


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
BROWARD DIVISION

CASE NO. **07-61447**

ALEX GOMEZ, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 DIAMOND TRIUMPH AUTO )  
 GLASS, INC. d/b/a DT SUBSIDIARY )  
 CORP., )  
 )  
 Defendant. )

CIV-HURLEY

HOPKINS

FILED by  D.C.  
INTAKE  
OCT 10 2007  
CLARENCE MADDOX  
CLERK U.S. DIST. CT.  
S.D. OF FLA. • FT. LAUD.

**NOTICE OF REMOVAL**

Defendant, DT SUBSIDIARY CORP., by and through its undersigned counsel, pursuant to 28 U.S.C. §§ 1441(b) and 1446, hereby files this Notice of Removal of this action from the Circuit Court of Broward County, Florida, to the United States District Court for the Southern District of Florida, Broward Division.<sup>1</sup> The removal of this action is based upon the following:

1. On September 17, 2007, Plaintiff, Alex Gomez, filed a civil action in the Circuit Court of the Seventeenth Judicial Circuit in and for Broward County, Florida, entitled: Alex Gomez v. Diamond Triumph Auto Glass, Inc. d/b/a DT Subsidiary, Case No. 07-23494 CACE 08. The Complaint asserts a cause of action for an alleged violation of the Fair Labor Standards Act, 29 U.S.C. § 201 ("FLSA").

<sup>1</sup> DT Subsidiary Corp. is the proper defendant in this action. DT Subsidiary Corp. does business as Diamond Triumph Glass.

2. Plaintiff's action is within the original federal question jurisdiction of the United States District Court pursuant to 28 U.S.C. §§ 1331, 1441(b). See Breuer v. Jim Concrete of Brevard, Inc., 292 F.3d 1308, 1309 (11th Cir 2002) (FLSA claim filed in state court properly removable to federal court); Valdivieso v. Altas Air, Inc., 128 F. Supp. 2d 1371 (S.D. Fla. 2001), aff'd, 2002 U.S. App. LEXIS 19628 (11th Cir. Sept. 20, 2002) (same).

3. Defendant was served with the Summons and Complaint on September 20, 2007. Thus, this Notice of Removal has been filed within thirty (30) days from service and is timely filed pursuant to 28 U.S.C. § 1446(b).

4. The District and Division embracing the place where such action is pending is the United States District Court for the Southern District of Florida, Broward Division. See 28 U.S.C. § 1441(a).

5. Copies of all process, pleadings, orders and other papers or exhibits of every kind currently on file with the County Court are attached to this Notice of and Petition for Removal as Exhibit "1," as required by 28 U.S.C. § 1446(a).

6. Pursuant to 28 U.S.C. § 1446(d), Defendant has provided written Notice of the Removal to Plaintiff in this action and has filed a copy of this Notice of Removal in the Circuit Court of the Seventeenth Judicial Circuit in and for Broward County, Florida.

WHEREFORE, Defendant requests that further proceedings in the Circuit Court of the Seventeenth Judicial Circuit in and for Broward County, Florida, in Case No. 07-23494 CACE 08, be discontinued, and that this action be removed to the United States District Court for the Southern District of Florida, Broward Division.

Dated this 9<sup>th</sup> day of October, 2007.

Respectfully submitted,

JACKSON LEWIS LLP  
One Biscayne Tower, Suite 3500  
2 South Biscayne Boulevard  
Miami, Florida 33131  
Telephone: 305-577-7600  
Facsimile: 305-343-4466

By: Scott S Allen

Patrick G. DeBlasio, III, Esq.  
Florida Bar No. 871737  
Email: *deblasip@jacksonlewis.com*  
Scott S. Allen, Esq.  
Florida Bar No. 143278  
E-mail: *allens@jacksonlewis.com*  
Attorneys for Defendant, DT Subsidiary Corp.

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing document was served via facsimile and U.S. Mail on October 9, 2007 on all counsel or parties of record on the attached Service List.

Scott S Allen  
Scott S. Allen, Esq.

