

## CLASS ACTION REPORTER

Wednesday, March 4, 2020, Vol. 22, No. 46

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### 3M CO: Bid to Transfer Firefighter's Class Suit Denied

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3M Company said in its Form 10-K report filed with the U.S. Securities and Exchange Commission on February 6, 2020, for the fiscal year ended December 31, 2019, that the court has denied 3M's motion to transfer the class action suit initiated by a firefighter to the Aqueous Film-Forming Foams (AFFF) Products Liability Litigation.

In October 2018, 3M and other defendants, including DuPont and Chemours, were named in a putative class action in the U.S. District Court for the Southern District of Ohio brought by the named plaintiff, a firefighter allegedly exposed to PFAS chemicals through his use of firefighting foam, purporting to represent a putative class of all U.S. individuals with detectable levels of PFAS in their blood.

The plaintiff brings claims for negligence, battery, and conspiracy and seeks injunctive relief, including an order "establishing an independent panel of scientists" to evaluate PFAS. 3M and other entities jointly filed a motion to dismiss in February 2019. In September 2019, the court denied the defendants' motion to



dismiss. In February 2020, the court denied 3M's motion to transfer the case to the AFFF MDL.

3M Company operates as a technology company worldwide. The company's Industrial segment offers tapes, abrasives, adhesives, ceramics, sealants, specialty materials, purification products, closure systems, acoustic systems products, automotive components, abrasion-resistant films, and paint finishing and detailing products. The company was founded in 1902 and is headquartered in St. Paul, Minnesota.

3M CO: Consolidated Class Action Suit Ongoing in Michigan

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3M Company said in its Form 10-K report filed with the U.S. Securities and Exchange Commission on February 6, 2020, for the fiscal year ended December 31, 2019, that the company continues to defend a consolidated class action suit in Michigan.

In Michigan, one consolidated putative class action is pending in the U.S. District Court for the Western District of Michigan against 3M and Wolverine World Wide (Wolverine) and other defendants.

The action arises from Wolverine's allegedly improper disposal of

materials and wastes, including 3M Scotchgard, related to Wolverine's shoe manufacturing operations. Plaintiffs allege Wolverine used 3M Scotchgard in its manufacturing process and that chemicals from 3M's product contaminated the environment and drinking water sources after disposal.

In addition to the consolidated federal court putative class action, as of December 31, 2019, 3M has been named as a defendant in approximately 257 private individual actions in Michigan state court based on similar allegations. These cases are coordinated for pre-trial purposes. Four of these cases were selected for bellwether trials in 2020, with the first trial scheduled in March 2020.

In January 2020, the court issued the first round of dispositive motion rulings related to the first two bellwether cases, including dismissing the second bellwether case entirely and dismissing certain plaintiffs' medical monitoring, risk of future disease, and granting summary judgment to the defendants on one plaintiff's cholesterol injury claims.

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abrasion-resistant films, and paint finishing and detailing products. The company was founded in 1902 and is headquartered in St. Paul, Minnesota.

### 3M CO: Discovery Ongoing in Parchment Resident's Class Suit

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3M Company said in its Form 10-K report filed with the U.S. Securities and Exchange Commission on February 6, 2020, for the fiscal year ended December 31, 2019, that discovery is ongoing in the class action suit brought by a resident of Parchment against the company and Georgia-Pacific.

3M is also a defendant, together with Georgia-Pacific as co-defendant, in a putative class action in federal court in Michigan brought by residents of Parchment, who allege that the municipal drinking water is contaminated from waste generated by a paper mill owned by Georgia-Pacific's corporate predecessor. Defendants have moved to dismiss certain claims in the complaint, and the parties have begun discovery on the remaining claims.

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abrasion-resistant films, and paint finishing and detailing products. The company was founded in 1902 and is headquartered in St. Paul, Minnesota.

### 3M CO: King Class Action Remains Pending in Alabama

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3M Company said in its Form 10-K report filed with the U.S. Securities and Exchange Commission on February 6, 2020, for the fiscal year ended December 31, 2019, that the company continues to defend the "King" class action lawsuit in the U.S. District Court for the Northern District of Alabama.

In November 2017, a putative class action (the "King" case) was filed against 3M, its subsidiary Dyneon, Daikin America, and the West Morgan-East Lawrence Water and Sewer Authority (Water Authority) in the U.S. District Court for the Northern District of Alabama.

The plaintiffs are residents of Lawrence and Morgan County, Alabama who receive their water from the Water Authority and seek injunctive relief, attorneys' fees, compensatory and punitive damages for their alleged personal injuries. The plaintiffs contend that the defendants own and operate manufacturing and disposal facilities in Decatur that have released and continue to release

PFOA, PFOS and related chemicals into the groundwater and surface water of their sites, resulting in discharges into the Tennessee River.

The plaintiffs contend that, as a result of the alleged discharges, the water supplied by the Water Authority to the plaintiffs was, and is, contaminated with PFOA, PFOS, and related chemicals at a level dangerous to humans.

In November 2019, the King plaintiffs amended their complaint to withdraw all class allegations, dismiss the Water Authority as a defendant, and add 24 new individual plaintiffs (for a total of 59 plaintiffs).

In March 2018, an individual plaintiff filed a lawsuit in the U.S. District Court for the Northern District of Alabama raising allegations and claims substantially similar to those asserted by the plaintiffs in the King case. This case was dismissed without prejudice when the plaintiffs joined a previously pending case.

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products. The company was founded in 1902 and is headquartered in St. Paul, Minnesota.

ALC & CO. LLC: Website Not Accessible to Blind, Hedges Claims

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DONNA HEDGES, for herself and on behalf of all other persons similarly situated, Plaintiff v. ALC & CO. LLC, Defendant, Case No. 1:20-cv-01756 (S.D.N.Y., February 27, 2020) is a class action complaint brought against Defendant for its alleged violation of the Americans with Disabilities Act.

Plaintiff is a visually-impaired and legally blind person who requires screen-reading software to read website content using her computer.

According to the complaint, Defendant failed to design, construct, maintain, and operate its website to be fully accessible to and independently usable by Plaintiff and other blind or visually-impaired people.

Plaintiff seeks a permanent injunction to cause a change in Defendant's corporate policies, practices, and procedures so that Defendant's website will become and remain accessible to blind and visually-impaired consumers.

ALC & CO. LLC owns and operates the website <https://alcltd.com> which provides consumers with access to an array of goods and services of its clothes store including location and hours, clothes, inquiring about pricing and other products available online and in the clothes store for purchase. [BN]

The Plaintiff is represented by:

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ALLAKOS INC: Rosen Law Firm Investigating Securities Claims

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Rosen Law Firm, a global investor rights law firm, continues to investigate potential securities claims on behalf of shareholders of Allakos Inc. (NASDAQ: ALLK) resulting from allegations that Allakos may have issued materially misleading business information to the investing public.

On December 18, 2019, Seligman Investments ("Seligman") published a report describing Allakos as "A Suspect Biotech with a Phase 2 Farce, Incredulous Trial Investigators, and Warning Signs of Potential Fraud." The Seligman report included 22 warning signs and issues, including Allakos: having "buried the results for the two AK001 studies it conducted, but our research indicates a debacle[;]" having "a checkered history of conducting small, low-credibility trials, marked by . . . discrepancies, omissions, cherry-picking, and other red flags[;]" and engaging in "[f]lagrant nepotism in key clinical roles[.]"



On this news, the Company's stock price fell \$13.25, or nearly 10%, to close at \$119.28 per share on December 18, 2019, injuring investors.

Rosen Law Firm is preparing a class action lawsuit to recover losses suffered by Allakos investors. If you purchased shares of Allakos please visit the firm's website at <http://www.rosenlegal.com/cases-register-1753.html> to join the class action. You may also contact Phillip Kim of Rosen Law Firm toll free at 866-767-3653 or via email at [pkim@rosenlegal.com](mailto:pkim@rosenlegal.com) or [cases@rosenlegal.com](mailto:cases@rosenlegal.com).

Rosen Law Firm represents investors throughout the globe, concentrating its practice in securities class actions and shareholder derivative litigation. Rosen Law Firm was Ranked No. 1 by ISS Securities Class Action Services for number of securities class action settlements in 2017. The firm has been ranked in the top 3 each year since 2013. Rosen Law Firm has secured hundreds of millions of dollars for investors.

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ALTICE USA: Federman & Sherwood Files Action Over Data Breach

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Federman & Sherwood announces that it has filed the first class action lawsuit against Altice USA, Inc. over its recently announced data breach affecting thousands of current and former employees, and Optimum cable television customers. Federman & Sherwood is a boutique litigation law firm that has been appointed counsel in a number of data breach cases and was the first law firm to initiate an investigation into the data breach at Altice USA, Inc. ("Altice"). In November 2019, multiple Altice employees fell victim

to a phishing email campaign, resulting in criminal actors gaining access to employee email accounts. An unencrypted report stored on one of the compromised accounts contained the sensitive personal information of all current Altice employees and of potentially all former employees. Some customers' personal information was compromised as well. Personal information that may have been accessed included names, employment information, dates of birth, Social Security numbers, and some drivers' license numbers. Altice began notifying affected individuals in February 2020. The personal information compromised in this data breach has already exposed many employees, former employees and consumers to identity theft and other forms of fraud.

If you have information about this data breach, want to discuss this data breach, obtain further information or participate in the litigation, or have any questions or concerns regarding this notice, please contact Tiffany Peintner at [trp@federmanlaw.com](mailto:trp@federmanlaw.com) or visit our firm's website at [www.federmanlaw.com](http://www.federmanlaw.com).

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FEDERMAN & SHERWOOD

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Tel: (405) 235-1560

Tiffany Peintner, Esq.

[GN]

AMERICAN FREIGHT: Eldridge Sues Over Unsolicited Text Message Ads

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ANNETTE ELDRIDGE, individually and on behalf of all others  
similarly situated, Plaintiff v. AMERICAN FREIGHT INC., Defendant,  
Case No. 6:20-cv-00313-RBD-EJK (M.D. Fla., February 24, 2020), hits  
Defendant for its alleged violation of the Telephone Consumer  
Protection Act by sending automated text message advertisements to  
her cellular telephone and the cellular telephones of numerous  
other individuals across the country.

According to the complaint, aiming to either promote or sell the  
commercial availability of its products and services, Defendant  
transmitted text messages advertisement to Plaintiff's 5609 Number  
without Plaintiff's prior "written consent" express or otherwise,  
and without having an "established business relationship" during  
the past four years and including during a 12-month period of time  
and more than 30 days after her 5609 Number was registered with the  
National Do-Not-Call Registry.

Plaintiff affirms that each unsolicited text message transmitted by  
or on behalf of Defendant to Plaintiff's 5609 Number invaded her

privacy and intruded upon her seclusion upon receipt because her cellular phone alerts her whenever she receives a text message.

