

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISION**

GLEND A KNOX, on behalf of herself
and others similarly situated,

Plaintiff(s),

CASE NO.:

v.

HAPPY CAB, LLC, and **STACEY R.
DIXON**, Individually,

Defendants.

_____ /

COMPLAINT & DEMAND FOR JURY TRIAL

Plaintiff, **GLEND A KNOX** on behalf of herself and others similarly situated, (“Plaintiff”), was an employee of Defendants, **HAPPY CAB, LLC** and **STACEY R. DIXON**, individually, (collectively referred to as “Defendants”), by and through the undersigned counsel brings this action for unpaid overtime compensation, liquidated damages, attorneys’ fees and costs, and other relief under the Fair Labor Standards Act, as amended, 29 U.S.C. § 216(b) (the “FLSA”).

NATURE OF THE ACTION

1. This lawsuit seeks to recover unpaid minimum wages, overtime compensation, and liquidated damages for Plaintiff and similarly situated employees whom have worked as “dispatcher” for Defendants.

2. Pursuant to 29 U.S.C. §§ 207 and 216(b), Plaintiff seeks to prosecute this FLSA claim as a collective action on behalf of all persons whom are currently or were formerly employed by Defendants during or after February 2014 (“the class members”).

3. Plaintiff alleges, on behalf of herself and the class members, that she is entitled to, *inter alia*: (i) unpaid minimum and overtime wages for hours worked above forty (40) hours in a work week as required by law; and (ii) liquidated damages pursuant to the FLSA, 29 U.S.C. §§ 201, *et seq.*

JURISDICTION & VENUE

4. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1337 and 29 U.S.C. § 216(b).

5. Venue is proper in the Southern District of Georgia pursuant to 28 U.S.C. § 1391(b)(2) because a substantial part of the events or omissions giving rise to the claims occurred in this District.

6. At all times pertinent to this Complaint, Defendant regularly owned and operated a business engaged in commerce or in the production of goods for commerce as defined in §§ 3(r) and 3(s) of the Act, 29 U.S.C. §§ 203(r) and 203(s).

PARTIES

7. Plaintiff was a dispatcher and performed related activities for Defendant in the City of St. Marys, Camden County, Georgia.

8. Defendant, HAPPY CAB, LLC, is a Georgia Corporation which operates, conducts business and has its headquarters in Camden County, Georgia, therefore venue is proper in the Southern District of Georgia, Brunswick Division, pursuant to 28 U.S.C. § 1391(b)(1) & (c).

9. Defendant, STACEY R. DIXON, is a corporate officer of, and exercised operational control over the activities of, corporate Defendant, HAPPY CAB, LLC, and resides in the State of Georgia. This Court has personal jurisdiction over this Defendant because said Defendant is a resident of the State of Georgia.

FACTUAL ALLEGATIONS

10. Defendant, at all material times relevant to this action (2014 – 2017)¹, was an employer as defined by 29 U.S.C. §203.

11. Defendant, STACEY R. DIXON, is the corporate officer, owner and acting manager of corporate Defendant, HAPPY CAB, LLC, with the power to: (a) hire and fire Plaintiff; (b) supervise and control Plaintiff's work schedule or

¹ All references to material times relevant to this action shall mean to encompass from 2014 through 2017.

conditions of employment; (c) determine Plaintiff's rate and method of payment; and (d) maintain employment records.

12. Defendants, each, controlled and/or were responsible for the work of Plaintiff.

13. Plaintiff was an employee of Defendants and was, at all times relevant to the violations of the FLSA, engaged in commerce as defined by 29 U.S.C. §§206(a) and 207(a)(1).

14. At all material times relevant to this action, Defendant, HAPPY CAB, LLC, was an enterprise covered by the FLSA, and as defined by 29 U.S.C. §203(r) and 203(s).

15. At all material times relevant to this action (2014-17), Defendants made gross earnings of at least \$500,000 annually.