**SERVICE LIST**

CASE NO.: 07-23494 CACE 08

Scott M. Behren, Esq.  
E-mail: *scott@westonlawyers.com*  
The Law Offices of Freedland Farmer Russo Behren Sheller  
2843 Executive Park Drive  
Weston, Florida 33331  
Telephone: (954) 467-6400  
Facsimile: (954) 670-2530  
Attorney for Plaintiff,  
Alex Gomez

Patrick G. DeBlasio, III, Esq. (Bar No. 871737)  
E-mail: *deblasip@jacksonlewis.com*  
Scott S. Allen, Esq. (Bar No. 143278)  
E-mail: *allens@jacksonlewis.com*  
JACKSON LEWIS LLP  
One Biscayne Tower, Suite 3500  
2 South Biscayne Boulevard  
Miami, Florida 33131  
Telephone: (305) 577-7600  
Facsimile: (305) 373-4466  
Attorneys for Defendant,  
DT Subsidiary Corp.

# EXHIBIT "1"

IN THE CIRCUIT COURT OF THE 17<sup>th</sup>  
JUDICIAL CIRCUIT IN AND FOR BROWARD  
COUNTY, FLORIDA

CASE NO.

ALEX GOMEZ,

Plaintiff,

vs.

DIAMOND TRIUMPH AUTO  
GLASS, INC. d/b/a  
DT SUBSIDIARY CORP.

Defendant.

072349A

08

492  
9.20.07

8:30AM

**CIVIL ACTION SUMMONS**  
(En Espanol) (Francais)

THE STATE OF FLORIDA:

To Each Sheriff of the State:

YOU ARE COMMANDED to serve this Summons and a copy of the Complaint of this lawsuit on Defendant,

**DIAMOND TRIUMPH AUTO GLASS, INC. n/k/a DT SUBSIDIARY CORP.**  
**By Serving its Registered Agent: NRAI Services, Inc.**  
2731 Executive Park Drive  
Suite 4  
Weston, FL 33331

A lawsuit has been filed against you. You have 20 calendar days after this summons is served on you to file a written response to the attached Complaint with the clerk of this court. A phone call will not protect you; your written response, including the case number given above and the names of the parties, must be filed if you want the Court to hear your side of the case. If you do not file your response on time, you may lose the case, and your wages, money and property may thereafter be taken without further warning from the Court. There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may call an attorney referral service or legal aid office (listed in the phone book).

If you chose to file a written response yourself, at the same time you file your

written response to the Court, located at:

Broward County Courthouse  
Clerk of the Court  
201 S.E. Sixth Street  
Fort Lauderdale, Florida 33301

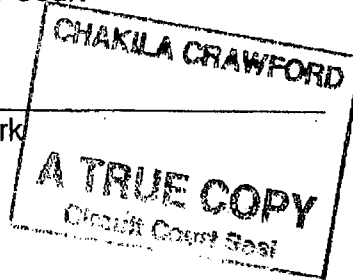
you must also mail or take a copy of your written responses to the "Plaintiff/Plaintiff's Attorney" named below.

**SEP 17 2007**

WITNESS my hand and the seal of this Court on this \_\_\_\_ day of \_\_\_\_\_ 2007.

HOWARD C. FORMAN  
As Clerk of the Court

By: \_\_\_\_\_  
As Deputy Clerk



Plaintiffs' Attorney:  
Scott M. Behren, Esq.  
THE LAW OFFICES OF  
FREEDLAND FARMER RUSSO BEHREN SHELLER  
2843 Executive Park Drive  
Weston, Florida 33331  
Telephone: (954) 467-6400

Usted ha sido demandado legalmente. Tiene veinte (20) días, contados a partir del recibo de esta notificación, para contestar la demanda adjunta, por escrito, y presentarla ante este tribunal. Una llamada telefónica no lo protegerá; si usted desea que el tribunal considere su defensa, debe presentar su respuesta por escrito, incluyendo el número del caso y los nombres de las partes interesadas en dicho caso. Si usted no contesta la demanda a tiempo, pudiese perder el caso y podría ser despojado de sus ingresos y propiedades, o privado de sus derechos, sin previo aviso del tribunal. Existen otros requisitos legales. Si lo desea, puede usted consultar a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a una de las oficinas de asistencia legal que aparecen en la guía telefónica.

Si desea responder a la demanda por su cuenta, al mismo tiempo en que presenta su respuesta ante el tribunal, deberá usted enviar por correo o entregar una copia de su respuesta a la persona denominada abajo como "Attorney's for Plaintiff." (Demandante o Abogado de Demandante).

