

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

SHAWNA LOWNEY, on behalf
of herself and on behalf of all others
similarly situated,

Plaintiff,

v.

Case No.:

DÉJÀ VU SHOWGIRLS OF TAMPA, LC, and
MARK FIGUEROA, an individual

Defendant.

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, SHAWNA LOWNEY, (“Plaintiff”), by and through undersigned counsel, on behalf of herself and on behalf of all others similarly situated, brings this action against Defendants, DÉJÀ VU SHOWGIRLS OF TAMPA, LC, and MARK FIGUEROA in his individual capacity, (“Defendants”), and in support of her claims states as follows:

JURISDICTION AND VENUE

1. This is an action for damages under the Fair Labor Standards Act, (“FLSA”), 29 U.S.C. § 201 et seq. and Internal Revenue Code, 26 U.S.C. § 7434.
2. This Complaint is filed as a collective action under 29 U.S.C. § 216(b).
3. This Court has subject matter jurisdiction under 28 U.S.C. § 1331, and 29 U.S.C. § 201 et seq.

4. Venue is proper in the Middle District of Florida, because all of the events giving rise to these claims occurred in Hillsborough County, Florida, which lies within the Middle District.

5. The INTERNAL REVENUE SERVICE (“IRS”) will be notified of this Complaint as the Internal Revenue Code requires. Specifically, the Internal Revenue Code provides that “[a]ny person bringing an action under [26 U.S.C. § 7434] Subsection (a) shall provide a copy of the complaint to the IRS upon the filing of such complaint with the court”. 26 U.S.C. § 7434(d).

PARTIES

6. Plaintiff is a resident of Hillsborough County, Florida.

7. Defendant DÉJÀ VU SHOWGIRLS OF TAMPA, LC operates an adult entertainment establishment in Tampa, in Hillsborough County, Florida.

8. Defendant, MARK FIGUEROA, is the manager of DÉJÀ VU SHOWGIRLS OF TAMPA, LC. and resident of Hillsborough County, Florida.

GENERAL ALLEGATIONS

9. Plaintiff has satisfied all conditions precedent, or they have been waived.

10. Plaintiff has hired the undersigned attorneys and agreed to pay them a fee.

11. Plaintiff requests a jury trial for all issues so triable.

12. At all times material hereto, Named Plaintiff, SHAWNA LOWNEY, was employed by Defendants as an adult entertainer.

13. The collective action of similarly situated employees consists of all other adult entertainers employed by Defendants within the last three years. These similarly situated persons will be referred to as “similarly situated employees”.

14. At all times material hereto, Plaintiff and similarly situated employees were “engaged in the production of goods” for commerce within the meaning of Sections 6 and 7 of the FLSA, and as such were subject to the individual coverage of the FLSA.

15. At all times material hereto, Plaintiff and similarly situated employees were “employees” of Defendant, DÉJÀ VU SHOWGIRLS OF TAMPA, LC, within the meaning of the FLSA.

16. At all times material hereto, Defendant, DÉJÀ VU SHOWGIRLS OF TAMPA, LC, was an “employer” within the meaning of the FLSA, 29 U.S.C. § 203(d).

17. Defendant, DÉJÀ VU SHOWGIRLS OF TAMPA, LC, continues to be an “employer” within the meaning of the FLSA.

18. At all times material hereto, Defendant, DÉJÀ VU SHOWGIRLS OF TAMPA, LC, was and continues to be an enterprise covered by the FLSA, as defined under 29 U.S.C. §§ 203(r) and 203(s).

19. At all times relevant to this action, Defendant, DÉJÀ VU SHOWGIRLS OF TAMPA, LC, engaged in interstate commerce within the meaning of the FLSA, 29 U.S.C. § 203(s).

20. At all times relevant to this action, the annual gross sales volume of Defendant, DÉJÀ VU SHOWGIRLS OF TAMPA, LC, exceeded \$500,000.00 per year.

21. Defendant, MARK FIGUEROA, is the manager of DÉJÀ VU SHOWGIRLS OF TAMPA, LC.

22. As part of his duties, Defendant, MARK FIGUEROA, supervised Plaintiff, and exercised control over the wages, hours, and working conditions of Plaintiff and similarly situated employees. Defendant, MARK FIGUEROA, also controlled the payroll practices of DÉJÀ VU SHOWGIRLS OF TAMPA, LC.

23. Through the exercise of dominion and control over all employee-related matters at DÉJÀ VU SHOWGIRLS OF TAMPA, LC., in his individual capacity, MARK FIGUEROA is also an “employer” within the meaning of the FLSA.

