

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

-----  
ALEXA ONATE MELECIO, *individually* :  
*and on behalf of all others similarly* :  
*situated,* :

Plaintiff, :

v. :

NESHAMINY SW LLC d/b/a :  
SALADWORKS :

and :

OHRAN G. VELI :

Defendants. :

Civil Action No.: \_\_\_\_\_

**JURY TRIAL DEMANDED**

**COLLECTIVE AND CLASS ACTION COMPLAINT**

Plaintiff, Alexa Onate Melecio (“Plaintiff”), by and through her attorneys, BROWN, LLC, hereby brings this Collective and Class Action Complaint against Defendant Neshaminy SW LLC d/b/a Saladworks (“Defendant Saladworks”) and Defendant Ohran G. Veli (“Defendant Veli”) (collectively referred to as “Defendants”), and alleges, upon personal belief as to her own acts, and upon information and belief as to the acts of others, as follows:

**NATURE OF THE ACTION**

1. Plaintiff brings this action contending that Defendants unlawfully failed to pay individuals in the position of “Assistant Manager” wages and overtime compensation pursuant to the requirements of the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201, *et seq.*

2. Additionally, Plaintiff brings this action individually and as a Rule 23 class action on behalf of Assistant Managers to recover wages and overtime compensation, liquidated damages, pre- and post-judgment interest, and reasonable attorneys’ fees and costs as a result of Defendants’

violations of the Pennsylvania Minimum Wage Act (“PMWA”), 43 P.S. § 333.100, *et seq.*, and the Pennsylvania Wage Payment and Collection Law (“WPCL”), 43 P.S. § 260.1, *et seq.*, as well as certain wages and benefits under the WPCL.

3. Defendants maintain and operate SaladWorks franchises which provide food-and-beverage services to customers.

4. Plaintiff is a former employee of Defendants who was employed in the position of Assistant Manager.

5. During the course of her employment, Defendants unlawfully failed to pay Assistant Managers for overtime compensation for work performed in excess of forty (40) hours during a workweek.

6. Assistant Managers regularly worked more than forty (40) hours per workweek but were not paid an overtime premium of 1.5 times their regular rate of pay for each hour worked in excess of forty (40) hours in a workweek in violation of the FLSA.

7. Defendants classified Assistant Managers as exempt from overtime pay pursuant to the FLSA.

8. Defendants willfully misclassified Assistant Managers as exempt from overtime pay pursuant to the FLSA despite knowing that Assistant Managers do/did not fall within any of the FLSA’s exemptions to the statutes overtime pay requirements.

9. Plaintiff seeks unpaid overtime wages and liquidated damages pursuant to the FLSA on behalf of herself and the “FLSA Collective,” defined as: *all current and former Assistant Managers who worked for Defendants in the United States at any time within the three (3) years preceding the commencement of this action and the date of judgment. See 29 U.S.C. §§ 207(a)(1); 216(b).*

10. Plaintiff seeks unpaid overtime wages, pre- and post-judgment interest, and liquidated damages pursuant to the PMWA and WPCL on behalf of herself and the “Rule 23 Pennsylvania Class” defined as: *all current and former Assistant Managers who worked for Defendant in the Commonwealth of Pennsylvania at any time within the three (3) years preceding the commencement of this action and the date of judgment.*

### **JURISDICTION AND VENUE**

11. This Court has jurisdiction over this action pursuant to 29 U.S.C. § 216(b), which provides, in relevant part, that suit under the FLSA “may be maintained against any employer . . . in any Federal or State court of competent jurisdiction.” *See* 29 U.S.C. § 216(b).

12. This Court also has federal question jurisdiction over this action pursuant to 28 U.S.C. § 1331, as it is an action arising under the laws of the United States.

13. This Court has supplemental jurisdiction over the Pennsylvania wage-and-hour claims pursuant to 28 U.S.C. § 1367 because they are part of the same case and controversy as Plaintiff’s federal claims.

14. This Court may properly maintain personal jurisdiction over Defendants because Defendants reside in this state and because Plaintiff’s claims arise from Defendants’ contacts with this state.