---

Des poursuites judiciaires ont été entreprises contre vous. Vous avez 20 jours consécutifs à partir de la date de l'assignation de cette citation pour déposer une réponse écrite à la plainte ci-jointe auprès de ce Tribunal. Un simple coup de téléphone est insuffisant pour vous protéger; vous êtes obligé de déposer votre réponse écrite, avec mention du numéro de dossier ci-dessus et du nom des parties nommées ici, si vous souhaitez que le Tribunal entende votre cause. Si vous ne déposez pas votre réponse écrite dans le délai requis, vous risquez de perdre la cause ainsi que votre salaire, votre argent, et vos biens peuvent être saisis par la suite, sans aucun préavis ultérieur du Tribunal. Il y a d'autres obligations juridiques et vous pouvez requérir les services immédiats d'un avocat. Si vous ne connaissez pas d'avocat, vous pourriez téléphoner à un service de référence d'avocats ou à un bureau d'assistance juridique (figurant à l'annuaire de téléphones).

Si vous choisissez de déposer vous-même une réponse écrite, il vous faudra également, en même temps que cette formalité, faire parvenir ou expédier une copie au carbone ou une photocopie de votre réponse écrite à "Attorneys for Plaintiff" (Plaignant ou à son avocat nommé ci-dessous.)

IN THE CIRCUIT COURT OF THE 17<sup>th</sup>  
JUDICIAL CIRCUIT IN AND FOR BROWARD  
COUNTY, FLORIDA

CASE NO.

ALEX GOMEZ,

Plaintiff,

vs.

DIAMOND TRIUMPH AUTO  
GLASS, INC. d/b/a  
DT SUBSIDIARY CORP.

Defendant.

08

0723494

A TRUE COPY

SEP 17 2007

CLERK OF COURT

**REPRESENTATIVE WAGE AND HOUR ACTION**  
**UNDER THE FAIR LABOR STANDARDS ACT**

The Representative Wage and Hour Action under the Fair Labor Standards Act on behalf of Alex Gomez ("Gomez"), on behalf of himself and similarly situated employees of Defendant avers as follows:

1. Gomez brings this action under the Fair Labor Standards Act of 1938 ("FLSA"), as amended, 29 U.S.C. *et. seq.* to recover for himself and similarly situated employees overtime wages, and additional amount as liquidated damages, pre-judgment and post-judgment interest, costs and expenses of litigation and reasonable attorneys' fees.

**Jurisdiction**

2. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1331 because the matter arises under the laws of the United States of America, specifically the Fair Labor Standards Act of 1938.

**Parties**

3. Plaintiff herein Gomez is a person of full age majority, domiciled and residing in Broward County, Florida.

4. At all material times hereto, Gomez, as well as those similarly situated, were employees of Defendants and frequently worked in excess of forty hours per week and were not paid "time and a half."

5. Pursuant to 29 U.S.C. § 216 (b), Martin is proceeding for and on behalf of himself and others similarly situated.

6. Gomez anticipates that additional employees, both present and former, of Defendants will file written consents pursuant to 29 U.S.C. § 216 (b) to join as party plaintiffs in this action.

7. Defendant, Diamond Triumph Auto Glass, Inc. n/k/a DT Subsidiary Corp. ("Diamond"), is a Florida Corporation doing business in Broward County, Florida.

8. At all relevant times hereto, Defendant was an enterprise engaged in commerce pursuant to the FLSA. It directed and controlled the terms, conditions, activities, duties and responsibilities of Plaintiff and similarly situated employees employment and hence were their employer or joint employer under the FLSA.

9. At all relevant times hereto, Defendant had at least one employee engaged in "interstate commerce" under the FLSA.

10. At all relevant times hereto, Defendant had combined annual gross receipts exceeding \$500,000.00.

11. At all relevant times hereto, Defendant was an integrated enterprise under

the FLSA with common and/or overlapping ownership and direction.

**Facts**

12. Plaintiff worked in shipping and receiving for Defendant.

13. Plaintiff frequently worked over forty hours a week and was not compensated for same. In addition, Plaintiff frequently was required to work through lunch breaks and off the clock and was not compensated for same.

14. Plaintiff is aware of other similarly situated employees who were not paid overtime for hours worked in excess of forty.

**Count I-Fair Labor Standards Act Overtime Claims and Retaliation**

15. The allegations contained in paragraphs 1 through 14 are reasserted and incorporated by reference herein.

16. Pursuant to 29 U.S.C. § 207, all Defendants were required not to employ Plaintiff and similarly situated employees, for a workweek longer than forty hours without paying compensation for their employment at rates not less than one and one-half times the employee's regular rates of pay.

