

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MARJORIE MCFARLANE, VELMA PALMER, and
CLAIRE WILLIAMS,

Case No.: 17-cv-06350

Plaintiffs,

- against -

COMPLAINT

HARRY'S NURSES REGISTRY, HARRY'S HOMECARE
INC., and HARRY DORVILIEN,

Defendants.
-----x

Plaintiffs MARJORIE MCFARLANE, VELMA PALMER, and CLAIRE WILLIAMS individually and on behalf of others similarly situated (collectively "Plaintiffs"), by their attorneys, The Law Offices of Vincent P. White, allege upon knowledge to themselves and upon information and belief as to all other matters, and as against HARRY'S NURSES REGISTRY, HARRY'S HOMECARE, INC., and HARRY DORVILIEN individually (collectively "Defendants"), allege as follows:

NATURE OF THE ACTION

1. This action is brought pursuant to the Fair Labor Standards Act ("FLSA"), 29 U.S.C. §§ 207 and 216(b), New York Labor Law ("NYLL") Article 6 §§ 190 *et seq*, New York Labor Law § 663, and federal and state regulations on behalf of Plaintiffs who furnished labor to Defendants, to recover for unpaid wages, improperly withheld wages, unpaid overtime wages, improper pay stubs, and all other statutorily required compensation owed to Plaintiffs.

2. Defendants' actions were unlawful and Plaintiffs seek injunctive and declaratory relief, monetary, compensatory and punitive damages, liquidated damages, interest, attorneys'

fees, costs, and other appropriate legal and equitable relief pursuant to the FLSA and NYLL, and such other further relief as this Court deems necessary and proper.

JURISDICTION AND VENUE

3. This Court has jurisdiction over Plaintiff's federal claims pursuant to the Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.*

4. The Court has supplemental jurisdiction over the Plaintiff's related claims arising under state and local law pursuant to 28 U.S.C. §1367(a).

5. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b)(2) because a substantial part of the events or omissions giving rise to this action, including the unlawful employment practices alleged herein, occurred in this district.

THE PARTIES

6. Plaintiff McFarlane resides in the state of New York and began working as a Licensed Practical Nurse for Defendant from February 2016 to the present.

7. Plaintiff Palmer resides in the state of New York and began working as a Licensed Practical Nurse for Defendant from February 2016 to the present.

8. Plaintiff Williams resides in the State of New York and began working as a Licensed Practical Nurse for Defendant from February 2016 to the present.

9. Defendant Dorvilien is an individual residing in the State of New York, and is an owner of Harry's Homecare and Harry's Nurses Registry.

10. Defendants Harry's Homecare and Harry's Nurses Registry is a domestic business corporation organized and existing under the laws of the State of New York, with its principal place of business at 88-25 163rd Street, Jamaica, New York 11432.

11. At all times relevant to this action, Defendants were “employers” of Plaintiffs within the meaning of the FLSA and NYLL.

12. At all times relevant to this action, Defendant Harry Dorvilien served as owner of Harry’s Homecare and Harry’s Nurses Registry, held supervisory positions over the Plaintiffs and was in a position of authority to undertake or recommend tangible employment decisions, and/or control the terms and conditions of Plaintiffs’ employment, including Plaintiffs’ compensation, with Defendants Harry’s Homecare and Harry’s Nurses Registry.

13. At all times relevant to this action, Plaintiffs were “employees” of Defendants within the meaning of the FLSA and NYLL, entitled to protection.

FACTUAL ALLEGATIONS

Individual Plaintiffs

1. Plaintiffs are employees of Defendants who are employed as Licensed Practical Nurses.

2. Plaintiffs worked in excess of 40 hours per week, without appropriate wage and overtime compensation for the hours that they worked.

3. Plaintiffs’ work duties required neither discretion nor independent judgment.

4. Defendants failed to maintain accurate recordkeeping of the hours worked and failed to pay Plaintiffs appropriately for overtime hours worked.

5. Defendants did not require Plaintiffs to keep track of their time, nor did Defendants utilize any time tracking device such as punch cards, that accurately reflected actual hours worked.

