

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

BETHANY KATZ, on behalf of herself and  
those similarly situated,  
325 Thornbrook Ave.  
Rosemont, PA 19010

Plaintiffs,

v.

DNC SERVICES CORPORATION d/b/a  
DEMOCRATIC NATIONAL  
COMMITTEE  
430 South Capitol St. Southeast  
Washington, DC 20003

and

PENNSYLVANIA DEMOCRATIC  
COMMITTEE  
1801 Market St. Ste. 1500  
Philadelphia, PA 19103

Defendants.

INDIVIDUAL, COLLECTIVE, AND CLASS  
ACTION COMPLAINT

DOCKET NO:

**JURY TRIAL DEMANDED**

**INDIVIDUAL, COLLECTIVE, AND CLASS ACTION CIVIL COMPLAINT**

Named Plaintiff Bethany Katz (hereinafter “Named Plaintiff”), individually and on behalf of herself and those similarly situated, by and through undersigned counsel, hereby complains as follows against Defendants DNC Services Corp. d/b/a Democratic National Committee and Pennsylvania Democratic Committee (hereinafter collectively referred to as “Defendants”).

This case seeks compensation on behalf of all Organizers who worked for Defendants tirelessly while being denied overtime compensation guaranteed by federal and state law. Specifically, Named Plaintiff alleges that she and other Organizers were employed in non-exempt positions to assist in a nationally coordinated Democratic “ground game” which sought

to increase the Democratic vote. The Organizers' job duties consisted of assisting in voter registration, handing out paperwork and forms to potential voters in person, reminding potential voters of deadlines, and soliciting volunteers. Organizers were expected and did work long hours and weekends, and regularly worked in excess of 80 to 90 hours per workweek. Rather than hiring additional staff to reduce the extraordinary workload assigned to Organizers, and rather than paying overtime as required by the FLSA, Defendants instead willfully engaged in a course of conduct in violation of state and federal law by requiring Organizers to work long hours without providing any overtime compensation to Organizers. Defendants unlawfully and erroneously treated Organizers as exempt employees under state and federal law. Named Plaintiff now seeks relief on behalf of all Organizers nationwide who were denied the benefits of overtime guaranteed by federal and state law.

### **INTRODUCTION**

1. Named Plaintiff has initiated the instant action to redress violations by Defendants of the Fair Labor Standards Act ("FLSA"). Named Plaintiff asserts that Defendants erroneously designated Named Plaintiff and those similarly situated ("Collective Action Plaintiffs") as exempt employees under the FLSA, and consequently, failed to pay overtime premiums for hours worked beyond 40 per workweek by Named Plaintiff and Collective Action Plaintiffs.

2. Additionally, Named Plaintiff has initiated the instant action to redress violations by Defendants of the Pennsylvania Minimum Wage Act ("PMWA"). Named Plaintiff asserts that Defendants erroneously treated Named Plaintiff and other similarly situated Pennsylvania employees ("Pennsylvania Plaintiffs") as exempt employees under the PMWA, and consequently, failed to pay overtime premiums for hours worked beyond 40 per workweek by Named Plaintiff and Pennsylvania Plaintiffs.

**JURISDICTION AND VENUE**

3. This Court has original subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 because the claims herein arise under laws of the United States, the FLSA, 29 U.S.C. § 201 *et seq.* This Court has supplemental jurisdiction over Plaintiffs' state law claims because those claims arise out of the same nucleus of operative fact as the FLSA claims.

4. This Court may properly maintain personal jurisdiction over Defendants because Defendant PDC is domiciled in the Commonwealth of Pennsylvania and Defendant DNC regularly conduct business in this Commonwealth.

5. Venue is properly laid in this judicial district pursuant to 29 U.S.C. § § 1391(b)(1) and (b)(2), because Defendants reside in and/or conduct business in this judicial district and because a substantial part of the acts and/or omissions giving rise to the claims set forth herein occurred in this judicial district.