19. During the employment of Plaintiff and similarly situated employees, Plaintiff and similarly situated employees frequently worked in excess of forty hours in a work week.

20. However, all Defendants, negligently and without good faith knowingly, intentionally and/or in bad faith, failed to pay them all overtime compensation in violation of the FLSA, including 29 U.S.C. §207(a).

21. Pursuant to 29 U.S.C. § 216 (b), Plaintiff and similarly situated employees are entitled to recover from all Defendants their unpaid overtime compensation, additional

equal amounts as liquidated damages, pre-judgment and post-judgment interest and are entitled to over appropriate legal and equitable relief in the premises, all costs of these proceedings and attorneys' fees.

WHEREFORE, Plaintiff, demands judgment against Defendant for compensatory damages (unpaid overtime), liquidated damages (double damage), attorneys' fees and court costs pursuant to the FLSA and for such other and further relief as this Court deems just and proper.

**Demand for Jury Trial**

Plaintiff demands a trial by jury of all issues so triable.

Dated \_\_\_\_\_

9/12/07

LAW OFFICES OF  
FREEDLAND FARMER RUSSO BEHREN & SHELLER  
2843 Executive Park Drive  
Weston, Florida 33331  
Telephone: (954) 467-6400

By: \_\_\_\_\_

Scott M. Behren  
Florida Bar No. 987786

**NATIONAL REGISTERED AGENTS, INC.**

**SERVICE OF PROCESS SUMMARY TRANSMITTAL FORM**

To: RICHARD WOODITCH (SENIOR VICE PRESIDENT & CFO)  
DIAMOND GLASS, INC.  
220 DIVISION STREET  
KINGSTON, PA 18704

SOP Transmittal # **FL50692**

(800) 767-1553 - Telephone  
(609) 716-0820 - Fax

Defendant: DIAMOND TRIUMPH AUTO GLASS, INC. (dba for DIAMOND GLASS, INC.)  
(Entity Served)

Enclosed herewith are legal documents received on behalf of the above captioned entity by National Registered Agents, Inc. or its Affiliate in the State of **FLORIDA** on this **20** day of **September**, 2007. The following is a summary of the document(s) received:

1. **Title of Action:** Alex Gomez vs Diamond Triumph Auto Glass, Inc

2. **Document(s) served:**

- |   |  |   |
|---|--|---|
| <input checked="" type="checkbox"/> Summons   | <input type="checkbox"/> Subpoena              | <input type="checkbox"/> Injunction     |
| <input checked="" type="checkbox"/> Complaint | <input type="checkbox"/> Third Party Complaint | <input type="checkbox"/> Notice of      |
| <input type="checkbox"/> Petition             | <input type="checkbox"/> Demand for Jury Trial | <input type="checkbox"/> Mechanics Lien |
| <input type="checkbox"/> Garnishment          | <input type="checkbox"/> Default Judgement     | <input type="checkbox"/> Other:         |

3. **Court of Jurisdiction/** In the circuit court of the 17th judicial in and for Broward County  
**Case & Docket Number:** 0723494

4. **Amount Claimed, if any:**

5. **Method of Service** (select one):

- |   |  |  |  |
|---|--|--|--|
| <input checked="" type="checkbox"/> Personally served by: | <input checked="" type="checkbox"/> Process Server             | <input type="checkbox"/> Deputy Sheriff                      | <input type="checkbox"/> U. S Marshall |
| <input type="checkbox"/> Delivered Via:                   | <input type="checkbox"/> Certified Mail<br>(Envelope enclosed) | <input type="checkbox"/> Regular Mail<br>(Envelope enclosed) | <input type="checkbox"/> Facsimile     |
| <input type="checkbox"/> Other (Explain):                 |  |  |  |

6. **Date and Time of Service:** 9/20/2007 8:52:08 AM EST (GMT -5)

7. **Appearance/Answer Date:** 20 Days

8. **Plaintiff's Attorney:** The Law Offices of Freeland, Farmer & Russo  
(Name, Address & Telephone Number) 2843 Executive Park Drive  
Weston, FL 33331

9. **Federal Express Airbill #** 798767703624

10. **Call Made to:** VM - RICHARD WOODITCH  
(SENIOR VICE PRESIDENT & CFO)

11. **Special Comments:**

NATIONAL REGISTERED AGENTS, INC.

