

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

DANIEL ALVARADO MARTINEZ;)
ALEXANDRO PEREZ;)
NELSON EGUIZABAL BRITO;)
CARLOS CASTRO; and)
ALEXIS MARQUEZ,)

Plaintiffs,)

v.)

FIRST CLASS INTERIORS OF NAPLES,)
LLC; JOSE ROBERTO REYES)
Individually and d/b/a)
FIRST CLASS INTERIORS)
OF NAPLES, LLC; and)
MR. DRYWALL SERVICES, LLC,)
Defendants.)

Civil Action No.: _____

COMPLAINT

Plaintiffs bring this complaint against Defendants First Class Interiors of Naples, LLC, Jose Roberto Reyes, individually and d/b/a First Class Interiors of Naples, LLC, and Mr. Drywall Services, LLC (collectively “Defendants”), on behalf of themselves and all others similarly-situated pursuant to the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201 *et seq.*, Tenn. Code Ann. § 50-1-102 (“Fraud in Hiring”), and for violation of the Internal Revenue Code, 26 U.S.C. § 7434 (“Fraudulent filing of IRS information returns”), and would allege as follows:

NATURE OF THE ACTION

1. Plaintiffs bring claims pursuant to the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201 *et seq.*, as a collective action, on behalf of themselves and all persons similarly

situated. Specifically, Plaintiffs seek redress for Defendants' willful failure to compensate them for hours worked at the applicable federal minimum wage and for failing to compensate them for hours worked in excess of 40 hours per week at one and one half times the regular hourly rate.

2. Plaintiffs additionally bring an FLSA retaliation claim pursuant to 29 U.S.C. § 215 against Defendant Reyes and First Class Interiors of Naples, LLC, as a collective action, on behalf of themselves and all persons who complained about their wages and were wrongfully terminated as a result of exercising their wage and hour rights.

3. Plaintiffs bring claims pursuant to 26 U.S.C. § 7434 against Defendants First Class Interiors of Naples, LLC and Reyes based on fraudulent filing of IRS informational returns. Specifically, these Defendants willfully filed fraudulent informational returns classifying Plaintiffs as independent contractors rather than employees. As a result, Plaintiffs have been prejudiced in the amount of wages paid due to their misclassification.

4. Plaintiff Martinez brings claims of fraud in hiring pursuant to Tenn. Code Ann. § 50-1-102 on behalf of himself and a class of employees against Defendants Reyes and First Class Interiors of Naples, LLC, for misrepresenting material facts related to their employment, for the purpose of inducing Plaintiff Martinez and similarly situated class members to move to Tennessee in reliance on those false statements.

PARTIES

5. Plaintiff Daniel Alvarado Martinez is a resident of Jefferson Parish, Louisiana. He was employed by Defendants from about July 10, 2017 until May 24, 2018.

6. Plaintiff Alexandro Perez is a resident of Davidson County, Tennessee. He was employed by Defendants from about July 1, 2017 until February 9, 2018.

7. Plaintiff Nelson Eguizabal Brito is a resident of Davidson County, Tennessee. He was employed by Defendants from about August 21, 2017 until March 31, 2018.

8. Plaintiff Carlos Castro is a resident of Davidson County, Tennessee. He was employed by Defendants from about July 30, 2017 until May 26, 2018.

9. Plaintiff Alexis Marquez is a resident of Davidson County, Tennessee. He was employed by Defendants from about August 27, 2017 until March 31, 2018.

10. Defendant Jose Roberto Reyes (“Reyes”) is a resident of the State of Florida. Upon information and belief, he is the owner of and does business as First Class Interiors of Naples, LLC.

11. Defendant First Class Interiors of Naples, LLC (“First Class”) is a Florida limited liability company with its principal place of business at 501 N.E. 5th Terrace, Suite 327 Fort Lauderdale, FL 33301. Process can be served on Defendant First Class through its registered agent, Jose Roberto Reyes, at the same address.

12. Defendant Mr. Drywall Services, LLC (“Mr. Drywall”) is a Florida limited liability company with its principal place of business at 2660 N.E. 7th Avenue Pompano Beach, FL 33064. Process can be served on Defendant Mr. Drywall through its registered agent, Rick Aghassi, at the same address.

JURISDICTION AND VENUE

13. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1332 because the parties are diverse, and pursuant to 28 U.S.C. § 1331, through the vehicle of 29 U.S.C. § 216(b), and 28 U.S.C. § 1367.