6. Defendants failed to provide Plaintiffs with notification, in either the form of posted notices or other means, regarding overtime and wages under the FLSA and NYLL.

7. Defendants did not give any notice to Plaintiffs of their rate of pay, employer's regular pay day, and such other information as required by NYLL 195(1).

8. Defendants did not provide Plaintiffs with a statement of wages with each payment of wages, as required by NYLL 195(3).

9. Defendants failed to post at the workplace, or otherwise provide to employees, the required postings or notices to employees regarding the applicable wage and hour requirements of the FLSA AND NYLL.

10. Defendants failed to provide Plaintiffs and other employees with wage statement at the time of their payment of wages, containing: the dates of work covered by that payment of wages; name of employee; name of employer; address and phone number of employer; rate or rates of pay and basis thereof, whether paid by the hour, shift, day, week, salary, piece, commission, or other; gross wages; deductions; allowance, if any, claimed as part of the minimum wage; net wages; the regular hourly rate or rates of pay; the overtime rate or rates of pay; the number of regular hours worked; and the number of overtime hours worked, as required by the NYLL 195(3).

11. Defendants failed to provide Plaintiffs and other employees, at the time of hiring and for each subsequent year, a statement containing: the rate or rates of pay and basis thereof, whether paid by the hour, shift, day, week, salary, piece, commission, or other; allowances, if any, claimed as part of the minimum wage, including tip, meal, or lodging allowances; the regular pay day designated by the employer; the name of the employer; any "doing business as" names used by the employer; the physical address of the employer's main office or principal place of business, and a mailing address if different; and the telephone number of the employer, as required by NYLL 195(1).

12. Defendants willfully disregarded and purposely evaded recordkeeping requirements of the FLSA and NYLL by failing to maintain accurate and complete timesheets and payroll records.

13. At all times relevant to this Complaint, Defendants maintained a policy and practice of requiring Plaintiffs to work in excess of 40 hours a week without paying them appropriate wages, overtime compensation, or spread of hours pay as required by federal and state law regulations.

14. Defendants engaged in their unlawful conduct pursuant to a corporate policy of minimizing labor costs and denying employees compensation by knowingly violating the FLSA and NYLL.

Plaintiff Marjorie McFarlane

14. Defendants employed Ms. McFarlane as a Licensed Practical Nurse at a rate of \$25.00 an hour. Defendants have employed Ms. McFarlane from February 2016 through the present.

15. Plaintiff McFarlane typically worked three to four days from Sunday through Saturday (from 8 a.m. until 8 p.m. or 8 p.m. to 8 a.m.). On those weeks that she worked four days per week, she worked in excess of 40 hours. Defendants failed to pay Plaintiff McFarlane \$25.00 per hour.

16. Ms. McFarlane worked the above stated schedule on a regular basis each and every week from the beginning of her employment until the present.

17. During Ms. McFarlane's entire employment tenure, Defendants paid her approximately zero overtime wages, solely paying Ms. McFarlane her pay rate for only forty hours or for straight-time.

18. Defendants intentionally refused to pay Ms. McFarlane overtime wages during her entire employment tenure.

19. Plaintiff McFarlane cannot recall with precision the amount of overtime that remains unpaid. However, the amount of overtime that is owed by Defendants to Plaintiff McFarlane is known to the Defendants and can be determined through an examination of their shift records, payroll records, and computerized timekeeping records.

20. Defendants refused to pay Plaintiff McFarlane her lawfully due wages after she applied for her vacation time.

21. Defendants failed to provide notification, either in form of posted notices or other means, regarding overtime and wages under the FLSA and NYLL.

22. Defendants failed to provide Ms. McFarlane with notification of her rate of pay, employer's regular pay day, and such other information as required by NYLL 195(1).

23. Defendants failed to provide Ms. McFarlane with a statement of wages with each payment of wages, as required by NYLL 195(3).

24. Defendants did not require Ms. McFarlane to keep track of her time, nor did Defendants utilize any time tracking device that accurately reflected her actual hours worked.

25. Accordingly, due to Defendants' unlawful actions, Ms. McFarlane is owed by Defendants lawful overtime wages for every hour worked over 40 in a workweek, plus all statutory damages associated with these unpaid overtime wages, failure to maintain accurate records, provide notices and wage statements.