**PARTIES**

6. Named Plaintiff Bethany Katz is an adult individual with an address as set forth above in the caption.

7. "Collective Action Plaintiffs" refers to individuals who are current and/or former employees of the DNC Services Corp. ("DNC") and/or the Pennsylvania Democratic Committee ("PDC") who held the job title of "Organizer" and/or who performed job duties consistent with that of an "Organizer" within the last three (3) years.

8. "Pennsylvania Plaintiffs" refers to individuals who are current and/or former employees of the DNC Services Corp. ("DNC") and/or the Pennsylvania Democratic Committee ("PDC") who held the job title of "Organizer" and/or who performed job duties in Pennsylvania consistent with that of an "Organizer" within the last three (3) years.

9. DNC is responsible for governing the Democratic National Party, and raises money, hires staff, and coordinates strategy to support candidates throughout the United States for local, state, and national office.

10. PDC is responsible for governing the Pennsylvania Democratic Party and raises money, hires staff, and coordinates strategy to support candidates throughout the Commonwealth of Pennsylvania for local, state, and national office.

11. Upon information and belief, DNC coordinates and directs strategic initiatives directly with PDC, including in strategizing and focusing on voter registration drives, get out the vote initiatives, canvassing, and phone calling. DNC's coordination and direction includes directing PDC, along with other state democratic committees, to hire and retain organizers to assist in voter registration drives, get out the vote initiatives, canvassing, and phone calling. DNC further directs PDC regarding the qualifications and job duties of organizers, and further directs PDC to classify organizers as overtime-exempt under state and federal law.

12. Upon information and belief, many of the strategic initiatives for which organizers of PDC, including Named Plaintiff and Pennsylvania Plaintiffs, perform job duties are initiatives which are designed and implemented by DNC and which are performed to benefit DNC.

13. Upon information and belief, the DNC and PDC share resources and funds to assist in the DNC's nationally coordinated campaign.

14. At all times relevant herein, Defendants acted by and through their agents, servants, and employees, each of whom acted at all times relevant herein in the course and scope of their employment with and for Defendants.

**FLSA COLLECTIVE ACTION ALLEGATION**

15. Named Plaintiff brings this action for violations of the FLSA as an individual action and as collective action pursuant to Section 16(b) of the FLSA, 29 U.S.C. § 216(b), on behalf of all persons who were employed as organizers or in job titles with similar duties, individually or jointly, by the PDC, DNC, and all other state democratic committees, and who were classified by Defendants as “exempt” from the overtime requirements of the FLSA.

16. Named Plaintiff and Collective Action Plaintiffs are similarly situated, have substantially similar non-managerial job duties, have substantially similar pay provisions, and are all subject to Defendants’ unlawful policies and practices as described herein.

17. There are numerous similarly situated current and former employees of Defendants who were compensated improperly for overtime work in violation of the FLSA and who would benefit from the issuance of a Court Supervised Notice of the instant lawsuit and the opportunity to join the present lawsuit.

18. Similarly situated employees are known to Defendants, are readily identifiable by Defendants, and can be located through Defendants’ records.

19. Therefore, Named Plaintiff should be permitted to bring this action as a collective action for and on behalf of herself and those employees similarly situated, pursuant to the “opt-in” provisions of the FLSA, 29 U.S.C. § 216(b).

**PENNSYLVANIA CLASS ACTION ALLEGATIONS**

20. Named Plaintiff brings this action for violations of the Pennsylvania Minimum Wage Act as a class action pursuant to Rule 23 of the Federal Rules of Civil Procedure on behalf of all persons who performed worked or work as organizers or in similar positions in the Commonwealth of Pennsylvania who were treated as exempt from overtime by DNC and/or

PDC and who worked in this capacity at any point in the three (3) years preceding the date the instant action was initiated.

21. The class is so numerous that the joinder of all class members is impracticable. Named Plaintiff does not know the exact size of the class, as such information is in the exclusive control of Defendants; however, on information and belief, the number of potential class members is at least forty.