American Freight, Inc. is the owner and operator of a chain of furniture and mattress stores. [BN]

The Plaintiff is represented by:

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- and -

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ANIXTER INT'L: WESCO Merger Deal Lacks Info, Kent Claims

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The case, MICHAEL KENT, Individually and On Behalf of All Others Similarly Situated, Plaintiff, v. ANIXTER INTERNATIONAL INC., SAMUEL ZELL, LORD JAMES BLYTH, FREDERIC F. BRACE, LINDA WALKER BYNOE, ROBERT J. ECK, WILLIAM A. GALVIN, F. PHILIP HANDY, MELVYN N. KLEIN, JAMIE MOFFITT, GEORGE MUÑOZ, SCOTT R. PEPPET, VALARIE L. SHEPPARD, WILLIAM S. SIMON, CHARLES M. SWOBODA, WESCO INTERNATIONAL, INC., and WARRIOR MERGER SUB, INC., Defendants, Case No. 1:20-cv-00279-UNA (D. Del., February 25, 2020) arises from a proposed transaction announced on January 13, 2020, pursuant to which Anixter International Inc. will be acquired by WESCO International Inc. and Warrior Merger Sub, Inc.

On February 7, 2020, the Defendants filed a Form S-4 Registration Statement with the United States Securities and Exchange Commission in connection with the Proposed Transaction.

The Plaintiff alleges that the Defendants violated Sections 14(a) and 20(a) of the Securities Exchange Act of 1934 in connection with the Registration Statement as it omits material information with respect to the Proposed Transaction, which renders the Registration Statement false and misleading. The omitted information was regarding Anixter's and WESCO's financial projections.

Anixter International Inc. supplies communications and security products and electrical and electronic wire and cable. Anixter is a Fortune 500 company and operates with three major divisions: Network & Security Solutions, Electrical and Electronic Solutions, and Utility Power Solutions. [BN]

The Plaintiff is represented by:

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AT&T MOBILITY: Pomales Suit Removed to District of Massachusetts

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AT&T Mobility Services LLC removed the case captioned RENE POMALES, on behalf of himself and all others similarly situated v. AT&T MOBILITY SERVICES LLC, Case No. 1979-CV-00939 (Filed Dec. 10, 2019), from the Massachusetts Superior Court, Hampden County, to the U.S. District Court for the District of Massachusetts on Feb. 10, 2020.

The District of Massachusetts Court Clerk assigned Case No. 1:20-cv-10258 to the proceeding.

The Plaintiff asserts he was denied overtime wages in violation of the Massachusetts Wage Act and Sunday and holiday premiums in violation of Massachusetts's "Blue Laws." He purports to bring and maintain this action as a class action under Mass. R. Civ. P. 23 and Mass. Gen. L. c. 149 section 150.

Mr. Pomales worked for AT&T as a Retail Sales Consultant at an AT&T retail store from October 12, 2018, until his resignation on July 1, 2019.

AT&T provides wireless voice and data communications services.[BN]



The Plaintiff is represented by:

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AT&T SERVICES: Misclassifies Security Staff, Boteler Claims

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The case, BLAKE BOTELER, on behalf of himself and others similarly situated, Plaintiff v. AT&T SERVICES, INC., Defendant, Case No. 3:20-cv-00512-G (N.D. Tex., February 27, 2020) arises from Defendant's alleged failure to pay overtime to its Security employees in violation of the Fair Labor Standards Act.

Plaintiff was employed by Defendant from approximately May 2016 to the present under the job title "Lead Analyst-Asset Protection" to provide physical security protection for Defendant and its personnel at Defendant's headquarter located in downtown Dallas.

According to the Complaint, Defendant misclassified Plaintiff and other similarly situated Security Employees as non-exempt employees, thereby failing to pay them their all earned overtime pay for time they worked in excess of 40 hours in one or more individual workweeks.

Plaintiff seeks to recover unpaid overtime wages, liquidated damages, reasonable attorneys' fees and costs incurred in filing and prosecuting the lawsuit, and other relief as the Court deems appropriate.

AT&T Services, Inc. provides telecommunication services. [BN]

The Plaintiff is represented by:

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AUTOMILE PARENT: Coraccio Seeks OT Pay for Service Advisors

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The case, PATRICIA CORACCIO, individually and on behalf of all

others similarly situated v. AUTOMILE PARENT HOLDINGS, LLC; KEVIN WESTFALL; JOVAN SIGAN; NICO GUTIERREZ; and MICHAEL FROST, Defendants, C.A. 20-0207 (Mass. Super., Norfolk Cty., February 24, 2020), arises from the Defendants' violations of the Massachusetts General Laws, including the Massachusetts Overtime Law and the Massachusetts Wage Act.

According to the complaint, the Defendants failed to compensate the Plaintiff and other similarly-situated service advisors at a rate of one and one-half times their regular rate of pay (or one and one-half times the statutory minimum wage) for all hours worked in excess of 40 in a workweek.

The Plaintiff was employed by the Defendants as a service advisor in or about March 2017.

Automile Parent Holdings, LLC is a company that sells vehicles and related products and services through its car dealerships across Massachusetts. It is headquartered at 375 Providence Highway in Westwood, Massachusetts. [BN]

The Plaintiff is represented by:

Raven Moeslinger, Esq.

Nicholas F. Ortiz, Esq.

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B.C. LOTTERY: Class Action Suit Filed Over "Dangerous" Video Slots

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Keith Fraser, writing for Vancouver Sun, reports that a proposed class-action lawsuit has been filed against the B.C. Lottery Corp. and the provincial government over the operation of allegedly "deceptive, addictive and dangerous" video slots.

The lawsuit, filed by proposed representative plaintiff Corina Riesebo of Kelowna, defines video slots as electronic slot machines used throughout the province at casinos and community gaming centres and otherwise known as "video lottery terminals" and "electronic gambling devices".

During the games, a user can bet on the outcome of a line game displayed using symbols on a screen.

"Video slots are inherently deceptive, inherently addictive and inherently dangerous when used as intended," claims the lawsuit.

"They are a form of continuous gaming which differs from

traditional mechanical slot machines, lotteries and other games of chance in that they are electronically programmed to create cognitive distortions of the perception of winning, which cognitive distortions are intended to keep the consumer engaged and losing money."

The notice of civil claim filed in B.C. Supreme Court says that unlike other regulated gambling games, video slots have hidden odds of winning and users are left guessing or inaccurately presuming their chances of winning any and all prizes.

"The difficulty of figuring out the odds is augmented by variable prize structures and the resulting volatility of the games that makes it impossible for the user to determine, with any accuracy, the true odds of winning during any given play session."

The lawsuit says that Riesebo began playing video slots line games 20 years ago and has played them in B.C. since 2015.

The proposed members of the class-action are anyone who paid to play line games on video slots in B.C. from Feb. 7, 2018 onwards.

The BCLC is responsible for the operation, distribution, deployment and supervision of slots that are run through operational service contracts with private-sector service providers, including 15

casinos, two racecourse casinos and 18 community gaming centres, says the lawsuit.

"Use of the video slots as intended resulted in the plaintiff and the class suffering economic losses, emotional distress and mental anguish, and other expected harms flowing from these losses and injuries, such as addiction, dependency, self-harm and/or suicide," it says.

An unusual feature of the lawsuit is that it alleges that the authorization of the video slots is in contravention of the Criminal Code.

"The video slots described herein are so programmed, fixed and manipulative that they do not fit any reasonable definition of 'slot machine' or 'fair game of chance' and do not form part of a valid 'lottery scheme,' as defined in section 207 of the Criminal Code," says the lawsuit.

The suit adds, however, that the plaintiff is not seeking a conviction of the defendants on a criminal standard of proof, only a finding that their conduct is in contravention of the lottery schemes authorized under the Criminal Code.

The lawsuit seeks a number of things, including an accounting of

the profits of the video slots and a "disgorgement" of some of those of profits, as well as \$1 million in punitive damages.

"BCLC cannot comment on this matter as it is currently before the Supreme Court of British Columbia," says a statement from lottery officials. "BCLC will be filing a response to the notice of civil claim." [GN]

#### BALTIMORE LIFE: Griffin Sues over Unwanted Telemarketing Calls

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The case, YVETTE GRIFFIN, individually and on behalf of all others similarly situated, Plaintiff v. THE BALTIMORE LIFE INSURANCE COMPANY, Defendant, Case No. 1:20-cv-00476-ELH (D. Md., February 24, 2020), arises from Defendant's alleged violation of the Telephone Consumers Protection Act.

According to the complaint, Plaintiff received prerecorded calls to her number ending in 8026 from telephone numbers 770-768-6820, 770-877-3866, and 229-860-6013 on July 17, 18 and 19, 2020 soliciting Plaintiff to purchase Defendant's insurance products.

Plaintiff claims that these calls have caused her actual harm and cognizable injury such as aggravation, nuisance and invasions of privacy that result from the placement and receipt of such unwanted calls, a loss of value realized for monies paid to her wireless



carrier for the receipt of such calls, and the interruption and loss of the use and enjoyment of her telephone.

Plaintiff seeks to stop Defendant's practice of engaging agents to place unsolicited autodialed and pre-recorded telemarketing calls to the cellular phones of consumers nationwide and to obtain redress for all persons injured by Defendant's illegal practice.

The Baltimore Life Insurance Company sells consumers various types of life insurance products. [BN]

The Plaintiff is represented by:

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BECTON DICKINSON: Kabak Sues Over 12% Drop in Share Price

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STEPHEN KABAK, AS TRUSTEE OF THE STEPHEN KABAK & JOY SCHARY LIVING

TRUST, Individually and On Behalf of All Others Similarly Situated, Plaintiff, v. BECTON, DICKINSON AND COMPANY, VINCENT A. FORLENZA, THOMAS E. POLEN, and CHRISTOPHER R. REIDY, Defendants, Case No. 2:20-cv-02155 (D.N.J., February 27, 2020) is a class action on behalf of all persons and entities that purchased or otherwise acquired Becton securities between November 5, 2019 and February 5, 2020, inclusive, seeking to pursue claims against the Defendants under the Securities Exchange Act of 1934.

According to the complaint, Becton lowered its fiscal 2020 guidance on February 6, 2020, announcing that it expected revenue to increase by only 1.5% to 2.5% to reflect the impact of a remediation effort and anticipated loss of sales of the Alaris infusion system. The Company notes that the software remediation plan for the Alaris system will require additional regulatory filings and existing customers would have access to the Alaris System under medical necessity. Becton also revealed that it had recorded a \$59 million charge in connection with a voluntary recall of certain Alaris pumps.

On this news, Becton's share price fell \$33.74, or nearly 12%, to close at \$252.25 per share on February 6, 2020, on unusually heavy trading volume.