15. The venue in this district is proper pursuant to 28 U.S.C. § 1391(b), as the parties reside in this judicial district, doing business therein and the unlawful practices of which Plaintiff is complaining were committed in the Commonwealth of Pennsylvania.

### **PARTIES**

16. Plaintiff Alexa Onate Melecio is a resident of Levittown, Pennsylvania.

17. Plaintiff was employed by Defendants from approximately July 2021 to December 2023.

18. Plaintiff was employed by Defendants in the position of Assistant Manager from approximately May 2023 to December 2023.

19. Plaintiff worked at Defendants' Saladworks store in Langhorne, Pennsylvania throughout her employment.

20. Defendant Neshaminy SW LLC d/b/a Saladworks is a limited liability company duly organized and existing in the Commonwealth of Pennsylvania with a headquarters located at 9353 Banes Street, Unit B, Philadelphia, PA 19115.

21. Defendant Veli is the owner of Defendant Neshaminy SW LLC d/b/a Saladworks.

22. Defendant Veli is a resident of the Commonwealth of Pennsylvania and maintains an office located at 9353 Banes Street, Unit B, Philadelphia, PA 19115.

23. Defendant Veli has directed employment practices of Defendant Saladworks.

24. Defendant Veli has directly or indirectly acted in the interest of Defendant Saladworks.

25. Defendant Veli has directly or indirectly acted in the interest of Defendant Saladworks in relation to its employees at all times relevant herein.

26. Defendant Veli has directly or indirectly acted in the hiring and firing employees.

27. Defendant Veli has directly or indirectly acted in relation to setting employees' conditions of employment.

28. Defendant Veli has directly or indirectly acted in relation to setting employees' schedules.

29. Defendant Veli has directly or indirectly acted in relation to setting employees' rates and methods of compensation.

30. Defendant Veli has directly or indirectly acted in relation to distributing payroll.

31. Defendant Veli has directly or indirectly acted in supervising employees day-to-day.

32. At all times relevant, Defendants acted or failed to act through its agents, servants, and/or employees thereto existing, each of whom acted at all times relevant hereto in the course and scope of the employment and for Defendants.

### **GENERAL ALLEGATIONS**

33. The foregoing paragraphs are hereby incorporated by reference as though fully set forth at length herein.

34. Defendants' gross annual sales has been in excess of \$500,000 at all relevant times.

35. Defendants are an "[e]nterprise engaged in commerce or in the production of goods for commerce" within the meaning of the FLSA, 29 U.S.C. § 203(s) because they have employees engaged in commerce as well as employees handling, selling, or otherwise working on goods or materials that have been moved in or produced for commerce.

36. Additionally, Defendants have had two (2) or more employees handling, selling, or otherwise working with or on goods or materials that have been moved in or produced for commerce.

37. Defendants have engaged in ordinary commercial activities within the meaning of the FLSA that result in sales made or business done.

38. Defendants operate stores providing food services including the selling and preparing/making of salads and other food items in the Commonwealth of Pennsylvania.

39. Defendants operate stores providing food services including the selling and preparing/making of salads and other food items in the State of New Jersey.

40. Defendants operate approximately nine (9) food and beverage stores conducting business as “Saladworks.”

41. Specifically, Defendants’ Saladworks locations include Freehold, NJ, Wayne, NJ, Tom’s River, NJ, Galloway Twp, NJ, Huntingdon, PA, Broomall, PA, Langhorne, PA, and Philadelphia, PA.

42. Defendants employ Assistant Managers, who, *inter alia*, clean, prepare, and make salads, as well as general customer service (e.g., operate cashier and take customer orders).

43. Assistant Managers do/did not qualify for any exemptions under the FLSA.

44. Defendants misclassified Assistant Managers as exempt from overtime pay under the FLSA.

45. Defendants regularly suffered and permitted Assistant Managers to work more than forty (40) hours per workweek,

46. Defendants did not pay Assistant Managers an overtime premium of 1.5 times their regular rate of pay for each hour worked in excess of forty (40) hours in a workweek in violation of the FLSA.

