
**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

HEATHER ROBBINS, *on behalf of herself
and all those similarly situated*,
6704 Baltimore Dr.
Marlton, NJ 08055

Plaintiff,

vs.

PLAYHOUSE LOUNGE
1205 US-130
Burlington, NJ 08016

And

JOHN DOES 1-10
c/o PLAYHOUSE LOUNGE
1205 US-130
Burlington NJ 08016

Defendants.

**INDIVIDUAL AND COLLECTIVE AND
CLASS ACTION COMPLAINT**

JURY DEMAND

INDIVIDUAL AND COLLECTIVE AND CLASS ACTION COMPLAINT

1. Named Plaintiff Heather Robbins (hereinafter “Named Plaintiff”), on behalf of herself and all those similarly situated, by and through undersigned counsel, hereby complains as follows against Defendant Playhouse Lounge and John Does 1-10 (hereinafter collectively “Defendants”).

INTRODUCTION

2. Named Plaintiff initiates the instant action to redress violations by Defendants of the Fair Labor Standards Act (“FLSA”). Named Plaintiff asserts that Defendants erroneously designated Named Plaintiff and those similarly situated (“Collective Action Plaintiffs”) as

independent contractors and unlawfully deducted from and withheld a portion of Named Plaintiff's and Collective Action Plaintiffs' pay. Specifically, Defendants unlawfully requested, demanded and/or received wages from Named Plaintiff and Collective Action Plaintiffs, unlawfully demanded, accepted and/or retained a part of gratuities or charges purported to be gratuities, unlawfully deducted employee wages through fines and penalties for lateness and misconduct, and required Named Plaintiff and Collective Action Plaintiffs to cover the costs of Defendants' business. As a consequence, Defendants reduced Named Plaintiff and Collective Action Plaintiffs' pay below the statutorily mandated minimum wage for all hours worked, and failed to pay Named Plaintiff and Collective Action Plaintiffs at least 1.5 times the minimum wage for all hours worked over 40 per workweek.

3. Additionally, Named Plaintiff has initiated the instant action to redress violations of Defendants of the New Jersey Wage and Hour Law and the New Jersey Wage Payment Law (collectively "New Jersey Wage Laws"). Named Plaintiff asserts that Defendants erroneously designated Named Plaintiff and those similarly situated (hereinafter "New Jersey Plaintiffs") who worked in New Jersey as independent contractors and unlawfully deducted from and withheld portions of Named Plaintiff's and New Jersey Plaintiff's pay, and failed to pay Named Plaintiff and New Jersey Plaintiffs at least the minimum wage for all hours worked and at least 1.5 times the minimum wage for all hours worked over 40 per workweek.

4. Additionally, Named Plaintiff has initiated the instate action to redress violations of Defendants of the New Jersey Law Against Discrimination ("NJLAD"). Named Plaintiff asserts that Defendants subjected Plaintiff to quid pro quo sexual harassment and a sexually hostile work environment, and constructively discharged her for her refusal to participate in sexually illicit activities.

5. Additionally, Named Plaintiff has initiated the instant action to redress violations of the Defendants of the New Jersey Conscientious Employee Protection Act (“CEPA”). Named Plaintiff asserts that Defendants constructively discharged her for her refusal to participate in sexually illicit activities.

JURISDICTION AND VENUE

6. The foregoing paragraphs are incorporated herein as if set forth in their entirety.

7. This Court, in accordance with 28 U.S.C. § 1331, has jurisdiction over Named Plaintiff’s federal claims because this civil action arises under a law of the United States and seeks redress for violations of a federal law, 29 U.S.C. § 201 *et seq.* This Court has supplemental jurisdiction over related state law claims because such claims arise out of the same circumstance and are based upon a common nucleus of operative fact.

8. This Court may properly maintain personal jurisdiction over Defendant because Defendant’s contacts with this state and this judicial district are sufficient for the exercise of jurisdiction over Defendant to comply with traditional notions of fair play and substantial justice.

