit from the tip credit under 29 U.S.C. § 203(m) because they did not notify Plaintiff Keyes about required tip pool contribution amounts and because expeditors were invalidly included in the tip pool.

39. Defendants' wage practices described herein at Keenan's were substantially similar at its Philadelphia restaurants.

40. Defendants do not maintain accurate records of the actual hours that Plaintiff Keyes and FLSA Class Members worked each workday and the total hours worked each workweek as required by the FLSA. *See* 29 U.S.C. § 211(c); 29 C.F.R. §§ 516.2, 516.5(a), 516.6(a)(1).

41. Defendants knew or should have known that Plaintiff Keyes and FLSA Class Members were not exempt from the FLSA's minimum wage requirements.

42. Defendants are sophisticated multi-state businesses with access to knowledgeable human resource specialists and competent labor counsel.

43. Defendants have acted willfully and with reckless disregard of clearly applicable FLSA provisions by failing to pay Plaintiff Keyes and the FLSA Class at least the minimum wage mandated by 29 U.S.C. § 206.

#### **COLLECTIVE ACTION ALLEGATIONS**

44. Plaintiff Keyes brings this lawsuit pursuant to 29 U.S.C. § 216(b) as a collective action on behalf of the FLSA Class defined above.

45. Plaintiff Keyes desires to pursue her FLSA claims on behalf of herself and any individuals who opt-in to this action pursuant to 29 U.S.C. § 216(b).

46. Plaintiff Keyes and the FLSA Class are "similarly situated," as that term is used in 29 U.S.C. § 216(b), because, *inter alia*, all such individuals worked as servers pursuant to Defendants' previously described common pay practices and, as a result of those practices, were not paid the full minimum wage required by 29 U.S.C. § 206. Resolution of this action requires inquiry into common facts, including, *inter alia*, Defendants' common compensation, timekeeping, and payroll practices.

47. Specifically, Defendants failed to pay Plaintiff Keyes and the FLSA Class the minimum wage mandated by 29 U.S.C. § 206 and instead illegally counted Plaintiff Keyes and the FLSA Class' tips against Defendants' minimum wage obligations.

48. As described above, Defendants also failed to comply with federal tip credit rules found at 29 U.S.C. § 203(m).

49. The similarly situated employees are known to Defendants, are readily identifiable, and may be located through Defendants' business and human resource records.

50. Defendants employ many FLSA Class Members. These similarly situated employees may be readily notified of this action through direct U.S. mail and/or other appropriate means, and allowed to opt into it pursuant to 29 U.S.C. § 216(b), for the purpose of collectively adjudicating their claims for overtime compensation, liquidated damages (or, alternatively, interest), and attorneys' fees and costs under the FLSA.

**COUNT I**  
**Violations of the Fair Labor Standards Act**  
**(On Behalf of the FLSA Class)**

51. All previous paragraphs are incorporated as though fully set forth herein.

52. The FLSA requires that covered employees be compensated for all hours worked at a rate of not less than \$7.25 per hour. *See* 29 U.S.C. § 206(a)(1).

53. GEC is subject to the wage requirements of the FLSA because GEC is an "employer" under 29 U.S.C. § 203(d).

54. During all relevant times, GEC was an "employer" engaged in interstate commerce and/or in the production of goods for commerce within the meaning of the FLSA, 29 U.S.C. § 203.

55. 1306 is subject to the wage requirements of the FLSA because 1306 is an "employer" under 29 U.S.C. § 203(d).

56. At all relevant times, 1306 is an "employer" engaged in interstate commerce and/or in the production of goods for commerce within the meaning of the FLSA, 29 U.S.C. § 203.

57. During all relevant times, Plaintiff Keyes and the FLSA Class were covered employees entitled to the above-described FLSA's protections. *See* 29 U.S.C. § 203(e).

58. Plaintiff Keyes and the FLSA Class are not exempt from the requirements of the



FLSA. Plaintiff Keyes and the FLSA Class are entitled to be paid at least \$7.25 for each hour worked pursuant to 29 U.S.C. § 206(a)(1).

59. Defendants' compensation scheme applicable to Plaintiff Keyes and the FLSA Class failed to comply with either 29 U.S.C. § 206(a)(1) or 29 U.S.C. § 203(m).

60. Defendants knowingly failed to compensate Plaintiff Keyes and the FLSA Class at a rate of at least \$7.25 per hour worked, in violation of 29 U.S.C. § 206(a)(1) and 29 U.S.C. § 203(m).