FACTS

24. Plaintiff, SHAWNA LOWNEY, began working for Defendants as an adult entertainer in 1998, and she worked in this capacity until November 2016.

25. At all times material hereto, in an effort to avoid providing Plaintiff and similarly situated employees with the minimum benefits and protections afforded employees under Federal law, Defendants have willfully misclassified Plaintiff and similarly situated employees as independent contractors, rather than an employees, despite the fact that the factual circumstances of the relationship between Defendants and Plaintiff and similarly situated employees demonstrates that Plaintiff and similarly situated employees were in fact employees of Defendants.

26. At all times material hereto, Plaintiff and similarly situated employees worked hours at the direction of Defendants, and they were not paid at least the applicable minimum wage for all of the hours that they worked.

27. At all times material hereto, Plaintiff and similarly situated employees were compensated for their services in the form of tips from patrons.

28. At all times material hereto, Plaintiff and similarly situated employees were compensated for their services in the form of tips from patrons which Plaintiff and similarly situated employees were required to split with Defendants' employees such as but not limited to doormen, DJs, and floor employees who do not usually and customarily receive tips, in the form of tip outs thereby poisoning any potential tip pool.

29. At various times material hereto, Plaintiff and similarly situated employees worked hours in excess of forty hours within a work week for Defendants, and they were entitled to be paid an overtime premium equal to one and one-half times their regular hourly rate for all of these hours.

30. By failing to accurately record all of the hours worked by Plaintiff and similarly situated employees, Defendants have failed to make, keep, and preserve records with respect to each of its employees in a manner sufficient to determine their wages, hours, and other conditions of employment, in violation of the FLSA. See 29 C.F.R. § 516.2.

31. Defendants' actions were willful, and showed reckless disregard for the provisions of the FLSA.

32. Defendants knew or should have known that they had a legal duty to withhold taxes from all of Plaintiffs' earnings and to provide Plaintiffs with accurate W-2 tax statements for each tax year during which Plaintiffs worked.

33. Defendants' actions were willful, and showed reckless disregard for the

provisions of the Internal Revenue Code.

34. Defendants had a legal obligation to file accurate tax statements with the IRS.

COLLECTIVE ACTION ALLEGATIONS

35. Plaintiff brings this case as an “opt-in” collective action on behalf of similarly situated employees of Defendants, (“Collective Action”) pursuant to 29 U.S.C. § 216(b). The Collective Action is composed of adult entertainers whom Defendants failed to compensate for all the hours worked in accordance with the FLSA.

36. Therefore, notice is properly sent to: “All adult entertainers whom Defendants failed to compensate for all of the hours that they worked from January 2014 to the present.”

37. The total number and identities of the Collective Action members may be determined from the records of Defendants, and the Collective Action may easily and quickly be notified of the pendency of this action.

38. Plaintiff is similar to the Collective Action because she and the Collective Action have been unlawfully denied full payment of their wages as mandated by the FLSA.

39. Plaintiff’s experience with Defendants’ payroll practices is typical of the experiences of the Collective Action.

40. Defendants’ failure to pay all wages due by the personal circumstances of the named Plaintiff or of similarly situated employees is common to the Collective Action.

41. Defendants' failure to pay all wages due at a rate that was at least equal to the applicable statutory minimum wage is common to the Collective Action.

42. Overall, Plaintiff's experience as an adult entertainer who worked for Defendants is typical of the experience of the Collective Action.

43. Specific job titles or job duties of the Collective Action do not prevent collective treatment.

44. Although the issues of damages can be individual in character, there remains a common nucleus of operative facts concerning Defendants' liability under the FLSA in this case.

COUNT I – FLSA OVERTIME VIOLATIONS

45. Plaintiff realleges and readopts the allegations of Paragraphs 1 through 44 of this Complaint, as fully set forth herein. Plaintiff brings this action on behalf of herself and all other similarly situated employees in accordance with 29 U.S.C. § 216(b). Plaintiff anticipates that as this case proceeds, other individuals will sign consent forms and join this collective action as plaintiffs.

46. During the statutory period, Plaintiff and the Collective Action worked overtime hours while employed by Defendants, and they were not properly compensated for all of these hours under the FLSA.

47. Defendants failed to compensate Plaintiff and the Collective Action for all of the overtime hours that Plaintiff and the Members of the Collective Action worked.