14. Venue in this judicial district is proper pursuant to 28 U.S.C. § 1391(b) because a substantial portion of the events or omissions giving rise to the claim occurred in this district,

and Defendants have conducted substantial, continuous and systematic commercial activities in this District.

FACTS

15. Defendant Mr. Drywall is a company that provides drywall hanging and interior finishing services to other construction contractors for commercial and residential projects.

16. Defendants First Class and Reyes are labor brokers who provide workers for companies such as Mr. Drywall.

17. Plaintiffs all worked on the JW Marriott hotel construction project, located at 201 8th Ave South, Nashville, TN 37203 (“Marriott Project” or “work site”).

18. Upon information and belief, the owner of the Marriott Project hired Skanska USA Building, Inc. (“Skanska”) as general contractor for construction of the hotel.

19. Upon information and belief, Skanska entered into a contract with Mr. Drywall to provide drywall and interior finishing services on the Marriott Project.

20. Upon information and belief, Mr. Drywall entered into a contract with First Class and Reyes to provide labor and other services on the Marriott Project.

21. In or around July 2017, Defendants First Class and Reyes began recruiting workers, including Plaintiffs, to perform drywall and finishing work on the Marriott Project.

22. Defendants paid different hourly pay rates to individual workers, although many were paid at \$20 per hour.

- a. Plaintiff Daniel Martinez was paid \$20 per hour.
- b. Plaintiff Alexandro Perez was paid \$19 per hour.
- c. Plaintiff Nelson Eguizabal Brito was paid \$20 per hour.
- d. Plaintiff Alexis Marquez was paid \$20 per hour.

e. Plaintiff Carlos Castro was paid \$20 per hour.

23. Defendant Reyes recruited laborers not only from Nashville, but from multiple states in the region. Reyes promised Plaintiff Martinez and similarly situated workers not only the hourly rate of pay, but also lodging in a hotel free of charge. Workers like Martinez relied on those promises and were induced to travel from their home states to Nashville for the job.

24. On the Marriott Project, Plaintiffs primarily performed drywall installation, framing, and finishing work.

25. Defendants recorded Plaintiffs' entry and exit time on the work site every day using, at first, a handwritten sign in sheet and then, later, a fingerprint scanning machine. The scanner was located at the work site entrance.

26. Each work day, Plaintiffs and other workers arrived at the work site at 6:00am. The day started with a safety meeting conducted by Skanska, followed by a meeting for Plaintiffs with Defendant Reyes. Construction work began by 7:00am.

27. At least four employees of Mr. Drywall were on site at various times during the relevant period and would instruct Plaintiffs and other workers on how to perform their job and monitor their drywall and finish work.

28. Two employees of Mr. Drywall, Richard and Silvano, provided daily monitoring and supervision of Plaintiffs and the other workers for Mr. Drywall. These men would come by to monitor Plaintiffs' progress and instruct them on what work to do up to several times per day.

29. If needed, Silvano supplied Plaintiffs with gear such as gloves and vests. Defendants Reyes, First Class, and Mr. Drywall all provided the construction materials necessary for Plaintiffs' work.

30. Every day on the work site, Defendant Reyes and Mr. Drywall employee Richard told Plaintiffs when they were allowed to break for lunch. Plaintiffs' lunch break typically lasted forty-five minutes to one hour.

31. Around 4:45pm every day, Plaintiffs and other similarly situated employees would return tools and equipment to the First Class office on the work site. After returning the tools, workers "scanned out" of work by using the fingerprint scanner. Often, the lines to "scan out" were so long that Plaintiffs were not able to leave the work site until after 5:00 PM.

32. Plaintiffs typically worked eleven (11) hours per day, minus a lunch break, for six (6) days per week, Monday through Saturday.

33. However, Defendants First Class and Reyes only paid Plaintiffs for approximately 58 hours per week. They paid Plaintiffs with a company check on a bi-weekly basis.

34. Despite regularly working more than forty (40) hours per week, Plaintiffs never received payment at a rate one and one-half times their regular hourly wage for hours worked over forty, as required by federal law.

35. Defendants First Class and Reyes paid Plaintiffs in a lump sum without taking out income tax and other withholdings. These Defendants also issued for 1099s to many Plaintiffs and other employees. Defendants knowingly misclassified Plaintiffs and other employees as independent contractors.