22. Named Plaintiff's claims are typical of the claims of the Pennsylvania Plaintiffs, because Named Plaintiff, like all Pennsylvania Plaintiffs, was an employee of Defendants within the last three years in Pennsylvania, held the job title of "organizer," was classified by PDC/DNC as an exempt employee, and was not paid overtime premiums for hours worked beyond 40 per workweek.

23. Named Plaintiff will fairly and adequately protect the interests of the Pennsylvania Plaintiffs because Named Plaintiff's interests are coincident with, and not antagonistic to, those of the class. Named Plaintiff has retained counsel with substantial experience in the prosecution of claims involving employee wage disputes.

24. No difficulties are likely to be encountered in the management of this class action that would preclude its maintenance as a class action. The class will be easily identifiable from PDC's records.

25. A class action is superior to other available methods for the fair and efficient adjudication of this controversy. Such treatment will allow all similarly situated individuals to prosecute their common claims in a single forum simultaneously. Prosecution of separate actions by individual members of the putative class would create the risk of inconsistent or varying adjudications with respect to individual members of the class that would establish

incompatible standards of conduct for Defendants. Furthermore, the amount at stake for individual putative class members may not be great enough to enable all the individual putative class members to maintain separate actions against Defendants.

26. Questions of law and fact that are common to the members of the class predominate over questions that affect only individual members of the class. Among the questions of law and fact that are common to the class are whether the duties of organizers qualify for any recognized exemption to overtime.

### **FACTUAL BACKGROUND**

27. The foregoing paragraphs are incorporated herein as if set forth in their entirety.

28. Named Plaintiff was directly employed by PDC as an “organizer” from June of 2016 through August of 2016.

29. Upon information and belief, PDC is vertically integrated with DNC, and consequently, is a joint employer of all organizers employed by PDC.

30. Upon information and belief, DNC is vertically integrated with all other state democratic committees and is consequently a joint employer of all organizers employed by any state democratic committee.

31. Collective Action and Class Plaintiffs worked/work for PDC and/or DNC during the last three years as organizers.

32. Named Plaintiff’s job duties as an “organizer” consisted of making phone calls to voters, assisting in voter registration efforts, soliciting volunteers, and canvassing.

33. Named Plaintiff’s job duties did not relate to the management or general business operations of PDC and/or DNC.

34. Named Plaintiff's job duties did not allow the use of discretion and independent judgment with respect to matters of significance.

35. Named Plaintiff had non-exempt job duties at all time while employed by PDC and DNC.

36. Collective Action and Class Plaintiffs job duties consisted of making phone calls to voters, assisting in voter registration efforts, soliciting volunteers, and canvassing.

37. Collective Action and Class Plaintiffs' job duties did not relate to the management or general business operations of PDC and/or DNC.

38. Named Plaintiff regularly worked more than 12 hours per day and at times worked more than 14 hours per day.

39. Named Plaintiff regularly worked 7 days per workweek.

40. Named Plaintiff regularly worked more than 80 hours per workweek.

41. Defendants paid Named Plaintiff a salary of \$3,000 per month, and paid no extra compensation for any hours worked beyond 40 per workweek.

42. Upon information and belief, Collective Action and Class Plaintiffs regularly worked more than 40 hours per workweek.

43. Upon information and belief, Defendants paid Collective Action and Class Plaintiffs a salary, and paid no extra compensation for any hours worked beyond 40 per workweek.

#### **COUNT I**

#### **Violations of the Fair Labor Standards Act**

#### **(Failure to Pay Overtime)**

#### **Named Plaintiff and Collective Action Plaintiffs v. Defendants**

44. The foregoing paragraphs are incorporated herein as if set forth in full.

45. At all times relevant herein, PDC was vertically integrated with DNC making PDC and DNC joint employers under the FLSA.

46. At all times relevant herein, Defendants were and continue to be an “employer” within the meaning of the FLSA.

47. At all times relevant herein, Named Plaintiff and Collective Action Plaintiffs were/are “employees” within the meaning of the FLSA.

48. The FLSA requires employers, such as Defendants, to compensate employees, such as Named Plaintiff and Collective Action Plaintiffs, overtime at 1.5 times their regular rate for hours worked beyond 40 per workweek.

49. Defendants misclassified Named Plaintiff and Collective Action Plaintiffs as exempt from the overtime mandate of the FLSA.

50. Named Plaintiff and Collective Action Plaintiffs regularly worked more than 40 hours per workweek.

51. Defendants failed to pay any overtime premiums for work beyond 40 hours per workweek to Named Plaintiff and Collective Action Plaintiffs.

52. Defendants willfully failed to compensate Named Plaintiff and Collective Action overtime compensation.

53. As a result of Defendants’ failure to pay overtime premiums for overtime worked to Named Plaintiffs and Collective Action Plaintiffs, Defendants have violated and continue to violate the FLSA.

**COUNT II**  
**Violations of the Pennsylvania Minimum Wage Act**  
**(Failure to Pay Overtime)**  
**Named Plaintiff and Pennsylvania Plaintiffs v. Defendants**

54. The foregoing paragraphs are incorporated herein as if set forth in full.

55. At all times relevant herein, PDC was vertically integrated with DNC making PDC and DNC joint employers under the PMWA.

56. Defendants violated the PMWA by failing to pay overtime premiums for work in excess of 40 hours per workweek performed by Named Plaintiff and Pennsylvania Plaintiffs

57. As a result of Defendants' conduct, Named Plaintiff and Pennsylvania Plaintiffs have suffered damages.

**WHEREFORE**, Plaintiffs pray that this Court enter an Order providing that:

- (1) PDC and DNC are a joint employer under the FLSA and PMWA;
- (2) The instant matter will be adjudicated on a class and collective basis on behalf of all individuals currently or formerly employed as organizers by the DNC and/or PDC;
- (3) Defendants are to be prohibited from continuing to maintain their policies, practices or customs in violation of state laws and principles of equity;
- (4) Defendants are to compensate, reimburse, and make Named Plaintiff, Collective Action Plaintiffs, and Pennsylvania Plaintiffs whole for any and all pay and benefits they would have received had it not been for Defendants' illegal actions, including but not limited to past lost earnings. Named Plaintiff, Collective Action Plaintiffs, and Pennsylvania Plaintiffs should be accorded those benefits illegally withheld;
- (5) Named Plaintiff, Collective Action Plaintiffs, and Pennsylvania Plaintiffs are to be awarded liquidated damages as applicable under the laws they are suing under an amount equal to the actual damages in this case;
- (6) Named Plaintiff, Collective Action Plaintiffs, and Pennsylvania Plaintiffs are to be awarded the costs and expenses of this action and reasonable legal fees as provided by applicable law;

(7) Any and all other equitable relief which this Court deems fit.

Respectfully Submitted,

/s/ Justin L. Swidler

Justin L. Swidler, Esq.

Richard S. Swartz, Esq.

**SWARTZ SWIDLER, LLC**

1101 Kings Highway North, Suite 402

Cherry Hill, NJ 08034

Phone: (856) 685-7420

Fax: (856) 685-7417

Date: November 9, 2016

**DEMAND TO PRESERVE EVIDENCE**

All Defendants are hereby directed to preserve all physical and electronic information pertaining in any way to Named Plaintiff's, Collective Action Plaintiffs', and Pennsylvania Plaintiffs' employment, to Named Plaintiff's, Collective Action Plaintiffs', and Pennsylvania Plaintiffs' cause of action and/or prayers for relief, and to any defenses to same, including, but not limited to, electronic data storage, closed circuit TV footage, digital images, computer images, cache memory, searchable data, emails, spread sheets, employment files, memos, text messages, any and all online social or work related websites, entries on social networking sites (including, but not limited to, Facebook, Twitter, MySpace, etc.), and any other information and/or data and/or things and/or documents which may be relevant to any claim or defense in this litigation.

**JURY DEMAND**

Plaintiffs hereby demand a trial by jury.

Respectfully Submitted,

*/s/ Justin L. Swidler*

Justin L. Swidler, Esq.