48. The Members of the Collective Action are similarly situated because they were all employed as adult entertainers by Defendants, were compensated in the same

manner, and were all subject to Defendants' common policy and practice of failing to pay its adult entertainer for all of the overtime hours that they worked in accordance with the FLSA.

49. This reckless practice violates the provisions of the FLSA, specifically 29 U.S.C. § 207(a)(1). As a result, Plaintiff and the Members of the Collective Action are individually entitled to an amount equal to their unpaid overtime wages as liquidated damages.

50. All of Defendants' conduct, as alleged and described above, constitutes a willful violation of the FLSA within the meaning of 29 U.S.C. § 255(a).

51. As a result of the foregoing, Plaintiff and the Collective Action have suffered damages.

WHEREFORE, Plaintiff and all similarly situated employees who join this collective action demand:

- (a) Designation of this action as a collective action on behalf of the Plaintiff and the prospective Collective Action that she seeks to represent, in accordance with the FLSA;
- (b) Prompt issuance of notice pursuant to 29 U.S.C. § 216(b) to all similarly situated members of the FLSA collective action, apprising them of the pendency of this action and permitting them to assert timely FLSA claims in this action by filing individual consent to sue forms pursuant to 29 U.S.C. § 216(b);

- (c) Equitable tolling of the statute of limitations from the date of the filing of this complaint until the expiration of the deadline for filing consent to sue forms under 29 U.S.C. § 216(b);
- (d) Leave to add additional plaintiffs by motion, the filing of written consent forms, or any other method approved by this Court;
- (e) Judgment against Defendants for an amount equal to the unpaid overtime wages of Plaintiff and all opt-in Members of the Collective Action, at the applicable overtime rate;
- (f) A declaratory judgment stating that the practices complained of herein are unlawful under the FLSA.
- (g) Judgment against Defendants for an amount equal to the unpaid back wages of Plaintiff and all opt-in Members of the Collective Action at the applicable overtime rate, as liquidated damages;
- (h) Judgment against Defendants stating that their violations of the FLSA were willful;
- (i) To the extent liquidated damages are not awarded, an award of prejudgment interest;
- (j) All costs and attorney's fees incurred in prosecuting these claims;
and
- (k) For such further relief as this Court deems just and equitable.

COUNT II – FLSA MINIMUM WAGE VIOLATION

52. Plaintiff realleges and readopts the allegations of paragraphs 1 through 44 of this Complaint, as though fully set forth herein.

53. During the statutory period, Plaintiff and the Collective Action worked for Defendants, and they were not paid the applicable federal minimum wage for the hours that they worked, as mandated by the FLSA.

54. Defendants failed to compensate Plaintiff and the Collective Action at a rate that was at least equal to the applicable federal minimum wage.

55. The Members of the Collective Action are similarly situated because they were all employed as adult entertainers by Defendants, were compensated in the same manner, and were all subject to Defendants' common policy and practice of failing to pay its adult entertainers at a rate that was at least equal to the applicable federal minimum wage, in accordance with the FLSA.

56. This reckless practice violates the provisions of the FLSA, specifically 29 U.S.C. § 206(a)(1)(C). As a result, Plaintiff and the Members of the Collective Action who have opted in to this action are each entitled to an amount equal to their unpaid minimum wages as liquidated damages.

57. All of Defendants' conduct, as alleged and described above, constitutes a willful violation of the FLSA, within the meaning of 29 U.S.C. § 255(a).

58. As a result of the foregoing, Plaintiff and the Collective Action have suffered damages.

WHEREFORE, Plaintiff and all similarly situated employees who join this collective action demand:

- (a) Designation of this action as a collective action on behalf of the Plaintiff and the prospective Collective Action that she seeks to represent, in accordance with the FLSA.
- (b) Prompt issuance of notice pursuant to 29 U.S.C. § 216(b) to all similarly situated members of the FLSA collective action, apprising them of the pendency of this action and permitting them to assert timely FLSA claims in this action by filing individual consent to sue forms pursuant to 29 U.S.C. § 216(b);
- (c) Equitable tolling of the statute of limitations from the date of the filing of this complaint until the expiration of the deadline for filing consent to sue forms under 29 U.S.C. § 216(b);
- (d) Leave to add additional plaintiffs by motion, the filing of written consent forms, or any other method approved by this Court;
- (e) Judgment against Defendants for an amount equal to the unpaid minimum wages of Plaintiffs and all opt-in Members of the Collective Action;
- (f) A declaratory judgment stating that the practices complained of herein are unlawful under the FLSA;

- (g) Judgment against Defendants for an amount equal to the unpaid back wages of Plaintiff and opt-in Members of the Collective Action at the applicable statutory minimum wage, as liquidated damages;
- (h) Judgment against Defendants stating that its violations of the FLSA were willful;
- (i) To the extent liquidated damages are not awarded, an award of prejudgment interest;
- (j) All costs and attorney's fees incurred in prosecuting these claims; and
- (k) For such further relief as this Court deems just and equitable.