Copies To:

Transmitted by: Karen Redman

The information contained in this Summary Transmittal Form is provided by National Registered Agents, Inc. for informational purposes only and should not be considered a legal opinion. It is the responsibility of the parties receiving this form to review the legal documents forwarded and to take appropriate action.

ORIGINAL

**NATIONAL REGISTERED AGENTS, INC.**

**SERVICE OF PROCESS SUMMARY TRANSMITTAL FORM**

To: RICHARD WOODITCH (SENIOR VICE PRESIDENT & CFO)  
DIAMOND GLASS, INC.  
220 DIVISION STREET  
KINGSTON, PA 18704

SOP Transmittal # **FL50692**  
  
(800) 767-1553 - Telephone  
(609) 716-0820 - Fax

Defendant: DIAMOND TRIUMPH AUTO GLASS, INC. (dba for DIAMOND GLASS, INC.)  
(Entity Served)

Enclosed herewith are legal documents received on behalf of the above captioned entity by National Registered Agents, Inc. or its Affiliate in the State of **FLORIDA** on this **20** day of **September**, 2007. The following is a summary of the document(s) received:

1. **Title of Action:** Alex Gomez vs Diamond Triumph Auto Glass, Inc

2. **Document(s) served:**

- |   |  |   |
|---|--|---|
| <input checked="" type="checkbox"/> Summons   | <input type="checkbox"/> Subpoena              | <input type="checkbox"/> Injunction     |
| <input checked="" type="checkbox"/> Complaint | <input type="checkbox"/> Third Party Complaint | <input type="checkbox"/> Notice of      |
| <input type="checkbox"/> Petition             | <input type="checkbox"/> Demand for Jury Trial | <input type="checkbox"/> Mechanics Lien |
| <input type="checkbox"/> Garnishment          | <input type="checkbox"/> Default Judgement     | <input type="checkbox"/> Other:         |

3. **Court of Jurisdiction/** In the circuit court of the 17th Judicial in and for Broward County  
**Case & Docket Number:** 0723494

4. **Amount Claimed, if any:**

5. **Method of Service** (select one):

- |   |  |   |  |
|---|--|---|--|
| <input checked="" type="checkbox"/> Personally served by: | <input checked="" type="checkbox"/> Process Server | <input type="checkbox"/> Deputy Sheriff | <input type="checkbox"/> U. S Marshall |
| <input type="checkbox"/> Delivered Via:                   | <input type="checkbox"/> Certified Mail            | <input type="checkbox"/> Regular Mail   | <input type="checkbox"/> Facsimile     |
|   | <small>(Envelope enclosed)</small>                 | <small>(Envelope enclosed)</small>      |  |
| <input type="checkbox"/> Other (Explain):                 |  |   |  |

6. **Date and Time of Service:** 9/20/2007 8:52:08 AM EST (GMT -5)

7. **Appearance/Answer Date:** 20 Days

8. **Plaintiff's Attorney:** The Law Offices of Freeland, Farmer & Russo  
(Name, Address & Telephone Number)  
2843 Executive Park Drive  
Weston, FL 33331

9. **Federal Express Airbill #** 798767703624

10. **Call Made to:** VM - RICHARD WOODITCH  
(SENIOR VICE PRESIDENT & CFO)

11. **Special Comments:**

**NATIONAL REGISTERED AGENTS, INC.**

**Copies To:**

Transmitted by: Karen Redman

The information contained in this Summary Transmittal Form is provided by National Registered Agents, Inc. for informational purposes only and should not be considered a legal opinion. It is the responsibility of the parties receiving this form to review the legal documents forwarded and to take appropriate action.

**ACKNOWLEDGEMENT COPY**

IN THE CIRCUIT COURT OF THE 17<sup>TH</sup>  
JUDICIAL CIRCUIT IN AND FOR  
BROWARD COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

ALEX GOMEZ, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 DIAMOND TRIUMPH AUTO )  
 GLASS, INC. d/b/a DT SUBSIDIARY )  
 CORP., )  
 )  
 Defendant. )

CASE NO.: 07-23494 CACE 08

**NOTICE OF FILING NOTICE OF REMOVAL**

Defendant, DT SUBSIDIARY CORP.,<sup>1</sup> by and through its undersigned counsel,  
files this Notice of Filing Notice of Removal, as follows:

1. On September 20, 2007, Plaintiff served Defendant with the Summons and Complaint in this matter.
2. On October 9, 2007, Defendant submitted a Notice of Removal to the United States District Court for the Southern District of Florida, Broward Division. A copy of that Notice is attached hereto as Exhibit "A."

[THIS PAGE INTENTIONALLY LEFT SHORT]

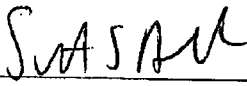
<sup>1</sup> DT Subsidiary Corp. is the proper defendant in this action. DT Subsidiary Corp. does business as Diamond Triumph Glass

CASE NO.: 06-7714 CC 25

Dated this 9<sup>th</sup> day of October, 2007.

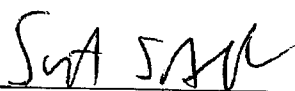
Respectfully submitted,

JACKSON LEWIS LLP  
One Biscayne Tower, Suite 3500  
2 South Biscayne Boulevard  
Miami, Florida 33131  
Telephone: 305-577-7600  
Facsimile: 305-343-4466

By:   
Patrick G. DeBlasio, III, Esq.  
Florida Bar No. 871737  
Email: *deblasip@jacksonlewis.com*  
Scott S. Allen, Esq.  
Florida Bar No. 143278  
E-mail: *allens@jacksonlewis.com*  
Attorneys for Defendant, DT Subsidiary Corp.

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing document was provided by facsimile and U.S. Mail to: **Scott M. Behren, Esq.**, The Law Offices of Freedland Farmer Russo Behren Sheller, 2843 Executive Park Drive, Weston, FL 33331 on the 9<sup>th</sup> day of October, 2007.

  
Scott S. Allen, Esq.

# 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) PLAINTIFF: Alex Gomez**

**DEFENDANT: Diamond Triumph Auto Glass, Inc. d/b/a DT Subsidiary Corp.**

**(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Broward**  
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT **Broward**  
(IN U.S. PLAINTIFF CASES ONLY)

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

**(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)**  
**Scott M. Behren, Esq.**  
**The Law Offices of Freedland Farmer Russo Behren Sheller**  
**2843 Executive Park Drive**  
**Weston, FL 33331**  
**(954) 467-6400**

**ATTORNEYS (IF KNOWN)**  
**Patrick G. DeBlasio, III, Esq.**  
**Scott S. Allen, Esq.**  
**Jackson Lewis LLP**  
**One Biscayne Tower, Suite 3500**  
**2 South Biscayne Blvd.**  
**Miami, Florida 33131**  
**(305) 577-7600**

FILED by INTAKE W D.C.  
 OCT 10 2007  
 CLARENCE MADDOX  
 INDIAN RIVERS COUNTY PROBATE LAUD.

**07-61447**

HOPKINS  
 CIV-HURLEY

**(d) CIRCLE COUNTY WHERE ACTION AROSE: Broward**, MONROE, BROWARD, PALM BEACH, MARTIN, ST. LUCIE, INDIAN RIVERS, OSCEOLA, HIGHLANDS

**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. ORIGIN**

- 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

**V. NATURE OF SUIT** (PLACE AN "X" IN ONE BOX ONLY)

A CONTRACT	A TORTS	FORFEITURE/PENALTY	A BANKRUPTCY	A 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	<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	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>A PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Exchange Challenge 12 USC 3410 <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 <input type="checkbox"/> 890 Other Statutory Actions A OR B
<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 type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <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>A LABOR</b> <input checked="" type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<b>B SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DMVCDWW (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

**VI. CAUSE OF ACTION** (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

**Alleged unpaid overtime compensation under the Fair Labor Standards Act, 29 U.S.C. § 201**

LENGTH OF TRIAL  
 Via 4 days estimated (for both sides to try entire case)

**VII. REQUESTED IN COMPLAINT:** CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23  DEMAND \$ NOT STATED JURY DEMAND:  YES  NO

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

JUDGE RONALD J. ROTHSCHILD

DOCKET NUMBER 07-23494 (08)

DATE 10/09/07 SIGNATURE OF ATTORNEY OF RECORD

*SVA SAN*

FOR OFFICIAL USE ONLY

RECEIPT # AMOUNT 35000 APPLYING IFP JUDGE MAG. JUDGE

541226