36. Despite not withholdings federally mandated deductions, Defendants First Class and Reyes made other, impermissible deductions from Plaintiffs' pay.

37. For example, Defendant Reyes required Plaintiff Perez to purchase drywall stilts from First Class at a cost of \$200.00. After deducting the first payment of \$100 from Plaintiff Perez's paycheck, Defendant Reyes told Plaintiff Perez he would actually have to pay \$300.00

for the drywall stilts. On or about February 9, 2018, when Plaintiff Perez objected to the changed price, Defendants Reyes and First Class fired him.

38. Similarly, Defendants Reyes and First Class deducted \$100 per month from the check of Plaintiff Martinez and other similarly situated workers from out-of-state for housing. Rather than putting them up in a hotel, however, Defendants forced groups of eight to ten out-of-town workers to share a two bedroom apartment together.

39. On or about March 31, 2018, Defendant First Class fired Plaintiffs Marquez and Brito, claiming there was no more work for them on the Marriott Project, when in fact Defendants' work on the project was ongoing.

40. Upon information and belief, it became apparent to Defendant Reyes the week of May 21, 2018 that he would not have the funds to pay Plaintiffs and other employees the paycheck due and owing for the last two weeks of work.

41. On or about May 24, 2018, as many employees began to express concerns about their pay, Defendants Reyes and First Class fired Plaintiffs Martinez and Castro and dozens of similarly situated employees.

42. Defendant Reyes told all of the employees to come back the next Tuesday, May 29th, to demand their wages from Defendant Mr. Drywall.

43. A group of approximately 80 workers arrived at the work site on Tuesday, May 29, 2018, and demanded their wages. They gathered in and outside the Marriott Project and demanded their wages from Defendants.

44. Those employees who had not been fired the previous week were effectively terminated after that meeting, as they were not allowed to return to the work site.

45. To date, none of the Defendants have paid effected workers for the last two weeks of wages owed.

46. Upon information and belief, as many as 150 workers performed drywall installation, framing, and/or finishing work on the Marriott Project during the relevant period.

FLSA COLLECTIVE ACTION ALLEGATIONS

47. At all times relevant, Plaintiffs were employed by Defendants to perform drywall installation, framing, and finishing work on the Marriott Project. Plaintiffs bring their FLSA claims as an opt-in collective action on behalf of themselves and all other similarly situated employees pursuant to 29 U.S.C. § 216(b).

48. Plaintiffs seek to represent two collective groups of similarly situated workers:

- a. All workers performing drywall installation, framing, and/or finishing work on the Marriott Project at any time in the in the last three (3) years (“Overtime Class”); and
- b. All workers performing drywall installation, framing, and/or finishing work on the Marriott Project whose employment was terminated at any time between May 21 and May 29, 2018 (“Last Paycheck Class”).

49. Defendants failed to pay Plaintiffs Castro, Martinez and all members of the Last Paycheck Class at the federal minimum wage for their final two (2) weeks of employment.

50. Defendants failed to pay all Plaintiffs and all other members of the Overtime Class one and one half times their regular hourly rate for all hours worked in excess of forty (40) per week during the relevant period. Defendants also failed to pay all Plaintiffs and all other members of the Overtime Class the federal minimum wage for all hours worked after clocking in, including hours spent attending safety meetings and performing other such work.

51. Plaintiffs and the collective group members are similarly situated, perform substantially similar labor for Defendants and are subject to Defendants' common employment practices and policies.

52. Defendants' liability under the FLSA for failing to compensate Plaintiffs and the collective group members properly is uniform across the two collective groups.

53. Defendants have willfully and intentionally engaged in a knowing and continuous pattern and practice of violating the FLSA, as detailed herein, by failing to properly compensate Plaintiffs and the collective group members.

54. As a result of Defendants' unlawful acts, Plaintiffs and collective group members have been deprived of regular rate compensation and overtime compensation in amounts to be determined at trial, and are entitled to recovery of such amounts, liquidated damages, prejudgment interest, attorneys' fees, costs, and other compensation pursuant to 29 U.S.C. § 216.

CLASS ACTION ALLEGATIONS

55. Plaintiffs bring their federal claim for fraudulent tax filing as an opt-out class action on behalf of themselves and all other similarly situated employees pursuant to 26 U.S.C. § 7434 ("Tax Fraud Class").