**COUNT III– CIVIL DAMAGES FOR FRAUDULENT FILING OF
INFORMATION RETURNS UNDER 26 U.S.C. §7434 (a)**

59. Plaintiff realleges and readopts the allegations of paragraphs 1 through 44 of this Complaint, as though fully set forth herein.

60. By failing to provide Plaintiff and the Collective Action with accurate IRS Forms W-2 for all of the tax years during which they were employed by Defendants, and failing to properly record, account for, and report to the IRS all monies paid to Plaintiff and the Collective Action as compensation for all of the work Plaintiff and the Collective Action performed during the course of their employment with Defendants, and failing to withhold amounts listed on W-2 forms as monies withheld, Defendants filed fraudulent information returns with the IRS, in violation of 26 U.S.C. § 7434.

61. Under the Internal Revenue Code, “[if] any person willfully files a fraudulent information return with respect to payments purported to be made to any other

person, such other person may bring a civil action for damages against the person so filing such return.” 26 U.S.C. § 7434(a).

WHEREFORE, Plaintiff demands:

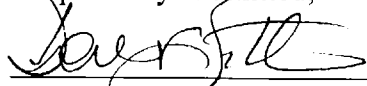
- (a) Costs attributable to resolving deficiencies, damages of \$5,000.00 for each Plaintiff, and damages resulting from the additional tax debt and additional time and expenses associated with any necessary correction.
- (b) That Defendants be ordered to take all the necessary steps to correct the information returns identified above.
- (c) All costs and attorney’s fees incurred in prosecuting these claims; and
- (d) For such further relief as the Court deems just and equitable.

JURY TRIAL DEMAND

Plaintiff demands trial by jury as to all issues so triable.

Dated this 3rd day of March, 2017.

Respectfully submitted,



DONNA V. SMITH

Florida Bar Number: 661201

WENZEL FENTON CABASSA, P.A.

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Tampa, Florida 33602

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Email: rcooke@wflaw.com

Attorneys for Plaintiff

JS 44 (Rev. 12/07)

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 THE REVERSE OF THE FORM.)

<p>I. (a) PLAINTIFFS SHAWNA LOWNEY, on behalf of herself and on behalf of all others similarly situated, +</p> <p>(b) County of Residence of First Listed Plaintiff <u>Hillsborough</u> (EXCEPT IN U.S. PLAINTIFF CASES)</p> <p>(c) Attorney's (Firm Name, Address, and Telephone Number) Donna V. Smith, Wenzel Fenton Cabassa, P.A. 1110 N. Florida Avenue, #300, Tampa, Florida 33602, 813-224-0431 +</p>	<p>DEFENDANTS DEJA VU SHOWGIRLS OF TAMPA, LC, and MARK FIGUEROA, an individual +</p> <p>County of Residence of First Listed Defendant <u>Hillsborough</u> (IN U.S. PLAINTIFF CASES ONLY)</p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.</p> <p>Attorneys (If Known)</p>
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<p>II. BASIS OF JURISDICTION (Place an "X" in One Box Only)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th></th> <th>PTF</th> <th>DEF</th> <th></th> <th>PTF</th> <th>DEF</th> </tr> <tr> <td>Citizen of This State</td> <td><input checked="" type="checkbox"/> 1</td> <td><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td><input type="checkbox"/> 4</td> <td><input checked="" type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input checked="" 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
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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 (Excl. 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	<p>PERSONAL INJURY</p> <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	<p>PERSONAL INJURY</p> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <p>PERSONAL PROPERTY</p> <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"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <p>PROPERTY RIGHTS</p> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <p>LABOR</p> <input checked="" type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <p>IMMIGRATION</p> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<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"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <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 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

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

Brief description of cause:
FLSA Unpaid Wages, FLSA Overtime Violations

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND \$** _____

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See instructions):

JUDGE _____ DOCKET NUMBER _____

DATE: 03/01/2017

SIGNATURE OF ATTORNEY IN 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.C.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; 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 clerks 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 seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (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.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

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 dollar amount (in thousands of dollars) 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: [Ex-Employee Sues Déjà Vu Showgirls of Tampa over Worker Misclassification](#)