61. Defendants also failed to make, keep, and preserve records with respect to Plaintiff Keyes and the FLSA Class sufficient to determine their wages, hours, and other conditions of employment in violation of the FLSA. *See* 29 U.S.C. § 211(c); 29 C.F.R. §§ 516.2, 516.5(a), 516.6(a)(1).

62. In violating the FLSA, Defendants, individually and collectively, acted willfully and with reckless disregard of clearly applicable FLSA provisions.

63. Pursuant to 29 U.S.C. § 216(b), employers such as Defendants, who intentionally fail to pay an employee wages in conformance with the FLSA shall be liable to the employee for unpaid wages, liquidated damages, court costs and attorneys' fees incurred in recovering the unpaid wages.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff Keyes seeks the following relief on behalf of herself and all others similarly situated:

- a. An order permitting this litigation to proceed as an FLSA collective action pursuant to 29 U.S.C. § 216(b);
- b. Prompt notice, pursuant to 29 U.S.C. § 216(b), of this litigation to all potential FLSA Class members;
- c. Unpaid minimum wages and prejudgment interest to the fullest extent permitted under the law;
- d. Liquidated damages to the fullest extent permitted under the law;
- e. Litigation costs, expenses, and attorneys' fees to the fullest extent permitted under the law; and
- f. Such other and further relief as this Court deems just and proper.

**JURY TRIAL DEMAND**

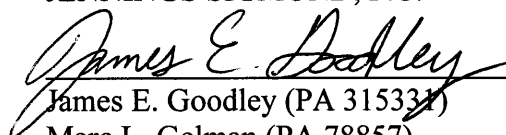
Plaintiff demands a trial by jury for all issues of fact.

Dated: March 14, 2018

Respectfully Submitted,

JENNINGS SIGMOND, P.C.

by:



James E. Goodley (PA 315334)

Marc L. Gelman (PA 78857)

Maureen W. Marra (PA 309865)

Daniel Keenan (PA 323049)

1835 Market Street, Suite 2800

Philadelphia, PA 19103

Telephone: (215) 351-0613

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[jgoodley@jslex.com](mailto:jgoodley@jslex.com)

*Attorneys for Plaintiff and the FLSA Class*

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BRITNY KEYES, on behalf of herself and all :  
persons similarly situated, :

Plaintiff, :

v. :

G.E.C. Restaurant Management & Design, :  
LLC, d/b/a Green Eggs Café; and Green :  
Eggs Café 1306, Inc., d/b/a Green Eggs Café, :

Defendants. :

Civil Action No.:

Jury Trial Demanded

OPT-IN CONSENT FORM

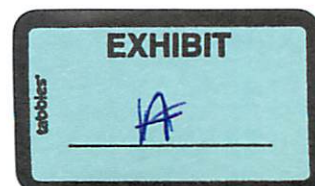
Pursuant to 29 U.S.C. § 216(b), the undersigned consents to become a party plaintiff in the above-captioned Fair Labor Standards Act case, to be bound by judgment of the court as to all issues, and to be represented by Jennings Sigmond, P.C.

DocuSigned by:  
*Britny Keyes*  
8E7369EFD8724C3...

Signature

Britny Keyes

Name



PD

PD

CIVIL COVER SHEET

18-CV-1115

18

1115

JS 44 (Rev. 06/17)

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

BRITNY KEYES

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

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

James E. Goodley, Esquire - Jennings, Sigmund, P.C.  
1835 Market Street, Suite 2800, Phila., PA 19103 (215) 351-0653

DEFENDANTS

G.E.C. Rest. Mgmt & Design, LLC d/b/a Green Eggs Cafe & Green Eggs Cafe 1306, Inc, d/b/a Green Eggs Cafe

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

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

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 4 Diversity (Indicate Citizenship of Parties in Item III)

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

- |   |                            |                            |   |                            |                            |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
|   | 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 Contract Product 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	<b>PERSONAL INJURY - Product Liability</b> <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"/> 835 Patent - Abbreviated New Drug Application <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
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS			
<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	<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	<b>Habeas Corpus:</b> <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 <b>Other:</b> <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

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

VI. CAUSE OF ACTION

Brief description of cause:  
Unpaid wages under Fair Labor Standards Act

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  
03/14/2018

SIGNATURE OF ATTORNEY OF RECORD  
James E. Goodley

S:IT.

FOR OFFICE USE ONLY

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

MAR 14 2018

PD

UNITED STATES DISTRICT COURT

18

1115

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 12739 Hollins Road, Philadelphia, PA 19154

Address of Defendant: 1306 Dickinson Street, Philadelphia, PA 19147

Place of Accident, Incident or Transaction: 1306 Dickinson Street, Philadelphia, PA 19147

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes  No

Does this case involve multidistrict litigation possibilities?