56. Plaintiffs bring their federal claims for fraudulent filing of IRS information returns on behalf of all similarly-situated employees who worked for Defendants performing drywall installation, framing, and/or finishing work on the Marriott Project at any time in the in the last two (2) years and were issued an IRS Form 1099 by one or more of the Defendants.

57. Upon information and belief, the Tax Fraud Class encompasses the same individuals as the Overtime Class.

58. Plaintiff Martinez additionally brings his state law claim for fraud in hiring as an opt-out class action on behalf of himself and all other similarly situated employees pursuant Tenn. Code Ann. § 50-1-102 (“Hiring Fraud Class”).

59. Plaintiff Martinez brings his Tennessee state law claim for fraud in hiring on behalf himself and all employees who relocated to Nashville from other states in order to perform drywall installation, framing, or finishing work on the Marriott Project.

60. The number and identity of the Class members are readily ascertainable from Defendants’ business records and/or the testimony of Defendants’ employees and Plaintiffs. Notice can be provided by means permissible under Fed. R. Civ. P. 23.

61. The proposed Classes are so numerous that joinder of all members is impracticable, and the disposition of their claims as a class will benefit the parties and the Court.

62. Plaintiffs’ claims are typical of those claims which could be alleged by any member of the Classes, and the relief sought is typical of the relief which would be sought by any member of the Classes in a separate action.

63. Questions of law and fact common to the Classes as a whole predominate over any questions affecting only individual Class members.

64. The questions of law and fact common to the Tax Fraud Class include, but are not limited to, the following:

- a. Whether Defendants are statutory or joint employers of Class members;
- b. Whether Defendants issued IRS Form 1099s to Class members; and
- c. Whether Defendants’ misclassification of Class members as independent contractors was willful.

65. The questions of law and fact common to the Hiring Fraud Class include, but are not limited to, the following:

- a. Whether details of pay, including reimbursement of incidentals, are facts material to the employment agreement;
- b. Whether Defendant Reyes made false statements regarding salary and out-of-pocket expenses with the intent of inducing Plaintiff Martinez and Hiring Fraud Class members to rely on those statements; and
- c. Whether Plaintiff and Hiring Fraud Class members' reliance was reasonable.

66. Plaintiffs understand the responsibilities of representation, are able to and will fairly and adequately protect the interests of the Classes, and have no interests antagonistic to those of the Classes. Plaintiffs are represented by attorneys who are experienced and competent in both class action litigation and employment litigation and have previously represented plaintiffs in wage and hour and related cases.

67. A class action is superior to other available methods for the fair and efficient adjudication of the controversy. Individual Class members are low-income, working-class persons who lack the financial resources to prosecute a lawsuit vigorously against multi-state corporate defendants individually. Class action treatment will permit a large number of similarly situated persons to prosecute their common claims in a single forum simultaneously, efficiently, and without the unnecessary duplication of efforts and expense of numerous individual actions.

68. The adjudication of individual litigation claims would result in a great expenditure of court and public resources. Treating the claims as a class action would result in a significant savings of these costs. The prosecution of separate actions by individual members of the Classes would create the risk of inconsistent and/or varying adjudications, establishing

incompatible standards of conduct for Defendants and result in the impairment of Class members' rights. Rather, because all the issues before the Court are common and could be fairly determined in a class action context, the class action is superior to any the other available method of adjudication. In addition, if appropriate, the Court can, and is empowered to, fashion methods to efficiently manage this action as a class action, including subclassing or bifurcation.

CAUSES OF ACTION

COUNT I VIOLATIONS OF THE FAIR LABOR STANDARDS ACT (29 U.S.C. §§ 206, 207)

69. Plaintiffs incorporate by reference and re-allege each and every allegation contained above, as though fully set forth herein.

70. Plaintiffs bring this claim on behalf of themselves and the Overtime Class and Last Paycheck Class pursuant to the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 201 *et seq.*

71. Upon information and belief, Defendants Mr. Drywall and First Class both have an annual dollar volume of sales that now exceeds and has exceeded \$500,000.00 at all times relevant to this Complaint.

72. Defendants bid on and engage in construction projects across multiple states and their business operations substantially affect interstate commerce.

73. Defendants are employers operating covered enterprises, as defined by 29 U.S.C. § 203, and are otherwise covered by and subject to the provisions of the FLSA.

74. Defendants are statutory and joint employers of Plaintiffs and members of the Overtime Class and Last Paycheck Class.