9. Pursuant to 28 U.S.C. § 1391(b)(1) and (b)(2), venue is properly laid in this judicial district because all of the acts and/or omissions giving rise to the claims set forth herein occurred in this judicial district and Defendants is deemed to reside where it is subject to personal jurisdiction, rendering Defendants a resident of this judicial district.

PARTIES

10. The foregoing paragraphs are incorporated herein as if set forth in full.

11. Named Plaintiff is an adult individual residing at the address as set forth in the caption.

12. “Collective Action Plaintiffs” refers to current and/or former “Entertainers” or similar positions with Defendants, who performed worked for Defendants and for whom Defendants classified as “Independent Contractors” within the last three (3) years.

13. “New Jersey Plaintiffs” refers to current and/or former “Entertainers” or similar positions with Defendants, who performed work for Defendants and for whom Defendants classified as “Independent Contractors” within the last two (2) years.

14. Defendant Playhouse is a New Jersey Corporation doing business in New Jersey at the business address as set forth in the caption.

15. John Doe 1 through John Doe 10 are presently unknown persons who directly or indirectly, directed, aided, abetted and/or assisted with creating and/or executing the policies and practices of Defendants which resulted in Defendants failing to pay Plaintiffs proper compensation pursuant to the FLSA and New Jersey Wage Laws.

16. At all times relevant herein, Defendants acted by and through its agents, servants, and employees, each of whom acted at all times relevant herein in the course and scope of their employment with and for Defendants.

FLSA COLLECTIVE ACTION ALLEGATIONS

17. In addition to bringing this action individually, Named Plaintiff brings this action for violations of the FLSA as a collective action pursuant to Section 16(b) of the FLSA, 29 U.S.C. § 216(b), on behalf of all persons who worked for Defendants as an entertainer or similar positions at any point during the three years preceding the date the instant action was initiated, who were subject to Defendants’ unlawful pay practices and policies discussed herein (the members of this putative class are referred to as “Collective Action Plaintiffs”).

18. Named Plaintiff's claims are typical of the claims of the Collective Action Plaintiffs because Named Plaintiff, like all Collective Action Plaintiffs, was an employee of Defendants within the last three years whom Defendants failed to properly pay at least the minimum wage for all hours worked, and one and one-half times the regular rate for all hours worked in excess of 40 hours in a workweek as required by the Fair Labor Standards Act ("FLSA").

19. There are numerous similarly situated current and former employees of Defendants who were compensated improperly for overtime work in violation of the FLSA and who would benefit from the issuance of a Court Supervised Notice of the instant lawsuit and the opportunity to join in the present lawsuit.

20. Similarly situated employees are known to Defendants, are readily identifiable by Defendants, and can be located through Defendants' records. Therefore, Named Plaintiff should be permitted to bring this action as a collective action for and on behalf of herself and those employees similarly situated, pursuant to the "opt-in" provisions of the FLSA, 29 U.S.C. § 216(b).

NEW JERSEY CLASS ACTION ALLEGATIONS

21. Named Plaintiff brings her claims asserting violations of the New Jersey Wage Laws as a class action pursuant to Rule 23 of the Federal Rules of Civil Procedure on behalf of themselves and on behalf of all persons presently and formerly employed by Defendants in New Jersey as Entertainers and/or similar positions with similar non-exempt duties, and who were subject to Defendants' unlawful pay practices and policies at any point in the three years preceding the date the instant action was initiated (members of this putative class are referred to as "New Jersey Plaintiffs").

22. The class is so numerous that the joinder of all class members is impracticable. Named Plaintiff does not know the exact size of the class, as such information is in the exclusive

control of Defendants; however, on information and belief, the number of potential class members is estimated to be at least forty (40) employees.

23. Named Plaintiff's claims are typical of the claims of the New Jersey Plaintiffs because Named Plaintiff, like all New Jersey Plaintiffs, was an employee of Defendants within the last two (2) years whom Defendants failed to properly pay at least one and one-half times the regular rate for all hours worked in excess of 40 hours in a workweek as required by the New Jersey Wage Laws.