The Defendants made materially false and/or misleading statements,

as well as failed to disclose material adverse facts about the Company's business, operations, and prospects. Specifically, Defendants failed to disclose to investors: (1) that certain of Becton's Alaris infusion pumps experienced software errors and alarm prioritization issues; (2) that, as a result, the Company was investing in remediation efforts to address these product issues, rather than a software upgrade to make enhancements; (3) that the Company was reasonably likely to face regulatory delays in connection with the software remediation; (4) that, as a result of the foregoing, Becton was reasonably likely to recall certain of its Alaris infusion pumps; and (5) that, as a result of the foregoing, Defendants' positive statements about the Company's business, operations, and prospects were materially false and/or misleading and/or lacked a reasonable basis.

Becton, Dickinson and Company serves as a medical technology company that develops, manufactures, and sells a broad range of medical supplies, devices, laboratory equipment and diagnostic products. The Company has three business segments: BD Medical; BD Life Sciences, and BD Interventional. [BN]

The Plaintiff is represented by:

Lisa J. Rodriguez, Esq.

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– and –

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BENELUX CORP: Wilder Sues over Overtime Pay, Illegal Kickbacks

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BRENNA WILDER, individually and on behalf of all others similarly  
situated, Plaintiff v. BENELUX CORPORATION A/K/A THE PALAZIO F/K/A  
THE SHOW PALACE; ANTHANASES STAMATOPOULOS; AND LAMPROS MOUMOURIS,  
Defendants, Case No. 1:20-cv-00216 (W.D. Tex., February 26, 2020)  
is a class action against the Defendants for violations of the Fair  
Labor Standards Act.

According to the complaint, the Defendants failed to compensate the Plaintiff and others similarly-situated dancers at The Palazzo the required minimum wages and overtime pay as mandated under the FLSA provisions. The Defendants are also engaged in illegal kickbacks by requiring them to pay monetary fees to the club management and other employees and also refused to pay them the proper amount of tips to which they were entitled.

The Plaintiff was employed by the Defendants as a dancer at The Palazzo, formerly known as The Show Palace.

Benelux Corp. is a strip club operator, also known as The Palazzo, with its principal place of business at 501 E. Ben White Blvd, Austin, Texas. It is also formerly known as The Show Palace. [BN]

The Plaintiff is represented by:

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BEYOND MEAT: Robbins Geller Reminds of March 30 Plaintiff Deadline

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Robbins Geller Rudman & Dowd LLP announces that a securities class action lawsuit has been filed in the Central District of California on behalf of purchasers of Beyond Meat, Inc. (NASDAQ:BYND) securities between May 2, 2019 and January 27, 2020 (the "Class Period"). The case is captioned Tran v. Beyond Meat, Inc., No. 20-cv-00963, and is assigned to Judge Michael W. Fitzgerald. The Beyond Meat securities class action lawsuit charges Beyond Meat and certain of its officers with violations of the Securities Exchange

Act of 1934.

The Private Securities Litigation Reform Act of 1995 permits any investor who purchased Beyond Meat securities during the Class Period to seek appointment as lead plaintiff in the Beyond Meat securities class action lawsuit. A lead plaintiff acts on behalf of all other class members in directing the Beyond Meat securities class action lawsuit. The lead plaintiff can select a law firm of its choice to litigate the Beyond Meat securities class action lawsuit. An investor's ability to share in any potential future recovery of the Beyond Meat securities class action lawsuit is not dependent upon serving as lead plaintiff. If you wish to serve as lead plaintiff of the Beyond Meat securities class action lawsuit or have questions concerning your rights regarding the Beyond Meat securities class action lawsuit, please visit our website by clicking [here](#) or contact Brian Cochran at 800/449-4900 or 619/231-1058, or via e-mail at [bcochran@rgrdlaw.com](mailto:bcochran@rgrdlaw.com). Lead plaintiff motions for the Beyond Meat securities class action lawsuit must be filed with the court no later than March 30, 2020.

Beyond Meat is a food company that provides plant-based protein products that are sold as substitutes for beef, pork, and poultry. Beyond Meat sells its products to various customers in the retail and foodservice channels through brokers and distributors in the United States and internationally.

Don Lee Farms is a maker of plant-based and meat proteins. In 2014, Beyond Meat entered into an exclusive supply agreement with Don Lee to produce all of Beyond Meat's products, including the development and launch of Beyond Meat's popular Beyond Burger. In early 2017, following the launch of the Beyond Burger, Beyond Meat terminated the supply agreement and transferred its production from Don Lee to other food manufacturers. On May 25, 2017, Don Lee filed a complaint against Beyond Meat in the Los Angeles County Superior Court asserting claims for breach of contract, misappropriation of trade secrets, and unfair competition, seeking monetary damages and declaratory and injunctive relief.

As the litigation progressed, Don Lee alleged that Beyond Meat had employed lax food safety practices during the two companies' partnership, specifically alleging that Don Lee found plastics, cardboard, and a metal nozzle in ingredients that Beyond Meat supplied. Don Lee also alleged that Beyond Meat had provided an altered copy of a food-safety audit of its manufacturing facilities, and on that basis added fraud claims to its suit against Beyond Meat in March 2019.

The Beyond Meat securities class action lawsuit alleges that throughout the Class Period, defendants failed to disclose that Beyond Meat's termination of its supply agreement with Don Lee



constituted a breach of that agreement, thus exposing Beyond Meat to foreseeable legal liability and reputational harm, and Beyond Meat and certain of its employees had doctored and/or omitted material information from a food safety consultant's report, which Beyond Meat had represented as accurate to Don Lee. As a result of this information being withheld from the market, Beyond Meat securities traded at artificially inflated prices during the Class Period, with its stock price reaching a high of more than \$230 per share.

On January 27, 2020, after the market closed, Don Lee announced that it was likely to obtain a judgment against Beyond Meat in its lawsuit. According to Don Lee, "[a] judge has ruled Don Lee . . . proved the probable validity of its claim that Beyond Meat breached its manufacturing agreement with Don Lee" and that in "a separate motion . . . the Court granted Don Lee['s] request to name Beyond Meat['s] [CFO and other senior officers] in its fraud claims which allege they intentionally doctored and omitted material information from a food safety consultant's report . . . and affirmatively represented that it was the complete opinion of the consultant." On this news, the price of Beyond Meat stock fell nearly 4%, or \$4.63 per share, to close at \$120.12 per share on January 28, 2020, causing substantial harm to investors.

Robbins Geller Rudman & Dowd LLP is one of the world's leading law

firms representing investors in securities litigation. With 200 lawyers in 9 offices, Robbins Geller has obtained many of the largest securities class action recoveries in history. For six consecutive years, ISS Securities Class Action Services has ranked the Firm in its annual SCAS Top 50 Report as one of the top law firms in the world in both amount recovered for shareholders and total number of class action settlements. Robbins Geller attorneys have helped shape the securities laws and have recovered tens of billions of dollars on behalf of aggrieved victims. Beyond securing financial recoveries for defrauded investors, Robbins Geller also specializes in implementing corporate governance reforms, helping to improve the financial markets for investors worldwide. Robbins Geller attorneys are consistently recognized by courts, professional organizations, and the media as leading lawyers in the industry. Please visit <http://www.rgrdlaw.com> for more information.

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<https://www.businesswire.com/news/home/20200214005029/en/>

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[GN]

BJ SERVICES: Fails to Pay Overtime Wages, Shetter Claims

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DAVID SHETTER, on behalf of Himself and Others Similarly Situated,  
v. BJ SERVICES, LLC., Case No. 4:20-cv-00630 (S.D. Tex., February  
21, 2020) is a class action against the Defendant for failure to  
pay overtime to the hourly, blue-collar workers it jointly  
employed, along with an undercapitalized staffing agency.

Shetter was employed and/or jointly employed by BJ Services as an  
hourly electronic technician and as a mechanic.

BJ Services is a provider of hydraulic fracturing and cementing  
services on a unique journey to becoming a High Reliability  
Organization. [BN]

The Plaintiff is represented by:

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BOTTLED BLONDE CHICAGO: Mitchell Balks at Collection of Biometrics

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ADAM MITCHELL individually, and on behalf of all others similarly situated, Plaintiff, v. BOTTLED BLONDE CHICAGO, LLC, Defendant, Case No. 2020CH02454 (Ill. Cir., Cook Cty., February 27, 2020) is a class action by Plaintiff and on behalf of all others similarly situated to redress and curtail Defendant's unlawful collection, use, storage, and disclosure of sensitive and proprietary biometric data.

Defendant allegedly violates the Biometric Information Privacy Act for its failure to take note of the shift in Illinois law governing the collection, use, storage, and dissemination of biometric data.

Bottled Blonde instead uses an employee time tracking system that requires employees to use their fingerprint as a means of authentication.

According to the complaint, Defendant fails to inform its employees that it discloses or disclosed their fingerprint data to at least one third-party vendor and likely others; fails to inform its employees that it discloses their fingerprint data to other, currently unknown, third parties, which host the biometric data in

their data centers; fails to inform its employees of the purposes and duration for which it collects their sensitive biometric data; and, fails to obtain written releases from employees before collecting their fingerprints.

Mitchell has worked for Bottled Blonde as a Security Guard since approximately October 2018.

Bottled Blonde Chicago, LLC, is a restaurant, bar and nightclub located in Chicago, Illinois. [BN]

The Plaintiff is represented by:

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James B. Zouras, Esq.

Megan E. Shannon, Esq.

Stephan Zouras, LLP

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CALYX ENERGY: Strong Seeks to Recover Unpaid Overtime Wages

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The case LARRY STRONG, Individually and For Others Similarly Situated v. CALYX ENERGY, LLC and CALYX ENERGY III, LLC, Case No. 5:20-cv-00154-G (W.D. Okla., February 21, 2020) is an action against the Defendant for failure to pay overtime for all hours worked in excess of 40 hours in a workweek in violation of the Fair Labor Standards Act.

Strong worked for Calyx as a Completions Consultant but was improperly classified by the Defendant as an independent contractor paid a daily rate with no overtime compensation.

Calyx Energy, LLC leases and develops oil and gas acreage throughout the Mid-Continent that uses cutting edge technology from both conventional and unconventional applications in their operations. [BN]

The Plaintiff is represented by:

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CAPITAL ACCOUNTS: Hawkins Sues over Unlawful Debt Collection

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GEORGE HAWKINS, individually and on behalf of all others similarly situated, Plaintiff v. CAPITAL ACCOUNTS OF JURY TRIAL DEMANDED TENNESSEE, LLC, d/b/a CAPITAL ACCOUNTS, LLC, Defendant, Case No. 8:20-cv-00458-WFJ-AAS (M.D. Fla., February 27, 2020) is a class action against the Defendant for violations of 15 U.S.C. Section 1692 et seq., the Fair Debt Collection Practices Act, the Florida Statute Section 559.55 et seq., and the Florida Consumer Collection Practices Act.

According to the complaint, the Defendant sent a collection letter

to the Plaintiff on or about March 1, 2019 with a payment coupon in an attempt to induce him into making a payment on a time-barred debt. Another collection letter was sent to him on or about April 4, 2019, which threatens that his unpaid collection account will be reported to one or more national credit bureaus.