Yes  No

RELATED CASE, IF ANY:

Case Number: \_\_\_\_\_ Judge \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when yes is answered to any of the following questions:

- 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? Yes  No
- 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? Yes  No
- 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court? Yes  No
- 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? Yes  No

CIVIL: (Place  in ONE CATEGORY ONLY)

A. Federal Question Cases:

- 1.  Indemnity Contract, Marine Contract, and All Other Contracts
- 2.  FELA
- 3.  Jones Act-Personal Injury
- 4.  Antitrust
- 5.  Patent
- 6.  Labor-Management Relations
- 7.  Civil Rights
- 8.  Habeas Corpus
- 9.  Securities Act(s) Cases
- 10.  Social Security Review Cases
- 11.  All other Federal Question Cases (Please specify)

B. Diversity Jurisdiction Cases:

- 1.  Insurance Contract and Other Contracts
- 2.  Airplane Personal Injury
- 3.  Assault, Defamation
- 4.  Marine Personal Injury
- 5.  Motor Vehicle Personal Injury
- 6.  Other Personal Injury (Please specify)
- 7.  Products Liability
- 8.  Products Liability — Asbestos
- 9.  All other Diversity Cases (Please specify)

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, James E. Goodley, Esquire

counsel of record do hereby certify:

- Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- Relief other than monetary damages is sought.

DATE: 3/14/18

James E. Goodley  
Attorney-at-Law

315331

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

MAR 14 2018

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 3/14/18

James E. Goodley  
Attorney-at-Law

315331

Attorney I.D.#

PD

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CASE MANAGEMENT TRACK DESIGNATION FORM

BRITNY KEYS

CIVIL ACTION

v.

**18 1115**

G.E.C. Rest. Mgmt & Design d/b/a Green  
Eggs Cafe, et al.

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ( )



03/14/2018

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(Civ. 660) 10/02

MAR 14 2018

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**Civil Justice Expense and Delay Reduction Plan  
Section 1:03 - Assignment to a Management Track**

- (a) The clerk of court will assign cases to tracks (a) through (d) based on the initial pleading.
- (b) In all cases not appropriate for assignment by the clerk of court to tracks (a) through (d), the plaintiff shall submit to the clerk of court and serve with the complaint on all defendants a case management track designation form specifying that the plaintiff believes the case requires Standard Management or Special Management. In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.
- (c) The court may, on its own initiative or upon the request of any party, change the track assignment of any case at any time.
- (d) Nothing in this Plan is intended to abrogate or limit a judicial officer's authority in any case pending before that judicial officer, to direct pretrial and trial proceedings that are more stringent than those of the Plan and that are designed to accomplish cost and delay reduction.
- (e) Nothing in this Plan is intended to supersede Local Civil Rules 40.1 and 72.1, or the procedure for random assignment of Habeas Corpus and Social Security cases referred to magistrate judges of the court.

**SPECIAL MANAGEMENT CASE ASSIGNMENTS  
(See §1.02 (e) Management Track Definitions of the  
Civil Justice Expense and Delay Reduction Plan)**

Special Management cases will usually include that class of cases commonly referred to as "complex litigation" as that term has been used in the Manuals for Complex Litigation. The first manual was prepared in 1969 and the Manual for Complex Litigation Second, MCL 2d was prepared in 1985. This term is intended to include cases that present unusual problems and require extraordinary treatment. See §0.1 of the first manual. Cases may require special or intense management by the court due to one or more of the following factors: (1) large number of parties; (2) large number of claims or defenses; (3) complex factual issues; (4) large volume of evidence; (5) problems locating or preserving evidence; (6) extensive discovery; (7) exceptionally long time needed to prepare for disposition; (8) decision needed within an exceptionally short time; and (9) need to decide preliminary issues before final disposition. It may include two or more related cases. Complex litigation typically includes such cases as antitrust cases; cases involving a large number of parties or an unincorporated association of large membership; cases involving requests for injunctive relief affecting the operation of large business entities; patent cases; copyright and trademark cases; common disaster cases such as those arising from aircraft crashes or marine disasters; actions brought by individual stockholders; stockholder's derivative and stockholder's representative actions; class actions or potential class actions; and other civil (and criminal) cases involving unusual multiplicity or complexity of factual issues. See §0.22 of the first Manual for Complex Litigation and Manual for Complex Litigation Second, Chapter 33.

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