Plaintiff Velma Palmer

26. Defendants employed Ms. Palmer as a Licensed Practical Nurse at a rate of \$25.00 an hour. Defendants have employed Ms. McFarlane from February 2016 through the present.

27. Ms. Palmer typically worked five to six days from Sunday through Saturday (from 8 a.m. until 8 p.m. or 8 p.m. to 8 a.m.). On those weeks that she worked four or more days per week, she worked in excess of 60 hours. Defendants failed to pay Ms. Palmer \$25.00 per hour.

28. Ms. Palmer worked the above stated schedule on a regular basis each and every week from the beginning of her employment until the present.

29. During Ms. Palmer's entire employment tenure, Defendants paid her approximately zero overtime wages, solely paying Ms. Palmer her pay rate for only forty hours or for straight-time.

30. Defendants intentionally refused to pay Ms. Palmer overtime wages during her entire employment tenure.

31. Ms. Palmer cannot recall with precision the amount of overtime that remains unpaid. However, the amount of overtime that is owed by Defendants to Ms. Palmer is known to the Defendants and can be determined through an examination of their shift records, payroll records, and computerized timekeeping records.

32. Defendants refused to pay Ms. Palmer her lawfully due wages after she applied for her vacation time.

33. Defendants failed to provide notification, either in form of posted notices or other means, regarding overtime and wages under the FLSA and NYLL.

34. Defendants failed to provide Ms. Palmer with notification of her rate of pay, employer's regular pay day, and such other information as required by NYLL 195(1).

35. Defendants failed to provide Ms. Palmer with a statement of wages with each payment of wages, as required by NYLL 195(3).

36. Defendants did not require Ms. Palmer to keep track of her time, nor did Defendants utilize any time tracking device that accurately reflected her actual hours worked.

37. Accordingly, due to Defendants' unlawful actions, Ms. Palmer is owed by Defendants lawful overtime wages for every hour worked over 40 in a workweek, plus all statutory damages associated with these unpaid overtime wages, failure to maintain accurate records, provide notices and wage statements.

Plaintiff Claire Williams

38. Defendants employed Ms. Williams as a Licensed Practical Nurse at a rate of \$25.00 an hour. Defendants have employed Ms. Williams from February 2016 through the present.

39. Ms. Williams typically worked five to six days from Sunday through Saturday (from 8 a.m. until 8 p.m. or 8 p.m. to 8 a.m.). On those weeks that she worked four or more days per week, she worked in excess of 48 hours. Defendants failed to pay Ms. Williams \$25.00 per hour.

40. Ms. Williams worked the above stated schedule on a regular basis each and every week from the beginning of her employment until the present.

41. During Ms. Williams' entire employment tenure, Defendants paid her approximately zero overtime wages, solely paying Ms. Palmer her pay rate for only forty hours or for straight-time.

42. Defendants intentionally refused to pay Ms. Williams overtime wages during her entire employment tenure.

43. Ms. Williams cannot recall with precision the amount of overtime that remains unpaid. However, the amount of overtime that is owed by Defendants to Ms. Williams is known

to the Defendants and can be determined through an examination of their shift records, payroll records, and computerized timekeeping records.

44. Defendants refused to pay Ms. Williams her lawfully due wages after she applied for her vacation time.

45. Defendants failed to provide notification, either in form of posted notices or other means, regarding overtime and wages under the FLSA and NYLL.

46. Defendants failed to provide Ms. Williams with notification of her rate of pay, employer's regular pay day, and such other information as required by NYLL 195(1).

47. Defendants failed to provide Ms. Williams with a statement of wages with each payment of wages, as required by NYLL 195(3).

48. Defendants did not require Ms. Williams to keep track of her time, nor did Defendants utilize any time tracking device that accurately reflected her actual hours worked.

49. Accordingly, due to Defendants' unlawful actions, Ms. Williams is owed by Defendants lawful overtime wages for every hour worked over 40 in a workweek, plus all statutory damages associated with these unpaid overtime wages, failure to maintain accurate records, provide notices and wage statements.