24. Named Plaintiff will fairly and adequately protect the interests of the New Jersey Plaintiffs because Named Plaintiff's interests are coincident with, and not antagonistic to, those of the class. Named Plaintiff has retained counsel with substantial experience in the prosecution of claims involving employee wage disputes.

25. No difficulties are likely to be encountered in the management of this class action that would preclude its maintenance as a class action. The class will be easily identifiable from the Defendants' records.

26. A class action is superior to other available methods for the fair and efficient adjudication for this controversy. Such treatment will allow all similarly situated individuals to prosecute their common claims in a single forum simultaneously. Prosecution of separate actions by individual members of the putative class would create the risk of inconsistent or varying adjudications with respect to individual members of the class that would establish incompatible standards of conduct for Defendants. Furthermore, the amount at stake for individual putative class members may not be great enough to enable all of the individual putative class members to maintain separate actions against Defendants.

27. Questions of law and fact that are common to the members of the class predominate over questions that affect only individual members of the class. Among the questions of law and fact that are common to the class are (1) whether Defendants failed to pay minimum wage to New Jersey Plaintiffs for all hours worked in a workweek, and (2) whether Defendants failed to pay proper overtime to New Jersey Plaintiffs for hours worked in excess of 40 hours in a workweek.

FACTUAL BACKGROUND

28. The foregoing paragraphs are incorporated herein as if set forth in full.

29. Plaintiff worked as an entertainer for Defendant in New Jersey from in or around December 2017 to in or around August 2018.

30. Plaintiff worked approximately 50-60 hours a week during her tenure with Defendants.

31. Defendants improperly classified Plaintiff and other entertainers as independent contractors.

32. Defendants promulgated rules, known as “House Rules,” that Plaintiff was required to follow or be subjected to fees and/or fines levied by Defendants.

33. At all times relevant herein, Defendants determined its hours of operation.

34. At all times relevant herein, Defendants determined Plaintiff’s work schedule.

35. At all times relevant herein, Defendants determined the method of payment for dances performed by Named Plaintiff.

36. At all times relevant herein, Defendants communicated to Named Plaintiff that she was subject to discipline, including removal of “good standing” and termination for failing to sell personal dances, failing to sell private rooms, failing to appear and complete a scheduled

performance date, refusing to appear on stage as scheduled, refusing to participate in promotions on site during a performance date, and failing to conform to other House Rules.

37. Defendants did not pay Named Plaintiff any wages for any work performed for Defendants during her entire tenure with Defendants.

38. Plaintiff's only income was non-wage gratuities paid by patrons.

39. Defendants required Named Plaintiff to pay various fees per shift from such income, including but not limited to:

- a. A minimum mandatory fee of at least \$12 per each shift worked, called a "house fee"; and
- b. A minimum mandatory fee of at least \$10 per each shift worked to the manager, called a "house mom"; and
- c. A minimum mandatory fee of at least \$10 per each dance; and
- d. A minimum mandatory fee of at least \$10 to security at the end of each shift.

40. Defendants required Named Plaintiff to pay various fines and penalties per shift for misconduct and/or other violations of Defendants' House Rules from such income, including but not limited to:

- a. A fine of at least \$15 for lateness;
- b. A fine of at least \$50 for no-shows; and
- c. A fine of at least \$50 for failing to maintain appearance.

41. Defendants required Plaintiff to incur costs for costumes and other tools of the trade that were in reality business expenses of Defendants and which costs should have been reimbursed by Defendants, including but not limited to:

- a. Costumes; and

- b. Hair/nails; and
- c. Makeup; and
- d. Props.

42. The fees, fines, and expenses paid to Defendants by Named Plaintiff constitute *de facto* deductions and/or illegal kickbacks in violation of the FLSA.

43. Such deductions, in conjunction with Defendants' failure to pay any wages, reduced Named Plaintiff's wages below the statutory minimum.

44. Additionally, Defendants failed to compensate Named Plaintiff or Collective Action Plaintiffs at least 1.5 times the statutory minimum for all hours worked in excess of 40 hours per workweek.

45. Additionally, throughout Plaintiff's tenure with Defendants, Defendants pressured Plaintiff to book private "champagne rooms" wherein Plaintiff was expected to engage in sexual acts with patrons.

46. Although Plaintiff repeatedly refused, Defendants continued to introduce Plaintiff to patrons and suggest a "champagne room" booking.

47. On or about August 4, 2015, due to the ongoing directives to engage in prostitution, Plaintiff had no choice but to resign from her position with Defendants.

48. As a result of Defendants' unlawful actions, Plaintiffs have been harmed.

COUNT I
Violations of the Fair Labor Standards Act
(Named Plaintiff and Collective Action Plaintiffs v. Defendant)
(Minimum Wage)

49. Named Plaintiff, on behalf of herself and all those similarly situated, re-alleges and incorporates by reference the foregoing paragraphs as if set forth herein.

50. At all times relevant herein, Defendants were and continue to be an “employer” within the meaning of the FLSA.

51. At all times relevant herein, Named Plaintiff and Collective Action Plaintiffs were/are “employees” within the meaning of the FLSA.

52. The FLSA requires employers, such as Defendants, to minimally compensate employees, such as Named Plaintiff and Collective Action Plaintiffs, at the federal minimum wage rate for each hour worked.

53. Defendants were not allowed to avail itself of the federal minimum wage rate under the FLSA.

54. Defendants, pursuant to their policies and practices, refused and failed to pay a minimum wage to Named Plaintiff and Collective Action Plaintiffs.

55. Defendants, pursuant to their policies and practices, unlawfully deducted wages by imposing fines or penalties for lateness or misconduct, and requiring Named Plaintiff and Collective Action Plaintiffs to incur expenses in carrying out duties assigned by Defendants, which resulted in reducing wages below the statutory minimum.

56. By failing to compensate Named Plaintiff and Collective Action Plaintiffs, Defendants violated, and continue to violate, their statutory rights under the FLSA, and has caused Plaintiffs to suffer damages.

COUNT II
Violations of the FLSA
(Named Plaintiff and Collective Action Plaintiffs v. Defendants)
Failure to Pay Overtime Compensation

57. The foregoing paragraphs are incorporated herein as if set forth in full.

58. At all times relevant herein, Defendants were and continue to be “employers” within the meaning of the FLSA.

59. At all times relevant herein, Named Plaintiff and Collective Action Plaintiffs were/are “employees” within the meaning of the FLSA.

60. The FLSA requires employers, such as Defendants, to compensate employees, such as Named Plaintiff and Collective Action Plaintiffs, at 1.5 times the regular rate for all hours worked over 40 in a workweek.

61. Defendants, pursuant to their policies and practices, refused and failed to pay overtime compensation to Named Plaintiff and Collective Action Plaintiffs.

62. By failing to pay overtime compensation to Named Plaintiff and Collective Action Plaintiffs, Defendants violated, and continue to violate, their statutory rights under the FLSA, and has caused Plaintiffs to suffer damages.

COUNT III
Violations of the New Jersey Wage & Hour Law
(Named Plaintiff and Collective Action Plaintiffs v. Defendant)
Failure to Pay Minimum Wage

63. The foregoing paragraphs are incorporated herein as if set forth in full.

64. At all time relevant herein, Defendants was and continues to be “employers” within the meaning of the NJWHL.

65. At all times relevant herein, Named Plaintiff and Collective Action Plaintiffs were/are “employees” within the meaning of the NJWHL.

66. The NJWHL requires employers, such as Defendants, to minimally compensate employees, such as Named Plaintiff and Collective Action Plaintiffs, at the state minimum wage rate for each hour worked.

67. Defendants failed to pay Named Plaintiff and Collective Action Plaintiffs the state minimum wage for hours they worked.

68. As a result of Defendants' failure to compensate Named Plaintiff and Collective Action Plaintiffs pursuant to the NJWHL, Defendants have violated and continue to violate the NJWHL, and has caused Plaintiffs to suffer damages.

COUNT IV
Violations of the New Jersey Wage Payment Law ("NJWPL")
(Named Plaintiff and New Jersey Plaintiffs v. Defendants)
Failure to Pay Overtime Compensation

69. The foregoing paragraphs are incorporated herein as if set forth in full.

70. At all times relevant herein, Defendants were and continue to be "employers" within the meaning of the NJWPL.

71. At all times relevant herein, Named Plaintiff and New Jersey Plaintiffs were/are "employees" within the meaning of the NJWPL.

72. The NJWPL requires employers, such as Defendants, to minimally compensate employees, such as Named Plaintiff and New Jersey Plaintiffs, at 1.5 times the minimum wage for all hours worked over 40 in a workweek.

73. Defendants refused and failed to pay overtime compensation to Named Plaintiff and New Jersey Plaintiffs.

74. By failing to pay overtime compensation to Named Plaintiff and New Jersey Plaintiffs, Defendants violated, and continue to violate, their statutory rights under the NJWPL, and has caused Plaintiffs to suffer damages.

COUNT V
Violations of Common Law
(All Plaintiffs v. Defendants)
Unjust enrichment

75. The foregoing paragraphs are incorporated herein as if set forth in full.

76. At all times relevant herein, Plaintiffs performed services for Defendants from which Defendants benefited.

77. Defendants failed to pay Plaintiffs any wages for work done for the benefit of Defendants.

78. Defendants were unjustly enriched by not paying Plaintiffs any compensation for the work done for Defendants.

79. Defendants' aforementioned conduct is in violation of common law and has caused Plaintiffs to suffer damages.

COUNT VI

Violations of the New Jersey Law Against Discrimination ("NJLAD")

(Named Plaintiff v. Defendants)

Quid Pro Quo Sexual Harassment/ Retaliation/ Constructive Discharge

80. At all times relevant herein, Defendants were and continue to be "employers" within the meaning of the NJLAD.

81. At all times relevant herein, Named Plaintiff was an "employee" within the meaning of the NJLAD.

82. Defendants' directives to Named Plaintiff to engage in sexual acts were constant and constitute sexual harassment.

83. Defendants discharged Named Plaintiff by its ongoing harassment of Named Plaintiff and repeated directives to engage in sexual acts, despite Named Plaintiff's constant refusals to do same.

84. Any reasonable person in Named Plaintiff's shoes would have also resigned their position with Defendants.

85. Defendants' aforementioned conduct is in violation of the NJLAD and has caused Named Plaintiff to suffer damages.

COUNT VII
Violations of the NJLAD
(Named Plaintiff v. Defendants)
Hostile Work Environment

86. At all times relevant herein, Defendants were and continue to be “employers” within the meaning of the NJLAD.

87. At all times relevant herein, Named Plaintiff was an “employee” within the meaning of the NJLAD.

88. Defendant created a sexually hostile work environment by directing Plaintiff to engage in sexual acts.

89. Defendants’ aforementioned conduct is in violation of the NJLAD and has caused Named Plaintiff to suffer damages.

COUNT VIII
Violations of the New Jersey Conscientious Employee Protections Act (“CEPA”)
(Named Plaintiff v. Defendants)
Retaliation/Constructive Discharge

90. At all times relevant herein, Defendants were and continue to be “employers” within the meaning of CEPA.

91. At all times relevant herein, Named Plaintiff was an “employee” within the meaning of CEPA.

92. Named Plaintiff engaged in a protected activity within the meaning of CEPA by refusing to participate in an activity, specifically prostitution, that she reasonably believed to be unlawful and/or to constitute a violation of the law.

93. Defendants’ insistence that Named Plaintiff engage in prostitution resulted in and constituted Defendants’ constructive discharge of Named Plaintiff, in violation of CEPA and has caused Named Plaintiff to suffer damages.

WHEREFORE, Plaintiffs pray that this Court enter an Order:

- 1) Certifying the instant action as a “collective action” pursuant to the Fair Labor Standards Act;
- 2) Enjoining Defendant from continuing to maintain its illegal policy, practice, or customs in violation of federal and state law;
- 3) Providing that Defendant is to compensate, reimburse, and make Plaintiffs whole for any and all pay and benefits they would have received had it not been for Defendant’s illegal actions, including but not limited to past lost earnings.
- 4) Awarding Plaintiffs liquidated damages pursuant to the laws they are suing under in an amount equal to the actual damages in this case;
- 5) Awarding Plaintiffs the costs and expenses of this action and reasonable legal fees as provided by applicable law; and
- 6) Awarding Plaintiffs all other relief as the Court deems appropriate and just; and
- 7) Plaintiffs’ claim are to receive a trial by jury.

Respectfully submitted,

/s/ Joshua Boyette
Joshua S. Boyette, Esq.
SWARTZ SWIDLER, LLC
1101 Kings Hwy N., Suite 402
Cherry Hill, NJ 08034
Phone: (856) 685-7420
Fax: (856) 685-7417

Dated: March 12, 2019

Exhibit A

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

HEATHER ROBBINS, *Individually and on behalf of
all others similarly situated,*

Plaintiff,

vs.

PLAYHOUSE LOUNGE, *et al.*

Defendants.

Civil Action No.

CONSENT TO JOIN LAWSUIT

I, the undersigned, hereby consent to be an Opt-In Party Plaintiff in the above-captioned matter which seeks to recover minimum wage and overtime compensation for work that was not paid as required by the Fair Labor Standards Act. I was employed by Playhouse Lounge as an Entertainer at some point during the last three (3) years. I wish to be included as a party and to be bound by any judgment in the claims being asserted against Playhouse Lounge by former and current employees of Playhouse Lounge and I hereby give consent to Swartz Swidler, LLC, to bring suit against Playhouse Lounge on my behalf under the Fair Labor Standards Act. I further designate Swartz Swidler, LLC and the named plaintiffs as my agents in making decisions on my behalf in this litigation, including entering into settlement agreements pertaining to this matter.

Heather M Robbins

Full Name

Heather M Robbins

Street Address

6704 Baltimore Drive

City, State, and Zip

Marlton New Jersey 08053

Telephone Number

Signature:  Heather M Robbins (Feb 13, 2019)

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

HEATHER ROBBINS, on behalf of herself and all those similarly situated

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

(c) Attorney (Firm Name, Address, and Telephone Number) SWARTZ SWIDLER LLC Joshua S. Boyette, Esq. 1101 Kings Hwy N Ste 402 Cherry Hill NJ 08034 Ph: 856-685-7420 Fax: 856-685-7417 jboyette@swartz-legal.com

DEFENDANTS

PLAYHOUSE LOUNGE and JOHN DOES 1-10

County of Residence of First Listed Defendant Burlington (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, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

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

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation.

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Large table with categories: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER 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 - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): Violations of the Fair Labor Standards Act

Brief description of cause: Failure to pay minimum wage

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 03/12/2019 SIGNATURE OF ATTORNEY OF RECORD /s/ Joshua Boyette

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket. **PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of New Jersey

HEATHER ROBBINS, on behalf of herself and all those similarly situated

Plaintiff(s)

v.

PLAYHOUSE LOUNGE and JOHN DOES 1-10

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) PLAYHOUSE LOUNGE 1205 US-130 Burlington NJ 08016

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Joshua S. Boyette, Esq. SWARTZ SWIDLER, LLC 1101 Kings Hwy N Ste 402 Cherry Hill NJ 08034 Ph: 856-685-7420 Email: jboyette@swartz-legal.com

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: 03/12/2019

/s/ Joshua Boyette Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____ .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [New Jersey's Playhouse Lounge Sued Over Alleged Wage Violations, Sexually Hostile Work Environment](#)