47. Defendants willfully misclassified Assistant Managers as exempt from overtime pay under the FLSA, despite knowing that the primary job duties of Assistant Managers do/did not fall within any of the FLSA’s exemptions to the statute’s overtime pay requirements.

48. Defendants are aware, or should have been aware, that Assistant Managers were performing non-exempt work that required payment of overtime compensation.

49. At all times relevant hereto, Assistant Managers are/were “non-exempt” employees under the FLSA and entitled to receive overtime compensation at a rate of 1.5 times their regular rate of pay for all hours worked over forty (40) in a workweek.

50. As a result of Defendants’ aforesaid actions, Assistant Managers have suffered damages.

51. During the week beginning December 11, 2023 and ending December 17, 2023, Plaintiff worked over forty (40) hours but did not receive overtime compensation for the hours worked over forty (40) in a workweek.

52. As a result of Defendants’ deliberate, willful, malicious, and unlawful actions, Plaintiff has suffered damages.

**FLSA COLLECTIVE ACTION ALLEGATIONS**

53. The foregoing paragraphs are hereby incorporated by reference as though fully set forth at length herein.

54. This action is brought as a collective action to recover unpaid compensation and overtime compensation, liquidated damages, unlawfully withheld wages, statutory penalties, and damages owed to Plaintiff and all similarly situated current and former employees of Defendants.

55. Pursuant to 29 U.S.C. § 216(b) of the FLSA, Plaintiff brings this action individually and on behalf of:

*All current and former Assistant Managers who worked for Defendant in the United States at any time within the three (3) years preceding the commencement of this action and the date of judgment (“FLSA Collective”).*

56. Plaintiff reserves the right to amend this definition as necessary.

57. With respect to the claims set forth in this action, a collection action under the FLSA is appropriate because the putative members of the FLSA Collective are “similarly situated” to

Plaintiff under 29 U.S.C. § 216(b) because: (a) they have been or are employed in the same or similar positions; (b) they were or are subject to the same or similar unlawful practices, policy, or plan; and (c) their claims are based upon the same factual and legal theories.

58. The employment relationship between Defendants and every FLSA Collective member is the same and differ only by name, location, and rate of pay. The key issues – whether Defendants failed to pay Assistant Managers overtime compensation for hours worked in excess of forty (40) in a workweek – do not vary substantially among the FLSA Collective members.

59. The precise number of the FLSA Collective members should be readily available from a review of Defendants’ personnel and payroll records. The FLSA Collective members may be informed of the pendency of this collective action by direct mail, e-mail, and text message.

60. Plaintiff will request the Court to authorize notice to all current and former similarly situated employees employed by Defendants, informing them of the pendency of this action and their right to “opt-in” to this lawsuit pursuant to 29 U.S.C. § 216(b), for the purpose of seeking unpaid compensation, overtime compensation, and liquidated damages under the FLSA.

**RULE 23 PENNSYLVANIA CLASS ACTION ALLEGATIONS**

61. The foregoing paragraphs are hereby incorporated by reference as though fully set forth at length herein.

62. Plaintiff brings this action individually, and on behalf of the following state-wide class of similarly situated individuals, pursuant to Rule 23 of the Federal Rules of Civil Procedure:

*All current and former Assistant Managers who worked for Defendant in the Commonwealth of Pennsylvania at any time within the three (3) years preceding the commencement of this action and the date of judgment (“Rule 23 Pennsylvania Class”).*



63. The members of the Rule 23 Pennsylvania Class are so numerous that joinder of all members is impractical. The Rule 23 Pennsylvania Class members may be informed of the pendency of this action by direct mail, e-mail, and text message.