16. At all material times relevant to this action, the Defendants had two (2) or more employees engaged in commerce, producing goods for commerce, handling, selling or otherwise working on goods or materials that have been moved in or produced for such commerce, (i.e., CB radios, two-way radios, portable payment devices, as well as other new technologies).

17. At all material times relevant to this action, Plaintiff was individually engaged in commerce during her employment with Defendants by accepting

payments from customers based on credit cards issued by out-of-state banks, making and answering phone calls, and working with products from out-of-state.

18. At all material times relevant to this action, Defendants had two (2) or more employees routinely ordering materials or supplies from out-of-state vendors, and had transactions with out-of-state persons.

19. At all material times relevant to this action, the Defendants have been an enterprise involved in commerce by accepting payments from customers based on credit cards issued by out-of-state banks.

20. At all material times relevant to this action, Plaintiff was individually engaged in interstate commerce as she directed interstate travel of Defendants' customers through interstate highways and roads.

21. Defendants provide a mode of passenger transportation from portal to portal for patrons at a fee.

22. Defendants hired Plaintiff and others similarly situated to answer calls, via two-way radios or otherwise, and communicate with mobile units in order to provide rapid transportation response to customer requests within a designated coverage area.

23. Plaintiff and others similarly situated are required to arrive at Defendants' place of business and perform services, including, but not limited to,

assist drivers with directions to customers' pick-up locations and around streets and traffic.

24. Plaintiff and the class worked well over forty (40) hours per week. Typically, Plaintiff worked above sixty (60) hours per week without being paid proper minimum wage and overtime compensation.

25. Plaintiff worked as a dispatcher for the Defendants.

26. Plaintiff worked in this capacity from approximately May 2016 through November 2016.

27. Plaintiff was paid \$88.00 per day in exchange for work performed.

28. Defendants violated the terms and the FLSA's provision on minimum wages.

29. Plaintiff routinely worked in excess of forty (40) hours per week as part of the regular job duties.

30. Despite working more than forty (40) hours per week, Defendants failed to pay Plaintiff the proper minimum wage and overtime compensation at a rate of time and one-half her regular rate of pay for hours worked over forty (40) in a workweek.

COLLECTIVE/CLASS ALLEGATIONS

31. Plaintiff and the class members performed the same or similar job duties as one another for Defendants in that they provided dispatch services for Defendants.

32. Further, Plaintiff and the class members were subjected to the same pay provisions in that they were not compensated at time and one-half their regular rate of pay for all hours worked in excess of forty (40) hours in a workweek.

33. Thus, the class members are owed overtime compensation for the same reasons as Plaintiff.

34. Defendants' failure to compensate employees for hours worked in excess of forty (40) hours in a workweek as required by the FLSA results from a policy or practice of failure to assure that security officers were paid for all minimum wage and overtime hours worked based on the Defendants' failure to credit the dispatchers with all hours worked.

35. This policy or practice was applicable to Plaintiff and the class members.

36. Application of this policy or practice does not depend on the personal circumstances of Plaintiff or those joining this lawsuit, rather the same policies or

practices which resulted in the non-payment of minimum wages and overtime to Plaintiff also apply to all class members.

37. Accordingly, the class members are properly defined as:

All dispatchers whom worked for Defendants, HAPPY CAB, LLC, and STACEY R. DIXON, within the state of Georgia within the last three (3) years and whom were not paid the full minimum wage or proper overtime compensation for all hours worked in excess of forty (40) hours in a workweek pursuant to the FLSA for each hour worked.

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

39. The exact number of members of each class can be determined by reviewing Defendants' records. Plaintiff, under information and belief, is informed there are numerous of eligible individuals in the defined class.

40. Defendants failed to keep accurate time and pay records for Plaintiff and all class members pursuant to 29 U.S.C. § 211(c) and 29 C.F.R. Part 516.