FIRST CAUSE OF ACTION
(FEDERAL MINIMUM WAGE AND OVERTIME VIOLATIONS)

50. Plaintiffs repeat and reallege all paragraphs above, as if fully set forth herein.

51. Defendants willfully and intentionally failed to compensate Plaintiffs the applicable minimum hourly wage and to pay overtime for their hours over forty hours per week in violation of 29 U.S.C § 201 *et seq.*

52. Defendants were Plaintiffs' employers within the meaning of the FLSA, 29 U.S.C. 203 (d). Defendants had the power to hire and fire Plaintiffs, controlled the terms and conditions of employment, and determined the rate and method of any compensation in exchange for their employment.

53. Defendants engaged in commerce or in an industry or activity affecting commerce.

54. Defendants constitute an enterprise within the meaning of the FLSA, 29 U.S.C. 203 (r-s).

55. In violation of 29 U.S.C. § 206 (a), Defendants failed to pay Plaintiffs at the applicable minimum hourly rate.

56. Defendants willfully failed to pay Plaintiffs at the applicable minimum hourly rate within the meaning of 29 U.S.C. § 255 (a).

57. Due to Defendants' violations of the FLSA, Plaintiff is entitled to recover from Defendants, jointly and severally, unpaid wages and unpaid overtime compensation and an equal amount in the form of liquidated damages, as well as reasonable attorneys' fees and costs of the action, pursuant to the FLSA, all in an amount to be determined at trial. 29 U.S.C. § 216(b).

SECOND CAUSE OF ACTION AGAINST DEFENDANT
(NEW YORK STATE MINIMUM WAGE AND OVERTIME VIOLATIONS)

58. Plaintiffs repeat and reallege all paragraphs above, as if fully set forth herein.

59. Defendants were Plaintiffs' employers within the meaning of the N.Y. Labor Law §§ 2 and 651. Defendants had the power to hire and fire Plaintiffs, controlled their terms and conditions of employment, and determined the rates and methods of any compensation in exchange for their employment.

60. Defendants, in violation of N.Y. Labor Law § 652 (1) and the supporting regulations of the New York State Department of Labor, failed to pay Plaintiffs the minimum wage.

61. Defendants willfully failed to pay Plaintiffs the minimum wage within the meaning of NYLL § 663.

62. Defendants, in violation of N.Y. Labor Law § 190 *et seq.*, and supporting regulations of the New York State Department of Labor, failed to pay Plaintiffs overtime compensation at rates of one and one-half times the regular rate of pay for each hour worked in excess of 40 hours in a work week.

63. Defendants willfully failed to pay Plaintiffs overtime compensation, within the meaning of N.Y. Labor Law § 663.

64. Due to Defendants' violations of New York Labor Law, Plaintiffs are entitled to recover from Defendants, jointly and severally, their unpaid minimum wages, unpaid overtime, and liquidated damages and pre- and post-judgment interest, as well as reasonable attorneys' fees and costs of the action, all in an amount to be determined at trial, pursuant to N.Y. Labor Law § 663.

THIRD CAUSE OF ACTION AGAINST DEFENDANT
(NEW YORK STATE UNPAID WAGE VIOLATION)

65. Plaintiffs repeat and reallege all paragraphs above, as if fully set forth herein.

66. Defendants intentionally failed to pay Plaintiffs for work in violation N.Y. Labor Law § 191.

67. Defendants failed to make a good faith effort to comply with the New York Labor Law with respect to compensation of Plaintiffs.

68. Due to Defendants' violations of New York Labor Law, Plaintiffs are entitled to recover from Defendants, jointly and severally, her unpaid wages, and liquidated damages, as well as reasonable attorneys' fees and costs of action, all in an amount to be determined at trial, pursuant to N.Y. Labor Law § 198.

FOURTH CAUSE OF ACTION AGAINST DEFENDANT
(FEDERAL ANTI-RETALIATION VIOLATION)

69. Plaintiffs repeat and reallege all paragraphs above, as if fully set forth herein.

70. Defendants retaliated against employees in violation of 29 U.S.C. § 215(a)(3) upon learning that Plaintiffs planned to file a lawsuit chilling their rights and those of other employees to assert their rights and become witnesses.

71. Plaintiffs are therefore entitled to injunctive relief and such legal relief as may be appropriate and attorneys' fees and costs. 29 U.S.C. § 216(b) and 217.

FIFTH CAUSE OF ACTION AGAINST DEFENDANT
(NEW YORK STATE ANTI-RETALIATION VIOLATION)

72. Plaintiffs repeats and reallege every paragraph above, as if fully set forth herein.

73. Defendants retaliated against employees in violation of § 215(1)(a) of the New York Labor Law.

74. Plaintiffs are therefore entitled to injunctive relief as well as other appropriate relief and costs and attorneys' fees, pursuant N.Y. Lab. Law § 215(2)(a).

SIXTH CAUSE OF ACTION AGAINST DEFENDANT
(NEW YORK IMPROPER PAY STUBS AND DOCUMENTATION)

75. Plaintiffs repeat and reallege every paragraph above, as if fully set forth herein.

76. Pursuant to N.Y. Lab. Law 198-1(d) and 195, an employer is required to provide its employee with a pay stub that accurately reflects the rate of pay, hours worked, and amounts deducted. Plaintiff's paystubs must include: the employee's rate or rates of pay; the overtime rate of pay; the basis of wage payment (per hour, per week, piece rate, commission); any allowances the employer intends to claim as part of the minimum wage, including tip, meal, and lodging allowances, the regular pay day; the employer's name and any names under which the employer does business; the physical address of the employer's main office or principal place of business, and if different, the employer's mailing address; and the employer's telephone number.

77. Plaintiffs are entitled to \$100.00 for every paycheck they received that did not have a proper pay stub, pursuant to N.Y. Lab. Law § 198-1(d)

78. Plaintiff McFarlane did not receive pay stubs that accurately reflected her hours worked, the wages owed to her, or the amount of deductions that were being taken from her wages from February 2016 to the present.

79. Plaintiff Palmer did not receive pay stubs that accurately reflected her hours worked, the wages owed to her, or the amount of deductions that were being taken from her wages from February 2016 to the present.

80. Plaintiff Williams did not receive pay stubs that accurately reflected her hours worked, the wages owed to her, or the amount of deductions that were being taken from her wages from February 2016 to present.

81. By the foregoing reasons, Defendants violated N.Y. Lab. Law §§ 198-1(d) and 195 and are liable to the Plaintiff in an amount to be determined at trial, plus interest, and attorneys' fees, and costs

WHEREFORE, Plaintiffs pray that the Court enter judgment in their favor and against Defendant, containing the following relief:

A. A declaratory judgment that the actions, conduct, and practices of Defendant complained of herein violate the laws of the United States and the State and City of New York;

B. Awarding Plaintiff unpaid minimum wages and overtime compensation due under the FLSA and New York Labor Law;

C. Awarding Plaintiff compensation for unpaid wages in violation of the New York Labor Law;

D. Awarding Plaintiff liquidated damages;

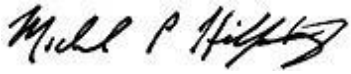
E. Awarding Plaintiff pre-judgment and post-judgment interest;

F. An award of costs that Plaintiffs incurred in this action, as well as Plaintiffs' reasonably attorneys' fees to the fullest extent permitted by law; and

G. Such other and further relief as the Court may deem just and proper.

Dated: New York, New York
November 1, 2017

Law Offices of Vincent P. White

By: 
Michael P. Hilferty (MH2205)
Matthew Crawford (MC0500)
Attorneys for Complainants
570 Lexington Avenue, 16th Floor
New York, New York 10022
(646) 380-0038

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.)

<p>I. (a) PLAINTIFFS</p> <p>(b) County of Residence of First Listed Plaintiff _____ (EXCEPT IN U.S. PLAINTIFF CASES)</p> <p>(c) Attorneys (Firm Name, Address, and Telephone Number)</p>	<p>DEFENDANTS</p> <p>County of Residence of First Listed Defendant _____ (IN U.S. PLAINTIFF CASES ONLY)</p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>Attorneys (If Known)</p>
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<p>II. BASIS OF JURISDICTION (Place an "X" in One Box Only)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th></th> <th>PTF</th> <th>DEF</th> <th></th> <th>PTF</th> <th>DEF</th> </tr> <tr> <td>Citizen of This State</td> <td><input type="checkbox"/> 1</td> <td><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td><input type="checkbox"/> 4</td> <td><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>		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
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IV. NATURE OF SUIT (Place an "X" in One Box Only) Click here for: [Nature of Suit Code Descriptions.](#)

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	<p>PERSONAL INJURY</p> <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	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157	<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							
<p>REAL PROPERTY</p> <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	<p>CIVIL RIGHTS</p> <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	<p>LABOR</p> <input 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	<p>PROPERTY RIGHTS</p> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark	<p>LABOR</p> <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 <p>PERSONAL PROPERTY</p> <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	<p>LABOR</p> <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	<p>SOCIAL SECURITY</p> <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))	<p>FEDERAL TAX SUITS</p> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<p>PRISONER PETITIONS</p> <p>Habeas Corpus:</p> <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 <p>Other:</p> <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	<p>FEDERAL TAX SUITS</p> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<p>IMMIGRATION</p> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutional of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

1 Original Proceeding
 2 Removed from State Court
 3 Remanded from Appellate Court
 4 Reinstated or Reopened
 5 Transferred from Another District (specify)
 6 Multidistrict Litigation - Transfer
 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): _____

Brief description of cause: _____

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 _____ SIGNATURE OF ATTORNEY OF RECORD _____

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

CERTIFICATION OF ARBITRATION ELIGIBILITY

Local Arbitration Rule 83.10 provides that with certain exceptions, actions seeking money damages only in an amount not in excess of \$150,000, exclusive of interest and costs, are eligible for compulsory arbitration. The amount of damages is presumed to be below the threshold amount unless a certification to the contrary is filed.

I, _____, counsel for _____, do hereby certify that the above captioned civil action is ineligible for compulsory arbitration for the following reason(s):

monetary damages sought are in excess of \$150,000, exclusive of interest and costs,

the complaint seeks injunctive relief,

the matter is otherwise ineligible for the following reason

DISCLOSURE STATEMENT - FEDERAL RULES CIVIL PROCEDURE 7.1

Identify any parent corporation and any publicly held corporation that owns 10% or more of its stocks:

RELATED CASE STATEMENT (Section VIII on the Front of this Form)

Please list all cases that are arguably related pursuant to Division of Business Rule 50.3.1 in Section VIII on the front of this form. Rule 50.3.1 (a) provides that "A civil case is "related" to another civil case for purposes of this guideline when, because of the similarity of facts and legal issues or because the cases arise from the same transactions or events, a substantial saving of judicial resources is likely to result from assigning both cases to the same judge and magistrate judge." Rule 50.3.1 (b) provides that " A civil case shall not be deemed "related" to another civil case merely because the civil case: (A) involves identical legal issues, or (B) involves the same parties." Rule 50.3.1 (c) further provides that "Presumptively, and subject to the power of a judge to determine otherwise pursuant to paragraph (d), civil cases shall not be deemed to be "related" unless both cases are still pending before the court."

NY-E DIVISION OF BUSINESS RULE 50.1(d)(2)

- 1.) Is the civil action being filed in the Eastern District removed from a New York State Court located in Nassau or Suffolk County: _____
- 2.) If you answered "no" above:
 - a) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in Nassau or Suffolk County? _____
 - b) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in the Eastern District? _____

If your answer to question 2 (b) is "No," does the defendant (or a majority of the defendants, if there is more than one) reside in Nassau or Suffolk County, or, in an interpleader action, does the claimant (or a majority of the claimants, if there is more than one) reside in Nassau or Suffolk County? _____

(Note: A corporation shall be considered a resident of the County in which it has the most significant contacts).

BAR ADMISSION

I am currently admitted in the Eastern District of New York and currently a member in good standing of the bar of this court.

Yes No

Are you currently the subject of any disciplinary action (s) in this or any other state or federal court?

Yes (If yes, please explain) No

I certify the accuracy of all information provided above.

Signature: _____