64. Pursuant to Federal Rule of Civil Procedure 23(a)(2), there are questions of law and fact common to the Rule 23 Pennsylvania Class, including, but not limited to:

A. Whether the Rule 23 Pennsylvania Class members worked more than forty (40) hours in a workweek;

B. Whether the Rule 23 Pennsylvania Class members were misclassified as employees exempt from overtime compensation;

C. Whether Rule 23 Pennsylvania Class members are owed overtime (above the federally mandates overtime wages due under the FLSA) for hours worked in excess of forty (40) in a workweek; and

D. Whether Rule 23 Pennsylvania Class members are entitled to overtime compensation and, if so, the appropriate amount thereof.

65. Plaintiff's claims are typical of the claims of the Rule 23 Pennsylvania Class members. Plaintiff is a former employee of Defendants and was employed as an Assistant Manager who has suffered similar injuries as those suffered by the Rule 23 Pennsylvania Class members as a result of Defendants' failure to pay wages and overtime compensation. Defendants' conduct of violating the PMWA and WPCL has impacted the Rule 23 Pennsylvania Class in the exact same way.

66. Plaintiff will fairly and adequately represent and protect the interests of the Rule 23 Pennsylvania Class. Plaintiff is similarly situated to the Rule 23 Pennsylvania Class and has not conflict with the Rule 23 Pennsylvania Class members.

67. Plaintiff is committed to pursuing this action and has retained competent counsel experienced in class action litigation.

68. Pursuant to Rule 23(b)(1), (b)(2), and/or (b)(3) of the Federal Rules of Civil Procedure, this action is properly maintained as a class action because:

A. The prosecution of separate actions by or against individual members of the Rule 23 Pennsylvania Class would create a risk of inconsistent or varying adjudication with respect to individual members of the Rule 23 Pennsylvania Class that would establish incompetent standards of conduct for Defendants;

B. Defendants, by failing to pay wages and overtime compensation when they became due and owing in violation of the PMWA and WPCL, has acted or refused to act on grounds generally applicable to the Rule 23 Pennsylvania Class, thereby making equitable relief appropriate with respect to the Rule 23 Pennsylvania Class as a whole; and

C. The common questions of law and fact set forth above applicable to the Rule 23 Pennsylvania Class predominate over any questions affecting only individual members and a class action is superior to other available methods for the fair and efficient adjudication of the case, especially with respect to consideration of consistency, economy, efficiency, fairness and equity, as compared to other available methods for the fair and efficient adjudication of the controversy.

69. A class action is also superior to other available means for the fair and efficient adjudication of this controversy because individual joinder of parties is impractical. The Rule 23 Pennsylvania Class action treatment will allow a large number of similarly situated persons to prosecute their common claims in a single forum, simultaneously, efficiently, and without the unnecessary duplication of effort and expense if these claims were brought individually.

70. Additionally, the damages suffered by each Rule 23 Pennsylvania Class member may be relatively small, the expenses and burden of individual litigation would make it difficult for the Rule 23 Pennsylvania Class members to bring individual claims. The presentation of separate actions by individual Rule 23 Pennsylvania Class members could create a risk of inconsistent and varying adjudications, establish incompatible standards of conduct for Defendants, and/or substantially impair or impede the ability of each member of the Rule 23 Pennsylvania Class to protect his or her interests.

**COUNT I**  
**FAIR LABOR STANDARDS ACT**  
**29 U.S.C. § 201, et seq.**  
**FAILURE TO PAY OVERTIME COMPENSATION**  
***(Brought Individually and on a Collective Basis)***

71. The foregoing paragraphs are hereby incorporated by reference as though fully set forth at length herein.

72. Pursuant to Section 206(b) of the FLSA, employees must be compensated for every hour worked in a workweek.

73. Moreover, under Section 207(a)(1) of the FLSA, employees must be paid overtime equal to 1.5 times the employee's regular rate of pay, for all hours worked in excess of forty (40) hours per week.

74. In most workweeks, Plaintiff and the FLSA Collective members worked over forty (40) hours.

75. In workweeks in which Plaintiff and the FLSA Collective members worked in excess of forty (40) hours, the hours above forty (40) in a workweek should have been paid at the federally mandated rate of 1.5 times each employee's regular hourly wage, 29 U.S.C. § 207, but were not.