41. Defendants were aware of the requirements of the FLSA yet it acted willfully in failing to pay Plaintiff and the class members in accordance with the law.

42. Plaintiff has hired the undersigned law firm to represent her in this matter and is obligated to pay them reasonable attorneys' fees and costs if they prevail.

43. The claims under the FLSA may be pursued by others who opt-in to this case pursuant to 29 U.S.C. § 216(b).

44. A collective action suit, such as the underlying, is superior to other available means for fair and efficient adjudication of the lawsuit. The damages suffered by individual members of the class may be relatively small when compared to the expense and burden of litigation, making it virtually impossible for members of the class to individually seek redress for the wrongs done to them.

COUNT I
VIOLATION OF THE FLSA AGAINST HAPPY CAB, LLC
(Minimum Wage)

45. Plaintiff realleges and reincorporates all allegations contained in Paragraphs 1 – 44 as if fully incorporated herein.

46. At all relevant times, Defendant, HAPPY CAB, LLC, has been, and continues to be, an employer engaged in commerce and/or for the production of goods for commerce, within the meaning of the FLSA.

47. Defendant, HAPPY CAB, LLC's, failure to pay Plaintiff the full minimum wage is a violation of 29 U.S.C. § 206.

48. The foregoing conduct, as alleged, constitutes a willful violation of the FLSA within the meaning of 29 U.S.C. § 255(a).

WHEREFORE, Plaintiff, GLENDA KNOX on behalf of herself and others similarly situated demands judgment against HAPPY CAB, LLC, and STACEY R. DIXON, individually, for the payment of all unpaid wages, liquidated damages, reasonable attorneys' fees and costs incurred in this action, and any and all further relief this Court determines to be just and appropriate.

COUNT II
VIOLATION OF THE FLSA AGAINST STACEY R. DIXON
(Minimum Wage)

49. Plaintiff realleges and reincorporates all allegations contained in Paragraphs 1 – 44 as if fully incorporated herein.

50. At all relevant times, Defendant, STACEY R. DIXON, is/was the acting manager for HAPPY CAB, LLC

51. At all relevant times, Defendant, STACEY R. DIXON, hired/fired employees for HAPPY CAB, LLC

52. At all relevant times, Defendant, STACEY R. DIXON, set the pay rates and policies for HAPPY CAB, LLC

53. At all relevant times, Defendant, STACEY R. DIXON, was in charge of the day to day operations of HAPPY CAB, LLC

54. Defendant, STACEY R. DIXON's, failure to pay Plaintiff the full minimum wage is a violation of 29 U.S.C. § 206.

55. The foregoing conduct, as alleged, constitutes a willful violation of the FLSA within the meaning of 29 U.S.C. § 255(a).

WHEREFORE, Plaintiff, GLENDA KNOX on behalf of herself and others similarly situated demands judgment against HAPPY CAB, LLC, and STACEY R. DIXON, individually, for the payment of all unpaid wages, liquidated damages, reasonable attorneys' fees and costs incurred in this action, and any and all further relief this Court determines to be just and appropriate.

COUNT III
RECOVERY OF OVERTIME COMPENSATION
AGAINST HAPPY CAB, LLC

56. Plaintiff realleges and reincorporates all allegations contained in Paragraphs 1 – 44 as if fully incorporated herein.

57. Plaintiff, and other similarly situated employees, worked for Defendant, HAPPY CAB, LLC, at two locations and times from 2014 to 2017 as dispatchers throughout Georgia.

58. Throughout Plaintiff's employment, Defendant, HAPPY CAB, LLC, repeatedly and willfully violated 29 U.S.C. §§ 207, et seq. and 29 U.S.C. §§ 215, et seq. of the FLSA by failing to compensate Plaintiff, and other similarly situated

employees, at a rate not less than one and one-half times the regular rate at which they were employed for workweeks longer than forty (40) hours.

59. Plaintiff, and other similarly situated employees, was/were entitled to be paid time and one-half the regular rate of pay for each hour worked in excess of forty (40) per work week.