The Defendant's conduct is designed to mislead and deceive since it had no right to file a lawsuit to collect the debt because the applicable statute of limitations period on the debt had expired, the complaint asserts.

Capital Accounts of Tennessee, LLC is a debt collector. It is also doing business as Capital Accounts, LLC. [BN]

The Plaintiff is represented by:

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CARDINAL AUTISM: Fields Seeks OT Pay for Behavioral Therapists

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The case, CHRISTOPHER FIELDS, individually and on behalf of others similarly situated, Plaintiff v. CARDINAL AUTISM SERVICES LLC and CORNERSTONES AUTISM SERVICES LLC, Defendants, Case No. 1:20-cv-01277 (N.D. Ill., February 21, 2020), arises from Defendants' alleged willful violations of the Fair Labor Standards Act, the Illinois Minimum Wage Law, the Illinois Wage Payment and Collection Act, and the Illinois Biometric Information Privacy Act.

Plaintiff was employed by Defendants in Southern Illinois as a Behavioral Therapist from July 2019 to November 2019 and as a Registered Behavior Technician from November 2019 to December 2019

to provide home-based Applied Behavioral Analysis (ABA) therapy services to Defendants' clients.

Plaintiff alleges that Defendants failed to pay BTs and RBTs for all hours worked, including time spent recruiting colleagues and acquaintances to work as BTs and RBTs; time spent training; time spent in sessions with clients that was not paid due to technical glitches with Rethink; time spent travelling between client' homes and/or other locations at which sessions took place; time spent waiting for clients to appear at sessions that were cancelled; and time spent performing work outside of their scheduled client sessions.

Moreover, Plaintiff made a series of complaints to Defendants' management, regarding Defendants' failure to pay him for all hours worked and failure to reimburse him for work-related expenses, which were a substantial factor in Defendants' decision to terminate his employment.

Cardinal Autism Services LLC and Cornerstones Autism Services LLC provide home-based Applied Behavior Analysis therapy services to children and teens with autism. [BN]

The Plaintiff is represented by:

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Nicholas Conlon, Esq.

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CARDINAL LOGISTICS: Underpays Truck Drivers, Pavloff Claims

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TIMOTHY PAVLOFF, individually and on behalf of all others similarly situated, Plaintiff v. CARDINAL LOGISTICS MANAGEMENT CORPORATION and DOES 1-10, Defendants, Case No. 5:20-cv-00363 (C.D. Cal., February 24, 2020) is a class action against the Defendants for violations of the Fair Labor Standards Act and the California Labor Code.

The Plaintiff, on behalf of himself and others similarly situated truck drivers, alleges that the Defendants violated FLSA and labor code requirements by failing to pay proper wages due to the practice of deducting 10 hours of sleep time from its truck drivers' pay for period in which they spent 24 hours or more on the road and failing to provide itemized wage statements.

Mr. Pavloff was employed by the Defendants as a long-haul truck driver from about September 2016 to the present.

Cardinal Logistics Management Corporation is a privately held third-party logistics provider, which focused on transportation services to multiple industries across the nation.[BN]

The Plaintiff is represented by:

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Adrienne De Castro, Esq.

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CARE MATTERS: Fails to Pay Overtime Compensation, Campbell Claims

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SHAWANA CAMPBELL, individually and on behalf of all others  
similarly situated, Plaintiff v. CARE MATTERS, LLC and JE'TUNNE  
TILLIS, Defendants, Case No. 20-cv-285 (E.D. Wis., February 20,

2020) brings this complaint to obtain relief under the Fair Labor Standards Act and the Wisconsin Wage Law for unpaid overtime compensation, unpaid agreed-upon wages, liquidated damages, civil penalties, costs, attorneys' fees, declaratory and injunctive relief.

Plaintiff was employed by Defendants as a Personal Caretaker since on or around September 2018.

Plaintiff claims that Defendant required her to remain on the worksite during lunch breaks, but without pay for this time. Instead, Defendant paid only her regular wages for hours worked over forty in a workweek. Defendant's common policy and practice of denying Plaintiff of overtime premium compensation at one and one-half times her respective regular rates for all hours worked in excess of 40 in workweeks violated the FLSA of 1938 and the Wisconsin Wage Law.

Je-Tunne Tillis owns and operates Care Matters, LLC and has control over all human resources and compensation aspects of operation.

Care Matters provides 24-hour in home care from a central office in Milwaukee, Wisconsin. [BN]

The Plaintiff is represented by:

Larry A. Johnson, Esq.

Summer H. Murshid, Esq.

Timothy P. Maynard, Esq.

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CARLAY GAS HEAT: Lim-Tom Sues Over Unpaid Overtime Wages

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Bryan Lim-Tom, Individually, and on behalf of all others similarly situated, Plaintiff, -v- Carlay Gas Heat Corp., Defendant, Case No. 1:20-cv-01682 (S.D.N.Y., February 26, 2020) is a class action where Plaintiff and the class members are entitled to unpaid non-overtime wages from Defendant for working and not being paid for each and all hours worked in a week, under Article 6 of the New York Labor Law, and attorneys' fees pursuant to Section 198 of the New York Labor Law.

Plaintiff was an hourly employee of Defendant's plumbing and repair business and his last regular hourly rate of pay was about \$16 an hour and was employed from on or about October 22, 2018 to on or about November 7, 2019.

Calray Gas Heat Corp. is a gas heat company providing complete boiler and gas heat related services to commercial and residential customers, in Manhattan, Queens, Brooklyn, and the Bronx. [BN]

The Plaintiff is represented by:

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CASCADE COLLECTIONS: Rodriguez Calls Debt Collection "Unlawful"

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FRANCISCO RODRIGUEZ, individually and on behalf of others similarly situated, Plaintiff v. CASCADE COLLECTIONS, LLC, Defendant, Case No. 2:20-cv-00120-JNP (D. Utah, February 21, 2020) brings this

action against Defendant for its alleged unlawful practice of collecting debts in violation of Fair Debt Collection Practices Act.

According to the complaint, Defendant sent Plaintiff a letter with a written notice on or about April 26, 2019, as an initial communication in an attempt to collect a debt incurred by Plaintiff. However, the language on the written notice is false, deceptive, and misleading because it has overshadowed Plaintiff's rights and failed to comply with the notice required by 15 U.S.C. Sec. 1692g by not providing Plaintiff with a proper notice within five days of the initial communication.

Under 15 U.S.C. Sec. 1692g, a debt collector must send a written notice that informs the debtor of the amount of the debt, to whom the debt owed, and include a "statement that unless the consumer, within thirty days after receipt of the notice, disputes the validity of the debt, or any portion thereof, the debt will be assumed to be valid by the debt collector."

Cascade Collections, LLC is a debt collector. [BN]

The Plaintiff is represented by:

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CHICAGO, IL: Court Denies Bid to Certify Class in Perez Suit

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In the case, ANGEL PEREZ, et al., Plaintiff, v. CITY OF CHICAGO, et al., Defendants, Case No. 13-cv-4531 (N.D. Ill.), Judge Robert M. Dow, Jr. of the U.S. District Court for the Northern District of Illinois, Eastern Division, denied the Plaintiffs' motion for class certification.

The longstanding case concerns the Chicago Police Department's ("CPD") use of its Homan Square facility. Plaintiffs Curtis Coffey and Juanita Berry were arrested on Feb. 6, 2015. At the time, Coffey and Berry had been living together at Berry's mother's house. The CPD had been investigating Coffey for weeks, and had observed him selling drugs within 1,000 feet of a school several times before he was arrested.

On Feb. 6, Coffey sold heroin to an undercover CPD officer. Berry was with him when he sold the heroin, and both were arrested and transported to Homan Square. Following arrest, Coffey was taken first to Homan Square, and then was transferred to the 11th district's stationhouse for formal processing. His fingerprints and mugshot were taken between 11:42 p.m. and 12:06 a.m. Berry was also taken to Homan Square, where she was interrogated. After she assisted in the officers' investigation of Coffey, they released [her] pending further investigation.

Coffey claims that after being taken to Homan Square he was placed into an interrogation room, handcuffed, and immediately interrogated. When Coffey requested to speak to an attorney, the officers responded that attorneys were not allowed into Homan Square.

Berry maintains that she was initially held in a bare interrogation room for two to three hours, during which time the officers stood outside laughing at her. While Berry waited, she was not offered food, water, or the bathroom, but she also did not ask anyone for those facilities or services. Berry also concedes that she did not ask to call an attorney, her friends, or family. The officers did, however, allow Berry to make four external phone calls during which she explained she was in custody, but these calls were in service of the investigation—the interrogators wanted her help in tracking down firearms.

The present motion is for class certification. In the Plaintiff's third amended complaint, they bring several claims, including one set of proposed classes regarding those subject to "secret arrest" and one set of proposed classes regarding those subject to unconstitutional conditions of confinement at Homan Square. The Individual plaintiffs have also brought claims against the City and individual officers regarding their individual experiences.

The present motion for class certification only concerns the "secret arrest" classes, and not the conditions of confinement classes. Specifically, the Plaintiffs ask to certify two related classes.:

- a. Class I (Detainee and Arrestee Class): All natural persons

detained or arrested by a Chicago Police Officer where no public record of the detainment or arrest was created within a reasonable amount of time from the initial detainment (the Plaintiffs suggest one hour from the initial detainment) and where no court order existed at the time of arrest or detainment sealing or otherwise making the detainment or arrest confidential, beginning on a date two years prior to the filing of the Complaint to the present.

b. Class II (Future Detainees and Arrestees Class):

All persons who may in the future be subject to the secret arrests Described in Class One.

In their reply, Plaintiffs propose narrowing the backward-looking class as follows: Amended Class I (Detainee and Arrestee Class): All natural persons detained or transported for initial arrest processing by a Chicago Police Officer to the non-district facility, identified in General Order 06-01-01, Effective Date 11/12/15, as Homan Square, where no public record of the detainment or arrest was created within a reasonable amount of time from the initial arrest (the Plaintiffs suggest one hour from initial detainment) and where no court order existed at the time of arrest or detainment sealing or otherwise making the detainment or arrest confidential, beginning March 31, 2013 to the present.

The Plaintiffs bring the secret arrest claim pursuant to 42 U.S.C. Section 1983, but do not describe which specific constitutional right was violated. To be clear, the only issue before the Court is whether the celerity with which Homan Square arrests were publicized can be adjudicated on a class-wide basis. The Plaintiffs have not moved to certify, and the Court will therefore not consider, its proposed class regarding conditions of confinement at Homan Square. The Court also is not being asked to adjudicate Coffey's or Berry's individual allegations that their arrests were publicized too late, or any of the appalling individual allegations of mistreatment included in the complaint.