76. Defendants' violations of the FLSA were knowing and willful.

77. Defendants knew or could have easily determined whether Plaintiff and the FLSA Collective were entitled to overtime compensation for work performed in excess of forty (40) in a workweek and Defendants could have properly compensated Plaintiff and the FLSA Collective members for such time, but did not.

78. The FLSA, 29 U.S.C. § 216(b), provides that as a remedy for a violation of the Act, and employee is entitled to his or her unpaid wages (and unpaid overtime if applicable) plus an additional equal amount in liquidated damages (double damages), plus costs and reasonable attorneys' fees.

**COUNT II**  
**PENNSYLVANIA MINIMUM WAGE ACT**  
**43 P.S. § 333.100, et seq.**  
**FAILURE TO PAY WAGES AND OVERTIME COMPENSATION**  
***(Brought Individually and on a Rule 23 Class Basis)***

79. The foregoing paragraphs are hereby incorporated by reference as though fully set forth at length herein.

80. The Pennsylvania Minimum Wage Act provides that employers must pay certain "minimum wages," including overtime wages, to its employees. *See* 43 P.S. § 333.113.

81. The Pennsylvania Minimum Wage Act further provides that "employees shall be paid for overtime not less than one and one-half times the employee's regular rate" for hours worked in excess of forty (40) hours in a workweek. *See* 43 P.S. § 333.113.

82. By their actions alleged above, Defendants have violated the provisions of the Pennsylvania Minimum Wage Act by failing to properly pay wages and overtime compensation to Plaintiff and the Rule 23 Pennsylvania Class for all hours worked in excess of forty (40) in a workweek.

83. As a result of Defendants' unlawful acts, Plaintiff and Rule 23 Pennsylvania Class members have been deprived of overtime compensation in amounts to be determined at trial, and are entitled to recovery of such amounts, together with interest, costs and attorneys' fees pursuant to the Pennsylvania Minimum Wage Act.

**COUNT III**  
**PENNSYLVANIA WAGE PAYMENT AND COLLECTION LAW**  
**43 P.S. § 260.1, et seq.**  
**FAILURE TO PAY WAGES DUE AND OWING**  
***(Brought on an Individual and Rule 23 Class Basis)***

84. The foregoing paragraphs are hereby incorporated by reference as though fully set forth at length herein.

85. Defendants agreed to pay Plaintiff and the Rule 23 Pennsylvania Class members for all hours worked, as evidenced by Defendants paying them regularly, furnishing them paystubs, and instructing them to use Defendants' timekeeping system.

86. Defendants improperly classified Plaintiff and the Rule 23 Pennsylvania Class members as employees "exempt" from overtime compensation and, as a result, failed to compensate Plaintiff and the Rule 23 Pennsylvania Class members overtime of 1.5 times their regular rates of pay for hours worked in excess of forty (40) in a workweek.

87. Defendants' conduct and practices, described herein, have been willful, intentional, unreasonable, arbitrary, and in bad faith.

88. Under the WPCL, "[a]ll wages . . . earned in any pay period shall be due and payable within the number of days after the expiration of said pay period as provided in a written contract of employment."

89. No provision of the WPCL, including an employee's right to payment of all wages "earned in any pay period" may be "contravened or set aside by a private agreement." *See* 43 P.S. § 260.7.

90. The aforementioned wages and overtime compensation are "wages" that were "earned" within the meaning of the WPCL, and are due and owing under the WPCL.

91. Plaintiff and the Rule 23 Pennsylvania Class members have been denied overtime compensation for all hours worked over forty (40) in a workweek.

92. As a result of Defendants failure to pay Plaintiff and the Rule 23 Pennsylvania Class members these wages are due and owing, Plaintiff and the Rule 23 Pennsylvania Class members are entitled to liquidated damages equal to twenty-five percent (25%) of the total amount of wages due.