60. During employment with Defendants, Plaintiff, and other similarly situated employees, regularly worked overtime hours but were not paid time and one-half compensation for same.

61. As a result of Defendants' intentional, willful, and unlawful acts in refusing to pay Plaintiff, and other similarly situated employees time and one-half the regular rate of pay for each hour worked in excess of forty (40) hour per work week in one or more work weeks, Plaintiff, and other similarly situated employees, have suffered damages plus incurred reasonable attorneys' fees and costs.

62. As a result of Defendants' willful violation of the FLSA, Plaintiff, and other similarly situated employees, are entitled to liquidated damages.

WHEREFORE, Plaintiff, GLENDA KNOX, on behalf of herself and others similarly situated, demands judgment against HAPPY CAB, LLC, and STACEY R. DIXON, individually, for the payment of all overtime hours at one and one-half the regular rate of pay for the hours worked by Plaintiff, and other similarly

situated employees, for which Defendant did not properly compensate Plaintiff and the class members, liquidated damages, reasonable attorneys' fees and costs incurred in this action, pre-and post-judgment interest as provided by law, and any and all further relief this Court determines to be just and appropriate.

COUNT IV
RECOVERY OF OVERTIME COMPENSATION
AGAINST STACEY R. DIXON

63. Plaintiff realleges and reincorporates all allegations contained in Paragraphs 1 – 44 as if fully incorporated herein.

64. Defendant, STACEY R. DIXON, is the Owner and President of HAPPY CAB, LLC.

65. Defendant, STACEY R. DIXON, is an Owner who acted with direct control over the work, pay, and job duties of Plaintiff.

66. Defendant, STACEY R. DIXON, had the power to hire and fire Plaintiff.

67. Defendant, STACEY R. DIXON, supervised and controlled Plaintiff's work schedule, job duties and responsibilities, and/or conditions of employment.

68. Defendant, STACEY R. DIXON, determined Plaintiff's rate and method of payment.

69. Defendant, STACEY R. DIXON, maintained employment records.

70. As such, Defendant, STACEY R. DIXON, is charged with the responsibility for violations of Plaintiff's rights to overtime and resulting damages.

WHEREFORE, Plaintiff, GLENDA KNOX, on behalf of herself and others similarly situated, demands judgment against HAPPY CAB, LLC, and STACEY R. DIXON, individually, for the payment of all unpaid wages, overtime hours at time and one-half the regular rate of pay for the hours worked by Plaintiff for which Defendants did not properly compensate Plaintiff, liquidated damages, reasonable attorneys' fees and costs incurred in this action, and any and all further relief this Court determines to be just and appropriate.

DEMAND FOR JURY TRIAL

Pursuant to Fed. R. Civ. P. 38(b), Plaintiff hereby demands a trial by jury of all issues so triable.

Dated this 6th day of March, 2017.

Respectfully submitted,

/s/ C. RYAN MORGAN

C. Ryan Morgan, Esq.

Georgia Bar No. 711884

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Attorneys for Plaintiff(s)

JS 44 (Rev. 12/12)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
 GLENDA KNOX, on behalf of herself and others similarly situated,

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

(c) Attorneys (Firm Name, Address, and Telephone Number)
 Morgan & Morgan, P.A., C. Ryan Morgan, Esq., 20 N. Orange Ave.,
 Orlando, FL 32801 407-420-1414

DEFENDANTS
 HAPPY CAB, LLC and STACEY R. DIXON, Individually,

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.

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 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <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	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERATION SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions		

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):
29 U.S.C. Section 216(b)
 Brief description of cause:
FLSA Violation/Recovery of Overtime Compensation

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: 03/06/2017 SIGNATURE OF ATTORNEY OF RECORD: /s/C. Ryan Morgan

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: [Dispatcher Files FLSA Lawsuit Against Happy Cab](#)