75. Defendants exercised control over Plaintiffs' and Class members' performance of their job duties and work schedules, provided the necessary tools and materials, and set the terms

and conditions of employment. Additionally, Defendants First Class and Reyes held out Plaintiffs and Class members as employees.

76. At all times relevant, Plaintiffs and members of both collective groups were employees of Defendants, as defined by 29 U.S.C. § 203.

77. Plaintiffs and the collective group members do not qualify as exempt employees, as defined by the FLSA or applicable Federal regulations.

78. At all times relevant, Defendants have been required to pay employees a minimum wage, pursuant to Section 6 of the FLSA, per hour of work performed.

79. Defendants failed to pay Plaintiffs and Overtime Class members the required minimum wage for each hour of work they performed throughout their employment. Further, Defendants failed to pay Plaintiffs and Last Paycheck Class members the required minimum wage for each hour of work they performed during the last pay period of employment.

80. At all times relevant, Defendants were required to pay employees “a rate not less than one and one-half times the regular rate at which [they were] employed,” for all hours worked in excess of forty (40) per work week, pursuant to Section 7 of the FLSA.

81. Defendants failed to pay Plaintiffs and Overtime Class members one and one-half times their regular wage for any and all hours worked in excess of forty (40) per work week throughout the duration of their employment.

82. Defendants have violated Sections 6 and 7 of the FLSA by failing to comply with federal minimum wage and maximum hour requirements.

83. As a result of Defendants’ unlawful conduct, Plaintiffs and collective group members have suffered and continue to suffer harm, including but not limited to lost wages and other financial loss.

84. Plaintiffs and collective group members are entitled to all remedies available for violation of the FLSA, including, but not limited to damages provided in 29 U.S.C. § 216(b).

COUNT II
FAIR LABOR STANDARDS ACT RETALIATION
(29 U.S.C. § 215)

85. Plaintiffs incorporate by reference and re-allege each and every allegation contained above, as though fully set forth herein.

86. Plaintiffs Castro and Martinez bring this claim on behalf of themselves and the Last Paycheck Class pursuant to the FLSA, 29 U.S.C. § 215, against Defendants First Class and Reyes.

87. Defendants First Class and Reyes terminated Plaintiffs and collective group members because they exercised their wage and hour rights in demanding their pay.

88. In fact, this retaliation is part of a larger pattern of retaliation suffered by other employees, such as Plaintiff Perez, as a result of complaining about their wages.

89. Each instance in which Plaintiffs, individually or in concert, expressed concerns or asked questions about their wages, ultimately culminating in a mass demand for their wages, constitutes protected activity under the FLSA.

90. Defendants' termination of Plaintiffs and collective group members is a clear, actionable adverse action.

91. Plaintiffs' and collective group members' protected activities directly and proximately caused Defendants to retaliate against them.

92. As a result of Defendants' retaliatory conduct, Plaintiffs and collective group members have suffered and continue to suffer harm, including but not limited to lost wages and earnings, moving expenses and other non-wage economic damages, and mental anguish.

93. Plaintiffs and collective group members are entitled to all remedies available for violation of the FLSA, including, but not limited to damages provided in 29 U.S.C. § 216(b).

**COUNT III
FRAUD IN HIRING
(Tenn. Code Ann. § 50-1-102)**

94. Plaintiffs incorporate by reference and re-allege each and every allegation contained above, as though fully set forth herein.

95. Plaintiff Martinez brings this claim on behalf of himself and the Hiring Fraud Class pursuant to Tenn. Code Ann. § 50-1-102 against Defendants First Class and Reyes.

96. Defendants First Class and Reyes intentionally misrepresented to Plaintiff Martinez and members of the Hiring Fraud Class the amount and character of the compensation to be paid for their work in order to induce them to relocate from their home states to Tennessee to work on the Marriott Project.

97. Those misrepresentations and false pretenses did, in fact, induce and directly cause Plaintiff Martinez and members of the Hiring Fraud Class to accept the positions offered and relocate to Tennessee.

98. Plaintiff's and the Hiring Fraud Class's reliance on Defendant Reyes's false and deceptive representations was reasonable, as the representations made were typical terms and conditions of employment and appeared to them to be in conformity with applicable laws.