### **RELIEF REQUESTED**

**WHEREFORE**, Plaintiff, on behalf of herself and the FLSA Collective and Rule 23 Pennsylvania Class, respectfully requests that this Court grant the following relief against Defendants:

A. Certifying this case as a collective action in accordance with 29 U.S.C. § 216(b) with respect to the FLSA claims set forth herein (Count I);

B. Certifying this action as a class action (for the Rule 23 Pennsylvania Class) pursuant to Rule 23(b)(2) and (b)(3) with respect to Plaintiff's state law claims (Counts II and III);

C. Ordering Defendants to disclose in computer format, or in print if not computer readable format is available, the names and addresses of all FLSA Collective members and Rule 23 Pennsylvania Class members, and permitting Plaintiff to send notice of this action to all those similarly situated individuals, including the publishing of notice in a manner that is reasonably

calculated to apprise the class/collective members of their rights by law to join and participate in this lawsuit;

D. Designating Plaintiff as the representative of the FLSA Collective and the Rule 23 Pennsylvania Class, and undersigned counsel as Class Counsel for the same;

E. Finding that Defendants willfully violated the FLSA and the Department of Labor's attendant regulations as cited herein;

F. Finding that Defendants violated the PMWA and WPCL, and that said violations were intentional, willfully oppressive, fraudulent and malicious;

G. Granting judgment in favor of Plaintiff and against Defendants and awarding Plaintiff and the FLSA Collective and the Rule 23 Pennsylvania Class the full amount of compensatory damages and liquidated damages available by law;

H. Awarding reasonable attorneys' fees and costs incurred by Plaintiff in filing this action as provided by statute;

I. Granting an incentive award for the Lead Plaintiff for serving as representative of the FLSA Collective and Rule 23 Pennsylvania Class in this action;

J. Awarding pre- and post-judgment interest to Plaintiff on these damages; and

K. Awarding such other and further relief as this Court deems appropriate.

### **JURY DEMAND**

Plaintiff Alexa Onate Melecio, individually and on behalf of all other FLSA Collective and Rule 23 Pennsylvania Class members, by and through her attorneys, hereby demands a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure and the court rules and statutes made and provided with respect to the above entitled claims.

Respectfully submitted,

Dated: Thursday, April 18, 2024

**BROWN, LLC**

/s/ Edmund C. Celiesius

Edmund C. Celiesius (PA Bar #326197)

111 Town Square Place, Suite 400

Jersey City, NJ 07310

T: (877) 561-0000

ed.celiesius@jtblawgroup.com

*Counsel for Plaintiff*



# **EXHIBIT 1**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

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ALEXA ONATE MELECIO, *individually* :  
*and on behalf of all others similarly* :  
*situated,* :

Plaintiff, :

v. :

NESHAMINY SW LLC d/b/a :  
SALADWORKS :

and :

OHRAN G. VELI :

Defendants. :  
-----

Civil Action No.: \_\_\_\_\_

**JURY TRIAL DEMANDED**

**CONSENT TO SUE**

I hereby consent to be a Plaintiff in the Fair Labor Standards Act case captioned above. I hereby consent to the bringing of any claims I may have under the Fair Labor Standards Act (for unpaid overtime wages, liquidated damages, attorney’s fees, costs and other relief) and applicable state wage and hour law against the Defendant(s). I further consent to bringing these claims on a collective and/or class basis with other current/former employees of Defendant(s), to be represented by Brown, LLC, and to be bound by any settlement of this action or adjudication by the Court.



**Signed:** \_\_\_\_\_

**Dated:** 04 / 16 / 2024 \_\_\_\_\_

**Name:** \_\_\_\_\_  
Alexa Onate  
Melecio

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

ALEXA ONATE MELECIO, individually and on behalf of all others similarly situated,

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

(c) Attorneys (Firm Name, Address, and Telephone Number) Brown, LLC 111 Town Square Place, Suite 400 Jersey City, NJ 07310 T: (877) 561-0000

DEFENDANTS

NESHAMINY SW LLC d/b/a SALADWORKS and OHRAN G. VELI

County of Residence of First Listed Defendant Philadelphia County, PA (IN U.S. PLAINTIFF CASES ONLY)

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

Attorneys (If Known)

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

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

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

- Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, PTF DEF, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation

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

Click here for: Nature of Suit Code Descriptions.