**SWARTZ SWIDLER, LLC**

1101 Kings Highway North, Suite 402

Cherry Hill, NJ 08034

Phone: (856) 685-7420

Fax: (856) 685-7417

**DESIGNATION OF TRIAL COUNSEL**

Justin L. Swidler, Esquire, of the law firm of Swartz Swidler, LLC, is hereby designated trial counsel.

Respectfully Submitted,

*/s/ Justin L. Swidler*

Justin L. Swidler, Esq.

**SWARTZ SWIDLER, LLC**

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Cherry Hill, NJ 08034

Phone: (856) 685-7420

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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

BETHANY KATZ, on behalf of herself and those similarly situated

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

(c) Attorneys (Firm Name, Address, Email and Telephone Number) Swartz Swidler LLC Justin L. Swidler, Esq. 1101 Kings Hwy N. Ste 402 Cherry Hill NJ 08034 Tel.: 856-685-7420 Fax: 856-685-7417 jswidler@swartz-legal.com

DEFENDANTS

DNC SERVICES CORPORATION d/b/a DEMOCRATIC NATIONAL COMMITTEE, and PENNSYLVANIA DEMOCRATIC COMMITTEE

County of Residence of First Listed Defendant District of Columbia (IN U.S. PLAINTIFF CASES ONLY)

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

Attorneys (If Known)

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

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

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

- 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)

Table with 5 columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories like Insurance, Motor Vehicle, Personal Injury, etc.

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
6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 28 U.S.C. § 1331 et seq. Fair Labor Standards Act

Brief description of cause: Failure to pay Overtime Compensation

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 11/09/2016 SIGNATURE OF ATTORNEY OF RECORD /s/ Justin L. Swidler

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 the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.  
 Original Proceedings. (1) Cases which originate in the United States district courts.  
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.  
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.  
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.  
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.  
 Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- 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.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CASE MANAGEMENT TRACK DESIGNATION FORM**

Bethany Katz, on behalf herself and all those similarly situated :	CIVIL ACTION
v. :	
DNC Services Corporation d/b/a Democratic National Committee, and Pennsylvania Democratic Committee :	NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255.
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits.
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2.
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos.
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.)
- (f) Standard Management – Cases that do not fall into any one of the other tracks.

11/09/2016	/s/ Justin L. Swidler	Plaintiff
<b>Date</b>	<b>Attorney-at-law</b>	<b>Attorney for</b>
(856) 685-7420	(856) 685-7417	jswidler@swartz-legal.com
<b>Telephone</b>	<b>FAX Number</b>	<b>E-Mail Address</b>

**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 appropriate calendar.**

Address of Plaintiff: 325 Thornbrook Ave. Rosemont PA 19010

Address of Defendant: 430 South Capitol Street Southeast, Washington DC 20003

Place of Accident, Incident or Transaction: 1801 Market St. Suite 1500, Philadelphia PA 19103  
*(Use Reverse Side For Additional Space)*

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?  
 (Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)) Yes  No

Does this case involve multidistrict litigation possibilities? Yes  No

RELATED CASE, IF ANY:

Case Number: \_\_\_\_\_ 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 in this court?  
 Yes  No
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?  
 Yes  No

CIVIL: (Place  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.  Patent
6.  Labor-Management Relations
7.  Civil Rights
8.  Habeas Corpus
9.  Securities Act(s) Cases
10.  Social Security Review Cases
11.  All other Federal Question Cases  
 (Please specify) Federal Labor Standards Act

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.  Products Liability — Asbestos
9.  All other Diversity Cases  
 (Please specify) \_\_\_\_\_

**ARBITRATION CERTIFICATION**

*(Check Appropriate Category)*

I, Justin L. Swidler, counsel of record do hereby certify:  
 Pursuant to Local Civil Rule 53.2, Section 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: 11/09/2016 /s/ Justin L. Swidler 205954  
 Attorney-at-Law Attorney I.D.#

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

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

DATE: 11/09/2016 /s/ Justin L. Swidler 205954  
 Attorney-at-Law Attorney I.D.#