**COUNT IV
FRAUDULENT FILING OF IRS INFORMATION RETURN
(26 U.S.C. § 7434)**

99. Plaintiffs incorporate by reference and re-allege each and every allegation contained above, as though fully set forth herein.

100. Plaintiffs bring this claim on behalf of themselves and the Tax Fraud Class pursuant to 26 U.S.C. § 7434 against Defendants First Class and Reyes.

101. Section 7434 of the Internal Revenue Code provides that “[i]f 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).

102. An IRS Form 1099 is an “information return” pursuant to 26 U.S.C. § 6724(d)(1)(A)(vii).

103. Defendants First Class and Reyes knowingly and willfully filed fraudulent 1099s for payments made to Plaintiffs and members of the Tax Fraud Class.

104. In doing so, Defendants knowingly and falsely represented to the federal government that Plaintiffs and members of the Tax Fraud Class were independent contractors rather than employees.

105. As a result of Defendants’ actions, Plaintiffs and members of the Tax Fraud Class have been forced to make additional tax payments and have been prejudiced in the amount of wages paid due to their misclassification.

106. Based on Defendants’ willful and fraudulent filing of 1099s, Defendants are liable to Plaintiffs and members of the Tax Fraud Class in an amount equal to the greater of \$5,000 or the sum of any actual damages sustained by Plaintiffs and members of the Tax Fraud Class as a result of such filing, the costs of this action, and reasonable attorneys’ fees. 26 U.S.C. § 7434(b).

WHEREFORE, Plaintiffs, individually and on behalf of all other similarly situated employees, request the following relief:

A. Designation of Plaintiffs as representatives of the Overtime Class;

- B. Designation of Plaintiffs Castro and Martinez as representatives of the Last Paycheck Class;
- C. Designation of Plaintiffs as representatives of the Tax Fraud Class;
- D. Designation of Plaintiff Martinez as the representative of the Hiring Fraud Class;
- E. Certification of the FLSA claims as a collective action pursuant to the FLSA § 216(b);
- F. Certification of the Fraud in Hiring claim and the Fraudulent IRS Filing claim as class actions pursuant to Fed. R. Civ. P. 23(b)(1) and (3) and/or Tenn. R. Civ. P. 23.02(1) and (3);
- G. An award of all damages, including but not limited to unpaid wages and liquidated damages, permitted by the FLSA, 29 U.S.C. § 201 *et seq.*, and supporting regulations to Plaintiffs and members of the two collective groups;
- H. An award of all damages, including but not limited to unpaid wages and benefits, statutory damages, compensatory damages, disgorgement damages, punitive damages, and any other damages permitted by law or equity to Plaintiffs and members of the two Classes;
- I. Pre- and post-judgment interest, as provided by law;
- J. Attorneys' fees and costs; and
- K. Such other legal or equitable relief as this Court shall deem just and proper.

June 25, 2018

Respectfully submitted,

/s/ Karla M. Campbell

Karla M. Campbell (BPR #27132)

Callie Jennings (BPR #35198)

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223 Rosa L. Parks Ave., 2nd Floor

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(615) 254-8801

Attorneys for Plaintiffs Daniel Alvarado Martinez, Alexandro Perez, Nelson Eguizabal Brito, Carlos Castro, Alexis Marquez And the Collective Group and Class Members

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

Daniel Alvarado Martinez; Alexandro Perez; Nelson Eguizabal Brito; Carlos Castro; and Alexis Marquez

(b) County of Residence of First Listed Plaintiff Jefferson Parish, LA
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Karla Campbell; Branstetter, Stranch & Jennings, PLLC
223 Rosa L. Parks Blvd., Suite 200
Nashville, TN 37203 615-254-8801

DEFENDANTS

First Class Interiors of Naples, LLC;
Jose Robert Reyes, Individually and DBA First Class Interiors of Naples, LLC; and Mr. Drywall Services, LLC

County of Residence of First Listed Defendant Broward Co., FL
(IN U.S. PLAINTIFF CASES ONLY)

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

Attorneys (If Known)

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

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

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

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

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

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input checked="" type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS		FEDERAL TAX SUITS	
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

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):
ACT 29 U.S.C. §§ 206, 207

Brief description of cause:
FAIR LABOR STANDARDS VIOLATION(S)

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: 06/25/2018 SIGNATURE OF ATTORNEY OF RECORD: /s/ Karla M. Campbell

FOR OFFICE USE ONLY

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INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

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

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the 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 – 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.