Table with columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, INTELLECTUAL PROPERTY RIGHTS, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories and codes.

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): Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 201, et seq.

Brief description of cause: violations of the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 201, et seq.

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 04/18/2024 SIGNATURE OF ATTORNEY OF RECORD /s/ Edmund C. Celiesius

FOR OFFICE USE ONLY RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**

## Authority For Civil Cover Sheet

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

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

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

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DESIGNATION FORM

(to be used by counsel to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 4 Deep Dale Dr. E, Levittown, PA 19056

Address of Defendant: 9353 Banes Street, Unit B, Philadelphia, PA 19115

Place of Accident, Incident or Transaction: Langhorne, Pennsylvania

RELATED CASE IF ANY:

Case Number: N/A Judge: Date Terminated

Civil cases are deemed related when Yes is answered to any of the following questions:

- 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? Yes No
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit Pending or within one year previously terminated action in this court? Yes No
3. Does this case involve the validity or infringement of a patent already in suit or any earlier Numbered case pending or within one year previously terminated action of this court? Yes No
4. Is this case a second or successive habeas corpus, social security appeal, or pro se case filed by the same individual? Yes No

I certify that, to my knowledge, the within case is/is not related to any now pending or within one year previously terminated action in this court except as note above.

DATE: 04/18/2024 /s/ Edmund C. Celiesius 326197

Attorney-at-Law (Must sign above)

Attorney I.D. # (if applicable)

Civil (Place a checkmark in one category only)

A. Federal Question Cases:

- 1. Indemnity Contract, Marine Contract, and All Other Contracts
2. FELA
3. Jones Act-Personal Injury
4. Antitrust
5. Wage and Hour Class Action/Collective Action
6. Patent
7. Copyright/Trademark
8. Employment
9. Labor-Management Relations
10. Civil Rights
11. Habeas Corpus
12. Securities Cases
13. Social Security Review Cases
14. Qui Tam Cases
15. All Other Federal Question Cases. (Please specify):

B. Diversity Jurisdiction Cases:

- 1. Insurance Contract and Other Contracts
2. Airplane Personal Injury
3. Assault, Defamation
4. Marine Personal Injury
5. Motor Vehicle Personal Injury
6. Other Personal Injury (Please specify):
7. Products Liability
8. All Other Diversity Cases: (Please specify):

ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration)

I, Edmund C. Celiesius, counsel of record or pro se plaintiff, do hereby certify:

[X] Pursuant to Local Civil Rule 53.2 § 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:

[ ] Relief other than monetary damages is sought.

DATE: 04/18/2024 /s/ Edmund C. Celiesius 326197

Attorney-at-Law (Sign here if applicable)

Attorney ID # (if applicable)

NOTE: A trial de novo will be a jury only if there has been compliance with F.R.C.P. 38.

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

**UNITED STATES DISTRICT COURT**

for the

\_\_\_\_\_ District of \_\_\_\_\_

_____	)	
	)	
	)	
	)	
<i>Plaintiff(s)</i>	)	
v.	)	Civil Action No.
	)	
	)	
	)	
_____	)	
<i>Defendant(s)</i>	)	

**SUMMONS IN A CIVIL ACTION**

To: *(Defendant's name and address)*

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:

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 \$ \_\_\_\_\_.

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:

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

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UNITED STATES DISTRICT COURT

for the

\_\_\_\_\_ District of \_\_\_\_\_

	)	
	)	
	)	
	)	
_____	)	
<i>Plaintiff(s)</i>	)	
	)	
v.	)	Civil Action No.
	)	
	)	
	)	
_____	)	
<i>Defendant(s)</i>	)	

**SUMMONS IN A CIVIL ACTION**

To: *(Defendant’s name and address)*

A lawsuit has been filed against you.

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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. \_\_\_\_\_

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\_\_\_\_\_ 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)*: \_\_\_\_\_ .

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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: