

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
FORT PIERCE DIVISION**

**KATHLEEN SHORT,**

**Plaintiff,**

v.

**CASE NO.:** \_\_\_\_\_

**UBER TECHNOLOGIES, INC.,**

**Defendant.**

\_\_\_\_\_ /

**COMPLAINT AND DEMAND FOR JURY TRIAL**

Plaintiff, Kathleen Short, (“Plaintiff”), by and through the undersigned counsel, on behalf of herself and on behalf of all others similarly situated, brings this Complaint against Defendant, Uber Technologies, Inc., (“Defendant” or “Uber”), and in support of her claims states as follows:

**PRELIMINARY STATEMENT**

1. This Complaint is filed as a collective action under 29 U.S.C. § 216(b), and as a class action under Federal Rule of Civil Procedure 23(b)(1), and is brought by and on behalf of persons who are or have been at some time employed during the applicable limitations period as drivers for Uber Technologies, Inc., a Delaware Corporation with its principal place of business in California, in the business of providing taxi or transportation services to the general public.

2. This is a collective action and a class action which challenges Uber’s uniform policy of willfully misclassifying its drivers as independent contractors when, in fact, each such driver is and/or was an employee of Uber.

3. As a result of Uber’s unlawful misclassification of its drivers as independent contractors, Uber has uniformly violated the requirements of the Fair Labor Standards Act, as

amended (“FLSA,” 29 U.S.C. § 201 *et seq.*) and the Florida Minimum Wage Act (“FMWA” Fla. Stat. § 44.) by failing to pay its Drivers at least the minimum wage required by Federal and Florida law for every hour worked.

### **PARTIES**

4. Plaintiff is a resident of Brevard County, Florida. Between March 2018 and May 2020, Plaintiff worked for Uber as a driver in Sebastian, Florida.

5. Defendant Uber is a corporation, organized under the laws of the state of Delaware, which is licensed to conduct business in the state of Florida, and which does conduct substantial business on a regular and continuous basis in Florida. Uber’s principal place of business is in San Francisco, California.

### **JURISDICTION AND VENUE**

6. This Court has federal question jurisdiction over Plaintiff’s FLSA claims pursuant to 28 U.S.C. § 1331.

7. Venue is proper in the United States District Court, Southern District of Florida, pursuant to 28 U.S.C. § 1391. Plaintiff resides in Micco, Florida, worked for Defendant in St. Sebastian, Florida, and her claims arose, in substantial part, in Sebastian, Florida. Defendant regularly conducts business in Sebastian, Florida and is thus subject to personal jurisdiction in this district.

### **ALLEGATIONS REGARDING DEFENDANT’S BUSINESS PRACTICES**

8. Defendant Uber is a transportation or taxi business. Through a mobile phone software application, Uber connects local travelers who seek transportation via automobile with local drivers, like Plaintiff, who have been screened, trained, controlled, and are paid by Uber.

9. All Uber drivers must abide by all of Uber's uniform rules, regulations, and policies.

10. Uber operates much like a taxi cab service. Customers who wish to pay for local transportation via automobile log on to a mobile phone application and enter information regarding, among other things, where they wish to be picked up and where they wish to be dropped off. Then, through its software application, Uber sends each customer's information to a local Uber driver.

11. The Uber driver, with easily identifiable decals provided by Uber which, pursuant to Uber's uniform rules, must be affixed to the front and back windows of every driver's vehicle, then picks up the customer and transports the customer to the desired destination.

12. Each Uber customer pays for the service by paying Uber directly via credit card based on an amount calculated solely by Uber and based on the miles driven and the amount of time it took to reach the destination, plus any gratuity which the customer wishes to give to the driver.

13. All payments from the customer, including gratuities, must be paid by the customer directly to Uber. Uber rules do not permit its drivers to accept any type of payment from its customers. Instead, Uber pays each of its drivers a portion of the amount received from the customer (i.e., a portion of the charge for the service and a portion of any gratuity), as determined solely by Uber.

14. In an effort to avoid providing its drivers with the minimum benefits and protections afforded employees under the FLSA and Florida law, Uber has willfully, uniformly, and unilaterally classified each and every one of its drivers as independent contractors, rather than

employees, despite the fact that the factual circumstances of the relationship between Uber and its drivers clearly demonstrate that Uber drivers are in fact employees of the company.

15. Under the FLSA and Florida law, Uber drivers should be considered employees for, among others, the following reasons:

- a. Uber retains the right to control, and in fact does control, the manner and means by which all Uber drivers accomplish their work;
- b. Uber retains the right to hire and fire drivers in its sole discretion;
- c. Uber retains the right to terminate the Uber “Platform” and the Uber application, or to block drivers from using the Platform and/or application, which effectively gives Uber the ability to prevent its drivers from picking up Riders, working, and earning an income;
- d. Uber takes a 20% “administration fee” from each driver’s gratuities left by the customer for the driver;
- e. Drivers do not engage in business distinct from that of Uber;
- f. Uber requires that each driver place a large pink mustache on the front of their car while transporting a Rider to identify the driver’s car as a Uber vehicle;
- g. Uber sets all rates of pay for its drivers and prohibits its drivers from setting rates of pay for their services;
- h. Uber requires its drivers to consent to receiving emails and text messages from Uber, all of which the drivers are required to pay for receiving at the rate charged by their mobile phone service providers, including without limitation, notification emails, emails or text messages informing drivers about potential available Riders, and emails or text messages regarding Uber promotions which drivers are required to abide by;

- i. Uber unilaterally and in its sole discretion requires each driver to accept any and all discount promotion offers to customers;
- j. Uber requires each driver to engage in a two hour training session before being permitted to work as a Uber driver, including the viewing of training videos, which, inter alia, instructs drivers regarding Uber's requirements for how they are to interact with Riders;
- k. Uber requires that each driver ensure that his or her vehicle comply with Uber's requirements for appearance and cleanliness;
- l. Uber retains the right to discipline its drivers in its sole discretion;
- m. Uber limits the geographical locations in which its drivers are permitted to work, and restricts its drivers' ability to transport customers more than 60 miles;
- n. Uber advertises that its drivers receive an hourly rate of pay;
- o. Uber restricts its drivers ability to work and earn income by only permitting them to work certain hours each day;
- p. Uber prohibits its drivers from hiring other employees to assist them; and,
- q. Uber requires its drivers to respond to and accept all customer ride requests unless they are transporting another customer at the time.

16. As a result of Uber's uniform misclassification of its drivers as independent contractors, Uber does not pay its drivers a minimum wage for each hour, or portion thereof, that they work. Instead, Uber pays its drivers using a formula, derived and determined solely by Uber, based on and related in some way to the amount Uber receives from its customers. The consequences of this practice are, without limitation, that Uber drivers: (1) are not paid for all of

the hours that they actually work; and (2) are not paid at least the minimum wage required by Federal law for each hour worked.

17. Further, Defendant denied riders the ability to see what riders paid in total and how the compensation for the ride was determined. Compensation is determined, and was visible, solely by Uber.

### **COLLECTIVE ACTION ALLEGATIONS**

18. Plaintiff brings this action on behalf of herself and on behalf of all other persons similarly situated (the “Class”), namely drivers who, at any time during the period from June 18, 2012, to the present (the “Class Period”), have worked, or currently work, as a driver for Uber.

19. Plaintiff is and has been a member of the proposed Class described herein.

20. The number of persons in the proposed Class herein is so numerous that joinder of all such persons would be impracticable. While the exact number and identities of all such persons are unknown to Plaintiff at this time and can only be obtained through appropriate discovery, Plaintiff is informed and believes, and on that basis alleges, that the proposed Class herein includes over 1,000 persons.

21. Disposition of Plaintiff’s claims in a collective action will benefit all parties and the Court.

22. There is a well-defined community of interest presented by the proposed Class herein in that, among other things, each member of the proposed Class has an interest in receiving the minimum compensation required by the FLSA for the hours they have worked for Defendant, obtaining other appropriate legal relief for the harm of which Plaintiff complains, and obtaining other adequate compensation for the common damages which Plaintiff and all other persons similarly situated have suffered as a result of Defendant’s actions.

23. Each Class Member herein has performed labor for Defendant at Defendant's request at some time during the Class Period for which they have not been properly compensated, in that they have not received the minimum compensation required by the FLSA.

24. A collective action in this case is superior to any other available method for the fair and efficient adjudication of the claims presented herein.

25. The prosecution of separate actions by individual members of the proposed Class herein would create a risk of inconsistent and/or varying adjudications with respect to individual members of the proposed Class which would or may establish incompatible standards of conduct for Defendant and which would also create a risk of adjudications with respect to individual members of the proposed Class herein which would, as a practical matter, be dispositive of the interests of other members of the proposed Class not parties to the particular individual adjudications, and/or would or may substantially impede or impair the ability of those other members to protect their interests.

26. Common questions of law and fact exist in this case with respect to the proposed Class which predominate over any questions affecting only individual members of the Class and which do not vary between members thereof.

27. At some time during the Class Period, all of the individuals in the proposed Class herein have been employed by Defendant as drivers and have been unlawfully subjected to a uniform and consistent set of employment practices, as described more fully herein.

28. All members of the proposed Class herein have worked hours during the Class Period, but have been deprived of their legal rights, guaranteed by the FLSA, to be paid a minimum wage for such hours.

29. The common questions of fact involved in this case include, without limitation, whether each member of the proposed Class herein have worked hours during the Class Period for which they have not been paid at least the minimum wage required by Federal law.

30. The common questions of law involved in this case include, without limitation: (1) whether Class Members performed labor for Defendant as employees or as independent contractors; (2) whether Defendant has violated the FLSA by failing to pay its driver employees at least the legally required minimum wage for each and every hour worked; and, (3) whether Plaintiff and those other persons similarly situated are entitled to general and/or special damages as a result of any of the legal violations complained of herein, and the nature of such damages.

31. The claims of the named Plaintiff in this case are typical of those of the other Class Members which she seeks to represent, in that, among other things, Plaintiff and each other Class Member have sustained damages and are facing irreparable harm because of, and arising out of, a common course of conduct engaged in by Defendant as complained of herein.

32. The claims of the named Plaintiff herein are coincident with, and not antagonistic to, the claims of other Class Members which the named Plaintiff seeks to represent.

33. The named Plaintiff herein will fairly and adequately represent and protect the interests of the members of the proposed Class which she seeks to represent. Plaintiff does not have any interests which are antagonistic to the interests of the proposed Class herein.

34. Counsel for Plaintiff herein are experienced, qualified and generally able to conduct complex collective action legislation.

35. By virtue of Defendant's unlawful failure to pay Class Members the minimum compensation required by Federal law, Defendant has received substantial sums of money, and



has realized profits from the unpaid labor of literally thousands of employees during the applicable limitations period.

36. At all times relevant hereto, the FLSA was, and continue to be, in full force and effect, and the Defendant herein was, and continues to be, bound thereby.

37. The relief sought in this action is necessary to restore to members of the proposed Class the money and property which Defendant has illegally acquired through the unlawful treatment of each Class Member as described herein.

**FIRST CLAIM FOR RELIEF**  
**Failure to Pay Minimum Wage in Violation of FLSA**

38. Plaintiff re-alleges and incorporates by reference, as though fully set forth herein, paragraphs 1 through 37 of this Complaint

39. Defendant is the employer of Plaintiff.

40. Defendant willfully and uniformly misclassified Plaintiff and the class of Drivers as an independent contractor when in fact she was and/or is an employee of UBER.

41. The FLSA provides that any employee who receives less than the legal minimum wage applicable to the employee is entitled to recover in a civil action the difference between what the employee was paid and the amount the employee should have been paid, known as back pay, and an equal amount as liquidated damages, plus attorney's fees and court costs.

42. The FLSA provides that the applicable minimum wage that an employee is entitled to is the higher of the Federal minimum wage and the applicable State minimum wage.

43. Defendant has failed to pay Plaintiff and the class of Drivers at least the legally required minimum wage for some portion of the hours that each such person worked as a driver for UBER during the preceding three years.

44. Defendant's failure to pay Plaintiff and the class of Drivers at least the minimum wages, as required by law, violates the provisions of the FLSA.

45. By virtue of Defendant's unlawful failure to pay minimum wages to Plaintiff and the class of Drivers, they have suffered, and continue to suffer, damages in amounts which are presently unknown to Plaintiff but which will be ascertained according to proof at trial.

46. Pursuant to the FLSA, Plaintiff and the Class of Drivers are entitled to recover from Defendant the full balance of any and all unpaid minimum wages, plus attorney's fees and court costs.

**WHEREFORE**, Plaintiff and all similarly situated persons who join this collective action demand as follows:

- A. Designation of this action as a collective action on behalf of the Plaintiff and the prospective Class that she seeks to represent;
- B. Prompt issuance of notice pursuant to 29 U.S.C § 216(b) to all similarly situated members of the Class, apprising them of the pendency of this action and permitting them to assert timely 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 Defendant for an amount equal to Plaintiff's and the Class' unpaid back wages at the applicable statutory minimum wage;

- F. Judgment against Defendant stating that Defendant's violations of the FLSA were willful;
- G. An amount equal to the Plaintiff's minimum wage damages as liquidated damages;
- H. To the extent that liquidated damages are not awarded, an award of prejudgment interest;
- I. A declaration that Defendant's practices as to Plaintiff and the Class were unlawful, and grant Plaintiff and the Class equitable relief;
- 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.

**CLASS ACTION ALLEGATIONS**

47. Plaintiff asserts her Rule 23 class claims on behalf of a Putative Class defined as follows:

**All persons employed by UBER as drivers in Florida within four years of the filing of this complaint through the date of final judgment in this action.**

48. Plaintiff is and has been a member of the Putative Class described herein.

49. The number of persons in the Putative Class herein is so numerous that joinder of all such persons would be impracticable. While the exact number and identities of all such persons are unknown to Plaintiff at this time and can only be obtained through appropriate discovery, Plaintiff is informed and believes, and on that basis alleges, that the Putative Class herein includes over 1,000 persons.

50. Disposition of Plaintiff's claims in a class action will benefit all parties and the Court.

51. There is a well-defined community of interest presented by the Putative Class herein in that, among other things, each member of the Putative Class has an interest in being classified as an employee rather than an independent contractor, obtaining other appropriate legal relief for the harm of which Plaintiff complains, and obtaining other adequate compensation for the common damages which Plaintiff and all other persons similarly situated have suffered as a result of Defendant's actions.

52. Each Class Member herein has performed labor for Defendant at Defendant's request at some time during the Class Period, while the Class was unlawfully misclassified as independent contractors.

53. A class action in this case is superior to any other available method for the fair and efficient adjudication of the claims presented herein.

54. The prosecution of separate actions by individual members of the Putative Class herein would create a risk of inconsistent and/or varying adjudications with respect to individual members of the Putative Class which would or may establish incompatible standards of conduct for Defendant and which would also create a risk of adjudications with respect to individual members of the Putative Class herein which would, as a practical matter, be dispositive of the interests of other members of the Putative Class not parties to the particular individual adjudications, and/or would or may substantially impede or impair the ability of those other members to protect their interests.

55. Common questions of law and fact exist in this case with respect to the Putative Class which predominate over any questions affecting only individual members of the Class and which do not vary between members thereof.

56. At some time during the Class Period, all of the individuals in the Putative Class herein have been employed by Defendant as drivers and have been unlawfully subjected to a uniform and consistent set of compensation, as described more fully herein.

57. The common questions of fact involved in this case include, without limitation, whether each member of the proposed Class herein have worked hours during the Class Period for which they have not been paid at least the minimum wage required by Florida law.

58. The common questions of law involved in this case include, without limitation: (1) whether Class Members performed labor for Defendant as employees or as independent contractors; (2) whether Defendant has violated Section 24, Article X of the Florida Constitution as well as Florida Statute § 448.110 by failing to pay its driver employees at least the legally required minimum wage for each and every hour worked; and, (3) whether Plaintiff and those other persons similarly situated are entitled to general and/or special damages as a result of any of the legal violations complained of herein, and the nature of such damages.

59. The claims of the named Plaintiff in this case are typical of those of the other Class Members which she seeks to represent, in that, among other things, Plaintiff and each other Class Member have sustained damages and are facing irreparable harm because of, and arising out of, a common course of conduct engaged in by Defendant as complained of herein.

60. The claims of the named Plaintiff herein are coincident with, and not antagonistic to, the claims of other Class Members which the named Plaintiff seeks to represent.

61. The named Plaintiff herein will fairly and adequately represent and protect the interests of the members of the Putative Class which she seeks to represent. Plaintiff does not have any interests which are antagonistic to the interests of the Putative Class herein.

62. Counsel for Plaintiff herein are experienced, qualified and generally able to conduct complex class action legislation.

63. At all times relevant hereto, Section 24, Article X of the Florida Constitution as well as Florida Statute § 448.110 were, and continue to be, in full force and effect, and the Defendant herein was, and continues to be, bound thereby.

64. The relief sought in this action is necessary to restore to members of the Putative Class the money and property which Defendant has illegally acquired through the unlawful treatment of each Class Member as described herein.

65. Plaintiff intends to send notice to all members of the Putative Class to the extent required by Fed. R. Civ. P. 23. The names and addresses of the Putative Class members are available from Defendant's records.

**SECOND CLAIM FOR RELIEF (AS TO CLASS ACTION)**

**Violations of Florida Minimum Wage Act (FMWA)**

66. Plaintiff re-alleges and incorporates by reference, as though fully set forth herein, paragraphs 1-17 and 47-65 of this Complaint.

67. Plaintiff and the Class of Drivers has exhausted all of her administrative and pre-suit requirements under Fla. Stat. § 448.110. Specifically, Plaintiff and the Class of Drivers have notified Defendants of the deficiency in her wages in writing. In this written notice, Plaintiff identified the applicable State minimum wage at issue, provided actual dates and hours or accurate estimates of all of the periods for which minimum wage payment is sought, and listed the total amount of her alleged unpaid wages through the date of the notice.

68. During the statutory period, Defendants did not pay Plaintiff and the Class of Drivers the applicable Florida minimum wage, as Defendants was required to do under Section 24, Article X of the Florida Constitution as well as the FMWA.

69. As a result of the foregoing, Plaintiff has suffered damages.

**WHEREFORE**, Plaintiff and all similarly situated persons who join this collective action demand as follows:

- A. Designation of this action as a class on behalf of the Plaintiff and the prospective Class that she seeks to represent;
- B. Judgment against Defendant for an amount equal to Plaintiff's and the Class' unpaid back wages at the applicable Florida minimum wage for the class period;
- C. Judgment against Defendant stating that Defendant's violations of the Section 24, Article X of the Florida Constitution as well as the FMWA were willful;
- D. An amount equal to the Plaintiff's minimum wage damages as liquidated damages;
- E. To the extent that liquidated damages are not awarded, an award of prejudgment interest;
- F. A declaration that Defendant's practices as to Plaintiff and the Class were unlawful, and grant Plaintiff and the Class equitable relief;
- G. All costs and attorney's fees incurred in prosecuting these claims; and,
- H. For such further relief as this Court deems just and equitable.

**JURY TRIAL DEMAND**

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

Dated this 3rd day of February, 2020.

*/s/ Brandon J. Hill*

**BRANDON J. HILL**

Florida Bar Number: 0037061

**AMANDA E. HEYSTEK**

Florida Bar Number: 0285020

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**Attorneys for Plaintiff**



**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.)

**I. (a) PLAINTIFFS**

KATHLEEN SHORT

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

(c) Attorney's (Firm Name, Address, and Telephone Number)  
Brandon J. Hill, Wenzel Fenton Cabassa, P.A. 1110 N. Florida Avenue, #300, Tampa, Florida 33602, 813-337-7992

**DEFENDANTS**

UBER TECHNOLOGIES, INC.

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

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE 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 <i>or</i> 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 <i>and</i> 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 (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	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<b>PERSONAL INJURY</b> <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 <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 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
<b>REAL PROPERTY</b> <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	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<b>LABOR</b> <input 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 <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <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
- 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):  
29 U.S.C. § 216(b)

Brief description of cause:  
Class Action Fairness Act

**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: 02/03/2021 SIGNATURE OF ATTORNEY OF RECORD: /s/ Brandon J. Hill

**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.

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

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

KATHLEEN SHORT

Plaintiff(s)

v.

UBER TECHNOLOGIES, INC.

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Uber Technologies
c/o CT Corporation System, Registered Agent
1200 South Pine Island Rd.
Plantation, FL 33324

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:

Brandon J. Hill, Attorney for Plaintiff
Wenzel Fenton Cabassa, P.A.
1110 N. Florida Avenue, Ste. 300
Tampa, FL 33602
Direct Dial: (813) 337-7992
bhill@wfclaw.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:

Signature of Clerk or Deputy Clerk

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: [Lawsuit Claims Uber Drivers Misclassified as Independent Contractors, Denied Minimum Wage](#)

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