Judge Dow denied the Plaintiffs' motion for class certification. The Judge finds that (i) the Plaintiffs have not met their burden of showing that there is an issue common to the class; (ii) the Plaintiffs fail the typicality prong for the same reason that they fail the commonality prong: They have not defined what constitutes an unreasonable delay in publicizing arrest, and therefore have given the Court little to go on by way of what constitutes a "typical" unreasonable delay; (iii) the class representatives have not demonstrated that they are adequate; in fact, they may have interests that conflict with those of the class; (iv) Class II lacks cohesive interests, it cannot be certified under Rule 23(b)(2); and (v) the Plaintiffs have not demonstrated that the

class action is superior to individual lawsuits.

A full-text copy of the Court's Dec. 27, 2019 Memorandum Opinion & Order is available at <https://is.gd/LiVNwi> from Leagle.com.

Angel Perez, individually, Plaintiff, represented by Jason R. Epstein -- [krime@kriminaldefense.com](mailto:krime@kriminaldefense.com) -- Law Offices of Jason Epstein & Phillip Aaron Brigham -- [pbrigham@phillipbrighamlaw.com](mailto:pbrigham@phillipbrighamlaw.com) -- Law Office Of Phillip Brigham, Llc.

Jose Martinez, Plaintiff, pro se.

Juanita Berry & Calvin Coffey, on behalf of themselves and all other persons similarly situated, Plaintiffs, represented by Cassandra P. Miller, Edelman, Combs, Lattuner & Goodwin LLC.

Estephanie Martinez, on behalf of themselves and all other persons similarly situated, Plaintiff, pro se.

City of Chicago, Defendant, represented by Iris Chavira, City Of Chicago Department Of Law & Bret Anthony Kabacinski, City of Chicago Department of Law.

Edmund Zablocki, Chicago Police Officer, Matthew Cline, Chicago Police Officer, Scott Kravitz & Carlos Iglesias, III, Defendants,

represented by Gregory M. Beck, City Of Chicago, Department of Law,  
Jason Michael Marx, City of Chicago, Department of Law & Jordan F.  
Yurchich, City Of Chicago, Department Of Law.

Jorge L Lopez, Chicago Police Officer, Defendant, represented by  
Gregory M. Beck, City Of Chicago, Department of Law, Jordan F.  
Yurchich, City Of Chicago, Department Of Law & Matthew P. Dixon,  
Gordon Rees Scully Mansukhani.

Mr. Atheris Mann, Intervenor Plaintiff, represented by G. Flint  
Taylor, Jr. -- plo@peopleslawoffice.com -- People's Law Offices.

CHILLED PROPERTIES: Chavez Files Suit in New York

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Chilled Properties LLC is facing a class action lawsuit filed  
pursuant to the Americans with Disabilities Act. The case is styled  
as Kenneth T. Chavez, on behalf of himself and all others similarly  
situated, Plaintiff v. Chilled Properties LLC doing business as:  
Boro Hotel, Defendant, Case No. 1:20-cv-01042 (E.D. N.Y., Feb. 26,  
2020).

Chilled Properties LLC is in the Nonresidential Building Operators  
business.[BN]

The Plaintiff is represented by:

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CHIPOTLE: Settles Non-GMO Class Action for \$6.5 Million

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Courthouse News Service reported that a federal court in California approved a \$6.5 million settlement with Chipotle in a class action relating to the company's claims that its food products were "non-GMO" and "GMO free." The class alleges these claims were misleading because the restaurant's dairy and meat products were from animals fed with a GMO derived feed and its soft drinks contain corn syrup.

A copy of the Order Granting Preliminary Approval of Settlement is available at:

<https://is.gd/eRXWFD>



CINCINNATI BELL: Brookfield Merger Docs Lack Info, Katz Claims

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BRIAN KATZ, individually and on behalf of all other similarly situated, Plaintiff v. CINCINNATI BELL INC., LYNN A. WENTWORTH, LEIGH R. FOX, MEREDITH J. CHING, WALTER A. DODS JR., CRAIG F. MAIER, MARTIN J. YUDKOVITZ, JOHN W. ECK, RUSSELL P. MAYER, JAKKI LYNN HAUSSLER, and THEODORE H. TORBECK, Defendants, Case No. 1:20-cv-01607 (S.D.N.Y, February 24, 2020) is a class action complaint brought against Defendants for their alleged violation of Section 14(a) and 20(a) of the Securities Exchange Act of 1934 in connection with the proposed merger between Cincinnati Bell and Brookfield Infrastructure and its institutional partners.

The Company's shareholders, including the Plaintiff, stand to receive \$10.50 in cash for each share of Cincinnati Bell stock they own pursuant to the merger agreement announced by the Board on December 21, 2019.

According to the complaint, the Board authorized the filing of a materially incomplete and misleading Form PREM14A Preliminary Proxy Statement with the Securities and Exchange Commission on February 4, 2020 in order to convince the Company's shareholders to vote in favor of the Proposed Transaction.

Plaintiff asserts that there were omitted material information from the Proxy, that are imperative for the shareholders to make an informed decision regarding the Proposed Transaction, such as the financial projections of the Company and the summary of certain valuation analyses conducted by the Company's financial advisors, Morgan Stanley & co. LLC and Moelis & Company LLC.

Cincinnati Bell provides integrated communications and IT solutions to consumers and business customers through two business segments.

[BN]

The Plaintiff is represented by:

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James M. Wilson, Jr., Esq.

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## CLEARVIEW AI: Burke and Pomerene Sue over Illegal Web Scraping

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SEAN BURKE and JAMES POMERENE, individually and on behalf of all others similarly situated, Plaintiffs v. CLEARVIEW AI, INC., a Delaware Corporation; HOA TON-THAT, an individual; RICHARD SCHWARTZ, and individual; and DOES 1 through 10, inclusive, Defendants, Case No. 3:20-cv-00370-BAS-MSB (S.D. Cal., February 27, 2020) is a class action complaint brought against Defendants for their alleged violations of the California Consumer Privacy Act of 2018 and the Illinois Biometric Information Privacy Act.

According to the complaint, Clearview illicitly "scraped" hundreds of websites such as Facebook, Twitter, and Google for over three billion images of consumers' faces, including Plaintiffs Burke and Pomerene, without their notice, consent or permission. Clearview stored those billions of scraped images of faces in its database, used its facial recognition software to generate biometric information to match the face to identifiable information, and then sold access to the database to third-party entities and agencies, such as law enforcement agencies and private companies across the country, for a profit.

The case claims that Plaintiffs were deprived of their control over their valuable and sensitive information and have further suffered damages in the diminution in value of their sensitive biometric

information and identifiers because of Clearview's unauthorized collecting, capturing, purchasing, receiving through trade, obtaining, selling, leasing, trading, disclosing, redisclosing, disseminating, or otherwise profiting from or using Plaintiffs' photographs and biometric information and identifiers.

Hoan Ton-That is founder and Chief Executive Officer of Clearview and has participated in, consented to, approved, authorized, and directed the wrongful acts alleged.

Richard Schwartz is founder and officer, director, and/or principal of Clearview and has conspired to carry out the illegal scheme alleged.

Clearview AI, Inc. is an American technology company that provides facial recognition software, which they claim is marketed primarily for law enforcement agencies. [BN]

The Plaintiffs are represented by:

Amber L. Eck, Esq.

Alreen Haeggquist, Esq.

Aaron M. Olsen, Esq.

Ian Pike, Esq.

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#### CLEARVIEW AI: Faces Class Action Lawsuit Similar to Facebook

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Andrew Orr, writing for The Mac Observer, reports that Facebook recently settled a lawsuit alleging that it violated Illinois privacy laws. Now, Clearview AI is also facing a class action lawsuit in the state.

The lawsuit, filed Feb. 13, 2020, on behalf of several Illinois citizens and first reported by BuzzFeed News, alleges that Clearview "actively collected, stored and used Plaintiffs' biometrics -- and the biometrics of most of the residents of Illinois -- without providing notice, obtaining informed written consent or publishing data retention policies."

Not only that, but this biometric data has been licensed to many law enforcement agencies, including within Illinois itself.

All this is allegedly in violation of the Biometric Information Privacy Act, a 2008 law that has proven to be remarkably long-sighted and resistant to attempts by industry (including, apparently, by Facebook while it fought its own court battle) to water it down. [GN]

COSTCO WHOLESALE: Sobel Calls TV Insurance Plan "Deceptive"

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BRUCE SOBEL, Individually and on Behalf of All Others Similarly Situated, Plaintiff, v. COSTCO WHOLESALE CORPORATION, THE ALLSTATE CORPORATION, SQUARETRADE INC., and CE CAREPLAN CORP., Defendants, Case No. 1:20-cv-01515-NRB (S.D.N.Y., February 20, 2020) alleges unfair, deceptive and unlawful business practices of Defendants with respect to the advertising, marketing and sales of Protection Plans through Costco in connection with certain consumer electronics and appliances.

According to the complaint, Costco is essentially preying on consumers including the Plaintiff to purchase a Protection Plan well before the customer has the opportunity to determine if the plan offers any benefit.

Like the instance of Plaintiff's purchase, a Costco salesperson asked Plaintiff to consider purchasing a five-year Protection Plan

in connection with the purchase of a television, and provided him with a brochure. The salesperson did not inform Plaintiff that the Protection Plan would virtually be worthless because the television already came with a 5-year manufacturer's warranty -- for the full five-years of the Protection Plan. Plaintiff was led to believe the Protection Plan would provide him with a minimum of eight years of warranty coverage where in reality, Costco omitted material facts and misrepresented the plan's terms, thereby inducing Plaintiff to purchase a Protection Plan that offered little additional coverage beyond that of the manufacturer's warranty.

Costco Wholesale Corporation is the second largest retailer in the United States. The Company operates a chain of member-only warehouse clubs that sells goods and services, offering wholesale prices of various products such as food and perishables, home goods, electronics, computers and related products, home furniture and appliances, jewelry, tires, and more.

Allstate Corporation is one of largest publicly traded property casualty insurance company in the United States headquartered in Northbrook, Illinois.

SquareTrade serves as a consumer product protection plan provider headquartered in San Francisco, California. SquareTrade provides protection plans for consumer appliances and electronics, such as

TVs, smartphones and computers, and distributes protection plans through many major retailers in the United States.

CE Care Plan Corp. is a wholly-owned subsidiary of Allstate (previously SquareTrade), and is a registered service contract provider. [BN]

The Plaintiff is represented by:

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Jennifer Sarnelli, Esq.

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– and –

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CPI AEROSTRUCTURES: Rodriguez Sues Over Share Price Drop

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MARK A. RODRIGUEZ, Individually and on behalf of all others  
similarly situated, Plaintiff, v. CPI AEROSTRUCTURES, INC., DOUGLAS  
MCCROSSON, and VINCENT PALAZZOLO, Defendants, Case No.  
1:20-cv-00982 (E.D.N.Y., February 24, 2020) is a class action on  
behalf of all persons and entities that purchased or acquired CPI  
Aerostructures publicly traded securities from May 15, 2018 through  
February 14, 2020, both dates inclusive, seeking to pursue claims  
against the Defendants under the Securities Exchange Act of 1934.

CPI Aerostructures has disclosed that, during the three and nine  
months ended September 30, 2018, revenue was overstated by \$900,000  
to \$950,000, net income was overstated by \$725,000 to \$775,000,  
and, as a result, earnings per share were overstated by \$0.09 per  
share, for each such period.

On this news, shares in CPI Aerostructures' stock fell \$0.59 per  
share or over 8.5% to close at \$6.34 per share on February 8, 2019,  
damaging investors.

According to the complaint, the Defendants released statements that  
were materially false and/or misleading as they misrepresented and

failed to disclose the adverse facts pertaining to the Company's business, operational and financial results.

CPI Aerostructures engages in the contract production of structural aircraft parts for fixed wing aircraft and helicopters in the commercial and defense markets. The Company is incorporated in New York with its principal executive offices located at 91 Heartland Boulevard, Edgewood, New York. [BN]

The Plaintiff is represented by:

Phillip Kim, Esq.

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CROWN CASTLE: Faces La Suit Over 8.8% Decline in Share Price

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ANABELLE LA, Individually and on behalf of all others similarly situated, Plaintiff, v. CROWN CASTLE INTERNATIONAL CORP., JAY A.

BROWN, and DANIEL K. SCHLANGER, Defendants, Case No. 2:20-cv-02156

(D.N.J., February 27, 2020) is a class action on behalf of persons or entities who purchased or otherwise acquired publicly traded Crown Castle securities between February 26, 2018 and February 26, 2020, inclusive, seeking to recover compensable damages caused by Defendants' violations of the federal securities laws under the Securities Exchange Act of 1934.

On February 26, 2020, the Defendant issued a press release restating the financial statements for the years ended December 31, 2018 and 2017, and unaudited financial information for the quarterly and year-to-date periods in the year ended December 31, 2018 and for the first three quarters in the year ended December 31, 2019. Crown Castle has determined that the restatement of its previously issued financial statements indicates the existence of one or more material weaknesses in its internal control over financial reporting and that its internal control over financial reporting and disclosure controls and procedures were ineffective as of December 31, 2019.

On this news, shares of Crown Castle fell \$14.38 per share, or over 8.8%, to close at \$148.31 per share on February 27, 2020, damaging investors.

Defendants made false and/or misleading statements and/or failed to disclose that: (1) Crown Castle's internal control over financial

reporting and disclosures controls and procedures were ineffective and materially weak; (2) Crown Castle's financial accounting and reporting was not in accordance with GAAP; (3) Crown Castle's net income, adjusted EBITDA, and AFFO were inflated; (4) Crown Castle would need to restate its financial statements for the years ended December 31, 2018 and 2017, and unaudited financial information for the quarterly and year Case to-date periods in the year ended December 31, 2018 and for the first three quarters in the year ended December 31, 2019; and (5) as a result, Defendants' statements about its business, operations, and prospects, were materially false and misleading and/or lacked a reasonable basis at all relevant times.

Crown Castle International Corp. owns, operates and leases more than 40,000 cell towers and more than 75,000 route miles of fiber supporting small cells and fiber solutions across every major U.S. market. Crown Castle is incorporated in Delaware and its head office is located at 1220 Augusta Drive, Suite 600, Houston, Texas.

[BN]

The Plaintiff is represented by:

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CUATRO T CONSTRUCTION: Diaz Seeks Overtime Pay for Drivers

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The case, GILBERT DIAZ, on behalf of himself and all others similarly situated, Plaintiff v. CUATRO T CONSTRUCTION, INC., Defendant, Case No. 5:20-cv-231 (W.D. Tex., February 26, 2020), seeks to recover unpaid overtime wages, statutory liquidated damages, and attorneys' fees against Defendant for violations of the Fair Labor Standards Act.

Plaintiff worked for Defendant from approximately October 2018 to January 2020 as a driver transporting construction materials between worksites in the San Antonio and wider Texas area.

According to the complaint, Plaintiff and other drivers who worked for Defendant are not paid an overtime premium for hours they work over 40 per week and are only paid 25% of each load they deliver. Also, Defendant artificially deflated the regular rate and therefore the overtime rate that Plaintiff and other drivers should have received each week.

Moreover, Defendant also failed to make, keep, and preserve accurate records with respect to Plaintiff and other drivers, including hours worked each workday and total hours worked each workweek, as required by the FLSA.

Cuatro T. Construction, Inc. is a construction company that provides trucking services. [BN]

The Plaintiff is represented by:

Lawrence Morales II, Esq.

Allison S. Hartry, Esq.

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DEBT CRUSADERS: Has Made Unsolicited Calls, Fabricant Suit Says

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TERRY FABRICANT, individually and on behalf of all others similarly situated, Plaintiff v. DEBT CRUSADERS, INC., Defendant, Case No.

2:20-cv-01462 (C.D. Cal., Feb. 13, 2020) seeks to stop the Defendants' practice of making unsolicited calls.

Debt Crusaders, Inc. is a debt collection agency, offering debt consolidation and debt settlement. [BN]

The Plaintiff is represented by:

Todd M. Friedman, Esq.

Adrian R. Bacon, ESq.

LAW OFFICES OF TODD M. FRIEDMAN, P.C.

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DEBT RECOVERY: Hill Alleges Violation under FDCPA

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A class action lawsuit has been filed against Debt Recovery Solutions, LLC. The case is styled as Heather Hill aka Heather Nichols, individually and on behalf of all others similarly situated, Plaintiff v. Debt Recovery Solutions, LLC,

Pendrick Capital Partners II, LLC and John Does 1-25, Defendants,  
Case No. 3:20-cv-03677-TKW-HTC (N.D., Fla., Feb. 26, 2020).

The docket of the case states the nature of suit as Consumer Credit  
filed pursuant to the Fair Debt Collection Practices Act.

Debt Recovery Solutions, LLC is a collection agency located in New  
York.[BN]

The Plaintiff is represented by:

Justin Zeig

Zeig Law Firm LLC - Hollywood FL

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Hollywood, FL 33021

Tel: (754) 217-3084

Email: zlf@zeiglawfirm.com

DEVA CONCEPTS: DevaCurl Customers Allege Hair Loss and Damage

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Yola Robert, writing for Forbes, reports that over the last few  
weeks DevaCurl customers have been coming out and addressing their  
concerns with DevaCurl's product. Claims of hair loss, damage to  
the curl type/texture, scalp damage and even triggering of



psoriasis have been made. DevaCurl started in New York City in 1994 as a salon specializing in curly hair. The salon became so popular that they launched a product line that claims to be free of harsh ingredients and specifically designed for curly hair. Curly girls all over the world have sworn by their products, but unfortunately many of these curly girls woke up in what many of them claim to be a "nightmare."

Ayesha Malik is a curly hair influencer who has been longtime DevaCurl user and even partnered with the brand on multiple occasions. Her YouTube and Instagram were filled with DevaCurl tips, tricks and how to's. Women of all ethnicities with curly hair flocked to Malik for her expertise on keeping up with curly hair. That quickly changed for Malik and about two weeks ago Malik took to her YouTube channel to share why she stopped using Deva Curl. That video went viral over night garnering 1.7 million views.

When I reached out to Malik for an exclusive statement on how she explained how she discovered the products and how she began a relationship with DevaCurl. "One day in 2017, I posted a selfie and it went viral. Thousands of women were accusing me of wearing a wig or that I used a curling iron. I hated having my integrity questioned like that so I made a YouTube video to prove my innocence. I show my hair from wet to dry, styling it with DevaCurl products," said Malik. "Their PR team fell in love with me. They

added me to their list of influencers - even though I didn't have any followers at the time. A few months later, they flew me out to NYC for an influencer event. I was a fish out of water. I never felt so out of place in my life."

Malik had always promoted the products, but only got paid to do it twice along with one meet and greet. "But even if they didn't pay me or had any association at me, I still would have been talking about the products because it was all I used from my college days. I assumed I was going to use them for the rest of my life," shared Malik. In July 2018 Malik saw the first signs of damage and by January 2019 she didn't even recognize her hair when she photos of herself from behind. Thinking that the problem was not attributed to DevaCurl- she added more DevaCurl to her routine. Malik officially stopped using the products in August 2019.

Most influencers who have worked with a brand and no longer care to use their products or services stay quiet and move on. However, Malik took to her platforms to share her story regardless of what the consequences may be. She explains why she did so, "The majority of my audience is international. I saw that DevaCurl was expanding into the European markets. That terrified me. At the time, our Facebook group had 4K+ members. That number was going to exponentially grow if I didn't say anything. I couldn't let that happen."

Malik only heard from Deva Curl after the video went viral. "I've only had negative feedback from DevaCurl employees and DevaStylists. Which is a very small number compared to the love and support that I have received nationwide," said Malik. "Deva Curl asked if I wanted to get on a phone call with them. The damage has been done. There is nothing they can do to fix this. Unless they have some magic potion that will magically heal my scalp, instantly regrow ten years worth of length, stopped my headaches, get the ringing out of my ears, and give me back my original hair color - then I'm not talking to them." Malik advises other influencers to be transparent with their following on why they stopped using DevaCurl and to immediately

That video sparked thousands of other women to come forward with their "DevaDamage" story. There are now several Facebook support groups that have been formed to support those women who are trying to recover their curls back after using DevaCurl. One of the groups titled "Hair Damage & Hair Loss from DevaCurl-You're Not Crazy or Alone" has over 45,000 members. Then there's the class-action lawsuit filed against DevaCurl. The lawsuit was filed by a former DevaCurl user and now many former users are joining the lawsuit in hopes to recoup the damage they have endured.

But what is DevaCurl doing about all of this? On February 11th they

released a blog post on their website stating the following:

"Nothing is more important to us than you. As a curl community, we know the curl journey is a unique and personal one as your curls are an expression of who you are. We always want your curls to be a source of pride, never anxiety. This is at the center of what our brand stands for and what our professional stylist community has helped to encourage over the last 20 years.

When some of you first raised concerns about our products, we were laser-focused on our testing as the best way to confirm their safety and quality. You can feel confident using DevaCurl because all our products have gone through rigorous testing that has confirmed they are safe and adhere to both quality assurance and regulatory standards.

We've heard you and recognize that any changes to your hair – for whatever reason -- demand a special type of attention that safety tests alone can't address. That's why we're partnering with medical professionals, dermatologists, industry experts, professional stylists, and members of our curl community to better address your needs and concerns.

We are committed to: Creating a Professional Curl Care Council of trusted medical professionals, dermatologists, independent industry

experts, professional stylists and members of our curl community to help us all better understand healthy curls and scalp. We will develop Curl Care Resources for you and our stylist professionals, including information about curl and scalp health and using DevaCurl products. Sharing answers to some of the top questions we have received from you around safety and ingredients, as well as links to independent professional organizations.

Because many factors determine curl and scalp health, the situation is complex, and we ask for your patience as we work together to provide more answers and address your concerns. We will continue to share updates."

When I reached out to Deva Curl directly for a statement they offered to jump on a call with me to discuss the situation. Their communications manager firstly apologized for any inconvenience I had endured as I, too, suffered from hair and scalp damage and went on to seem shocked at the allegations. On their site, it states that they test products on actual people, not mannequins or hair swatches at their thinktank and product playground Devachan Salon. At the salon each new product is perfected and only introduced to the market after receiving your stamp of approval and undergoing their strict safety testing protocols.

When I asked how long they had performed testing and were aware of

any harmful ingredients to curly hair DevaCurl responded with, "We cannot answer this question at this time." They did, however, provide this statement when asked about potential reformulation.

"At DevaCurl, we have been laser-focused on our testing as the best way to confirm the safety and quality of our products. All of our products have gone through rigorous testing that has confirmed they are safe and adhere to both quality assurance and regulatory standards. We also recognize that any changes to curly hair – for whatever reason – demand a special type of attention that safety tests alone can't address. That's why DevaCurl is committed to creating a Professional Curl Care Council of trusted medical professionals, dermatologists, independent industry experts, professional stylists, and members of our curl community to help us all better understand healthy curls and scalp. We will continue to share updates on our website [www.devacurlcare.com](http://www.devacurlcare.com)."

Many of the upset customers I had talked to, including Malik, expressed how difficult it was to return their products if they purchased it directly from the DevaCurl site. When I informed DevaCurl about this they stated that they are happy to accept returns and give full refunds if any of their customers have had adverse reactions or are unhappy with the product. They claimed to be unaware with customer service having any issues doing so.

As far as the lawsuit goes, DevaCurl informed that they are aware

that a lawsuit has been filed, but they do not discuss active litigation as they stand behind the quality and safe use of their DevaCurl products. [GN]

DOGASTIC LLC: Withheld Employees' Tips, Jones and Rivera Allege

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HUNTER JONES and ALEXIA RIVERA, each individually and on behalf of all others similarly situated, Plaintiffs v. DOGASTIC, LLC, KIMBERLY SMITH and MICHAEL MITCHELL, Defendants, Case No. 5:20-cv-00230-OLG (W.D. Tex., February 26, 2020) is a collective action complaint brought against Defendants for their alleged violation of the Fair Labor Standards Act.

Plaintiffs were employed by Defendants as dog care specialists and were being paid an hourly rate that is at or above the applicable minimum wage.

According to the complaint, Plaintiffs and those similarly situated received tips from customers for services provided. However, Defendants did not allow Plaintiffs to keep the tips they receive, took tips given to Plaintiffs, and instead redistributed them among the three department heads employed by Defendants.

Kimberly Smith and Michael Mitchell are both owner, principal, officer and/or director of Dogtastic, LLC and Pawderosa Ranch. Both

Defendants manages and controls the day-to-day operations of Pawderosa Ranch, including but not limited to the decision to deprive Plaintiffs of the tips they earned and redistribute those tips among non-tipped employees.

Dogtastic, LLC provides dog day care services. [BN]

The Plaintiffs are represented by:

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DOMINION ENERGY: Barker Sues Over Unpaid Overtime Wages

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The case, ROBERT BARKER, individually and for others similarly situated, Plaintiff v. DOMINION ENERGY, INC., Defendant, Case No. 3:20-cv-00117 (E.D. Va., February 20, 2020), seeks to recover unpaid overtime wages and other damages from Defendant under the Fair Labor Standards Act.



Plaintiff was staffed to Dominion by Hunt, Guillot & Associates, Inc. as a Utility Inspector from April 2017 until June 2017.

According to the complaint, Plaintiff regularly worked for Defendant in excess of 40 hours each week and never received overtime for hours worked in excess of forty hours in a single week. Despite working overtime, Plaintiff only received a flat amount of his daily rate per day.

Dominion Energy, Inc. is one of the nation's largest producers and transporters of energy and uses companies to hire employees to perform work. [BN]

The Plaintiff is represented by:

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DOWNTOWN ASSOCIATION: Withholds Gratuity, Ikahn El Claims

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The case, IKAHN EL, individually and on behalf of all others similarly situated v. DOWNTOWN ASSOCIATION, INC.; MARK ALTHERR; and any other related entities, Defendants, Index No. 151823/2020 (N.Y. Sup., New York Cty., February 19, 2020), arises from the Defendants' violations of Labor Law Article 6 Section 196-d.

According to the complaint, the Defendants engaged in a policy and practice of unlawfully retaining employees' gratuities at all catering venues in New York starting in approximately February 2014 up to the present. The Plaintiff, on behalf of all others similarly-situated service employees, claims that documents in connection with the administration of a banquet and/or catered event including bills, menus, contracts, invoices and other catering related items contained a Mandatory Charge which is a gratuity for the staff but retained by the Defendants for themselves.

The Plaintiff was employed by the Defendants as a food service worker.

Down Town Association, Inc. is a hospitality services provider with principal place of business located at 60 Pine Street, New York,

New York. [BN]

The Plaintiff is represented by:

Brett R. Cohen, Esq.

Jeffrey K. Brown, Esq.

Michael A. Tompkins, Esq.

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ECO COMMUNITY CLEANERS: Catahan Sues over Unpaid Overtime Wages

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NOEL G. CATAHAN, individually and in behalf of all other individuals similarly situated, Plaintiff v. ECO COMMUNITY CLEANERS INC.; JYA CLEANERS, INC.; MERCER CLEANER CORP.; and SUNG LEE; jointly and severally, Defendants, Case No. 1:20-cv-01749 (S.D.N.Y., February 27, 2020) alleges that Defendants violated the Fair Labor Standards Act and the New York Labor Law's Minimum Wage Act and Wage Theft Prevention Act.

Plaintiff was employed by Defendants as a counter person approximately from Spring 2013 until Summer 2019 and worked approximately seventy and then sixty hours per week.

Plaintiff asserts that Defendants willfully failed to pay Plaintiff and party Plaintiffs the applicable minimum wage, overtime compensation of one and one-half times their regular rate of pay for working more than 40 hours each workweek, and spread-of-hours compensation. Also, Defendants failed to provide Plaintiff with a notice and acknowledgment at the time of hiring and with a statement with each payment of wages.

Defendants are associated and are joint employers, act in the interest of each other with respect to the employees of the Defendants, have common policies and practices as to wages and hours, and share control over the Defendants' employees.

Defendants provide laundry services. [BN]

The Plaintiff is represented by:

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ENERGY TRANSFER: Altenhofen Seeks to Recover Unpaid Overtime Pay

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JASON ALTENHOFEN, Individually and For Others Similarly Situated v. ENERGY TRANSFER PARTNERS, L.P., Case No. 2:20-cv-00200-DSC (W.D. Pa., Feb. 7, 2020), seeks to recover from Energy Transfer unpaid overtime wages and other damages under the Fair Labor Standards Act, the Ohio Minimum Fair Wage Standards Act, the Ohio Prompt Pay Act and the Pennsylvania Minimum Wage Act.

According to the complaint, the Plaintiff and other Day Rate Inspectors regularly worked for Energy Transfer in excess of 40 hours each week but it did not pay them overtime. Instead of paying overtime as required by the FLSA, PMWA, and the Ohio Acts, Energy Transfer improperly paid them a daily rate with no overtime compensation, the Plaintiff asserts.

The Plaintiff worked for Energy Transfer from May 2017 until October 2017 as an Environmental Inspector.

Energy Transfer is a company engaged in natural gas and propane pipeline transport.[BN]

The Plaintiff is represented by:

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ENVIRONMENTAL RESOURCES: James Sues Over Unpaid Overtime Wages

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The case, ELBERT JAMES, Individually and For Others Similarly  
Situating, v. ENVIRONMENTAL RESOURCES MANAGEMENT SOUTHWEST, INC.  
Case No. 4:20-cv-00669 (S.D. Tex., February 25, 2020), alleges that  
the Defendant failed to pay Plaintiff or the Putative Class Members  
overtime for hours worked in excess of 40 in a workweek under the  
Fair Labor Standards Act.

The Plaintiff worked for the Defendant as a Right of Way (ROW)  
Agent from approximately November 2015 until January 2018.

Environmental Resources Management Southwest, Inc. provides  
environmental, health, safety, risk, social consulting services and



sustainability related services with headquarters in Houston,  
Texas. [BN]

The Plaintiff is represented by:

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EQUIFAX INC: Settlement Objector Attys. Fight to Clear Their Name

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Amanda Bronstad, writing for Law.com, reports that lawyers scorned by a judge who approved the \$1.4 billion Equifax settlement last month fired back, defending themselves and their profession representing objectors to class actions.

In his Jan. 13 order approving the Equifax deal, U.S. District Judge Thomas Thrash Jr. of the Northern District of Georgia took the opportunity to chastise many of the objector lawyers, specifically mentioning previous instances in which other judges had criticized the same lawyers. He rejected all the objections.

At least two of the objector lawyers have sought to amend the judgment to exclude the personal attacks against them, and four others, including prominent class action critic Ted Frank, have filed notices to appeal Thrash's order to the U.S. Court of Appeals for the Eleventh Circuit.

"Court rulings that wrongly impugn a lawyer's professional reputation can have serious adverse professional consequences," wrote John Davis in a Feb. 10 motion to amend the judgment.

Many of the lawyers are frequent objectors in class action settlements—the target of 2018 amendments to the Federal Rule 23 of Civil Procedure. The amendments were designed to halt the

practice of "professional objectors" extorting money from class counsel in exchange for dropping their appeals of class action settlements.

Two of the objectors in Equifax, Christopher Andrews and Davis, who both filed pro se, implied in court filings that Thrash's attacks on their profession were the work of class counsel, who got \$77.5 million in fees and costs for the deal.

Thrash's findings about objectors and their lawyers had "nothing to do with the issues in this case," Davis wrote, "but rather, with a bid by class counsel to obtain an order that impugns the reputations of lawyers singularly effective in limiting attorneys' fees in class action cases, which class counsel can then cite to limit or prevent their working in subsequent cases."

"The dignity and authority of this court should not be enlisted in service of those base ends," he wrote.

Andrews, who previously filed motions to remove class counsel and others from the Equifax case, blamed Thrash's "long winded rant" against objector lawyers on a "false smear campaign" lead by the lead lawyers.

"The court got bamboozled, fell for the old bait and switch-a-roo, it's the oldest of blunders, a typical maneuver by the lawyers who

are losing," he wrote. "The court took class counsel's email bait trick, hook, line and sinker."

Both lawyers, and a third, Robert Clore, Esq., also insisted that the judge had his facts wrong. As to Andrews, a resident of Livonia, Michigan, who is not an attorney, Thrash noted that a federal judge in a case against Blue Cross found his court filings were not made in "good faith" and designed "to harass class counsel." He also cited a Nov. 27 email from Andrews that class counsel submitted in the Equifax case in which he appeared to extort \$400,000 to drop his appeal and resolve the Blue Cross case.

"My offer in that email to class counsel in that case was made the day after mediation failed two months ago," Andrews wrote in a Feb. 10 notice of appeal.

Thrash also rejected what he called the "frivolous" arguments of Davis, who is from Tampa, Florida, then cited two other cases in which judges had criticized him.

Davis, in this week's motion, disputed the importance of those cases. In a class action against Godiva Chocolatier, he wrote, Thrash relied on the remarks of a federal magistrate judge about "professional objectors who threaten to delay resolution of class

action cases unless they receive extra compensation," but a district judge ignored those findings, Davis wrote.

"Putting aside whether these cases could be cited in the first place, this court could not in any event rely on either of the cited documents as evidence to establish that Mr. Davis is a 'professional objector,' even if there were court orders that actually said that," he wrote.

Objector lawyer Clore sought to distance himself from the founding partner of his firm, Bandas Law Firm. In 2019, a federal judge Illinois issued a judgment against Christopher Bandas, founder of the Corpus Christi, Texas-based firm, that limited his ability to act as a "professional objector."

"Mr. Clore does not have any history of inappropriate conduct," he wrote in a Jan. 23 motion to amend the judgment. "Mr. Clore has never been sanctioned for anything, including filing a frivolous objection."

Class counsel responded by mentioning an April 5 order by a federal magistrate judge denying Clore's pro hac vice motion in a New Jersey class action over plumbing products.

Regarding Frank, who is the director of the Center for Class Action

Fairness at the Hamilton Law Institute, Thrash found that he "disseminated false and misleading information" about the Equifax settlement, using a "chat-bot" created by claims aggregator Class Action Inc. to drum up objections.

Another lawyer at his Washington, D.C., nonprofit, Melissa Holyoak, Esq., represented Frank and another objector, David Watkins, in the Equifax case.

Frank previously told the Daily Report he has "no idea what the judge thinks I said that was false and misleading." He also said he has "no affiliation" with Class Action Inc. and called the judge's attacks on objector lawyers "regrettable and highly irregular."

In an email Friday, February 14, Frank noted that his organization had obtained hundreds of millions of dollars for class members in the past decade, and that other judges have praised his work. But, he wrote, he declined to make Thrash's personal attacks part of his appeal to the Eleventh Circuit.

"Our focus is on the legal issues rather than collateral litigation over the court's name-calling," he wrote. "Other district court judges have said worse things about us, and it didn't stop us from winning reversals." [GN]

EVENTFLO CO: Alston Sues Over Defective Booster Seats

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TARNISHA ALSTON, individually and on behalf of herself and all others similarly situated, Plaintiff v. EVENTFLO COMPANY, INC., Defendant, Case No. 9:20-cv-00801-RMG (D.S.C., February 20, 2020) is a class action complaint brought against Defendant for its alleged deceptive and misleading marketing, packaging, and labeling of its Booster Seat in violation of the South Carolina Unfair Trade Practices Act.

According to the complaint, Defendant breached its express warranties by selling its Booster Seats, which are in actuality not free of defects, are unsafe for use, and cannot be used for their ordinary purpose of protecting children in the event of a side-impact collision.

Moreover, Defendant failed to disclose the truth regarding its Booster Seat's side-impact safety which has direct impact on the health of the children, failed to provide any relief to Plaintiff, failed to provide a safe replacement Booster Seat to Plaintiff, and failed to offer any appropriate compensation.

Evenflo Company, Inc. manufactures, markets, and sells car seats and other baby and child-related products. [BN]

The Plaintiff is represented by:

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EVENTFLO CO: Car Seat for Kids Unsafe, Ramasamy Claims

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SUDHAKAR RAMASAMY, individually and on behalf of herself and all others similarly situated, Plaintiff, v. EVENTFLO COMPANY, INC.,

Defendant, Case No. 5:20-cv-00068-BO (E.D.N.C., February 25, 2020)

is a class action against the Defendant for the omission of material facts regarding the safety of the Booster Seat, a car seat model, by failing to disclose the results of its internal side impact testing, or that the Seat will not adequately protect children in the event of a side-impact collision.

The Defendant marketed and labeled the Booster Seat as side impact tested and misrepresented that the Seat meets or exceeds all applicable federal safety standards and Evenflo's side impact

standards rather than disclosing the true information to its consumers including the Plaintiff.

Evenflo Company, Inc. principally engages in the design, research and development, manufacturing, marketing and sale of Evenflo Baby and ExerSaucer branded juvenile products. [BN]

The Plaintiff is represented by:

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EVENTFLO CO: Schnitzer Sues Over Defective Booster Seats

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DAVID SCHNITZER, individually and on behalf of himself and all others similarly situated, Plaintiff, v. EVENTFLO COMPANY, INC., Defendant, Case No. 2:20-cv-01000 (E.D.N.Y., February 24, 2020) is a class action against the Defendant for failure to disclose to Plaintiff, Class Members and the public at-large the serious risks posed to children by using the Booster Seat car seat model.

According to the complaint, the Defendant omitted material facts regarding the safety (or lack thereof) of the Booster Seat by failing to disclose the results of its internal side impact testing, or that the Seat will not adequately protect children in the event of a side-impact collision.

Evenflo Company, Inc. is a Delaware corporation and is a wholly-owned subsidiary of Goodbaby International Holdings Limited with principal place of business in Miamisburg, Ohio and manufactures, markets, and sells car seats and other baby and child-related products. [BN]

The Plaintiff is represented by:

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EVENTFLO CO: Woodson et al. Allege Defective Kid Booster Seats

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JANELLE WOODSON, DANA BERKLEY, JESSICA BLOSWICK, and BECKY BROWN,

individually and on behalf of all others similarly situated,

Plaintiffs v. EVENTFLO COMPANY, INC., Defendant, Case No.

2:20-cv-01069-EAS-CMV (S.D. Ohio, February 26, 2020) is a class

action against the Defendant for alleged violations of consumer protection laws including the Ohio Consumer Sales Practices Act, the Indiana Deceptive Consumer Sales statute, and the New York General Business Law.

The Plaintiffs, on behalf of all other similarly-situated consumers, allege that the Defendant engaged in deceptive and misleading advertising campaign due to its marketing of the Big Kid booster seats as a side-impact tested product and safe for children as small as 30 pounds. However, videos from Evenflo's side impact collision testing and released documents from personal injury lawsuits showed that the Big Kid booster seats provide dubious benefit to children involved in side-impact collisions, especially those under 40 pounds, thereby putting children's safety at risk.

Evenflo Company, Inc. is a designer and manufacturer of child-related products, including booster-style car seats, with principal place of business at 225 Byers Road, Miamisburg, Ohio. It is a wholly owned subsidiary of Goodbaby International Holdings, Ltd. [BN]

The Plaintiffs are represented by:

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EVENFLO COMPANY: Faces Class Suit Over "Big Kid" Car Seats

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Evenflo, the maker of the popular "Big Kid" booster car seat, has been named as a defendant in a class action lawsuit for allegedly selling the child seat with misleading advertising and safety

claims, placing children weighing less than 40 pounds in grave danger during a side impact crash. Barrack, Rodos is continuing its investigation into the matter.

Evenflo is among the country's largest sellers of children's car seats, and millions of "Big Kid" seats have been purchased from Amazon, Walmart and other major retailers.

The lawsuit, filed in the U.S. District Court for the Southern District of Ohio on February 12, 2020, alleges that Evenflo advertised the popular "Big Kid" booster seat as "side-impact tested" and safe for children weighing less than 40 pounds, without telling consumers that its own tests showed that such a child in a side-impact collision could suffer serious injury.

On February 6, 2020, ProPublica issued a report based on previously confidential material that showed how Evenflo "repeatedly made decisions that resulted in putting children at risk." According to ProPublica: "The company's tests show that when child-sized crash dummies seated in "Big Kid" boosters were subjected to the forces of a T-bone collision, they were thrown far out of their shoulder belts. Evenflo's top booster seat engineer would later admit in a deposition if real children moved that way, they could suffer catastrophic head, neck and spinal injuries — or die."

ProPublica has since reported that a congressional subcommittee is

now investigating the company over its product marketing and testing practices.

The lawsuit is brought on behalf of consumers who purchased Evenflo "Big Kid" booster seats from 2008 to the present, and seeks to compensate consumers for the alleged misleading safety statements Evenflo made about the booster seats.

Barrack, Rodos has extensive experience litigating class actions across the United States. The firm has recovered well over ten billion dollars on behalf of its clients. The firm has not yet filed an action concerning this matter. Purchasers of the booster car seat should contact the firm to discuss their potential claims.

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[GN]

FASHION NOVA: Alcazar Files ADA Suit in California

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Fashion Nova, Inc. is facing a class action lawsuit filed pursuant to the Americans with Disabilities Act. The case is styled as Juan Alcazar, individually and on behalf of all others similarly situated, Plaintiff v. Fashion Nova, Inc., a California corporation, Defendant, Case No. 3:20-cv-01434-TSH (N.D. Cal., Feb. 26, 2020).

Fashion Nova is an online fashion store for women.[BN]

The Plaintiff is represented by:

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FLAGSHIP CREDIT: Judge Rules Class Action Settlement Unfair

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P.J. D'Annunzio, writing for The Legal Intelligence, reports that a federal judge has decided not to approve a proposed settlement that would resolve a class action lawsuit against an auto finance

company, holding that the deal was unfair to consumers.

U.S. District Judge Michael Baylson of the Eastern District of Pennsylvania denied a request for approval filed by attorneys representing 327,924 people claiming to have received illegal automated phone calls from Flagship Credit Acceptance.

Baylson wrote in his opinion that he took issue with three aspects of the \$4 million settlement, proposed on behalf of lead plaintiff Robert Ward.

"First, the lack of information available to counsel to inform their view and advise the class of the strengths and weaknesses of the case given the early posture in which the parties reached agreement; second, the emphasis on Flagship's inability to pay more than \$4 million when no underlying financial information was provided to the class members, compounded by the court's belief, after in camera review of the financials, that this statement is inaccurate; and third, the court's skepticism that \$4 million is a fair settlement in this case, given that it will result in a de minimis per claimant recovery of \$35.30," Baylson said.

The class members alleged the subprime lender placed automated and prerecorded phone calls in violation of the Telephone Consumer Protection Act. According to Baylson, settlement negotiations

commenced immediately in federal magistrate court in New Jersey, and an agreement was reached in February 2018.

When the case came to Pennsylvania, Baylson granted preliminary approval, but asked the parties for more information. One question was whether Flagship would be able to withstand the \$4 million judgment—or could afford more.

"Flagship's most recent press release reported that its portfolio of managed receivables has grown to \$2.9 billion, so class members may reasonably be left wondering why a company with almost \$3 billion in assets can only afford a \$4 million settlement," Baylson said.

"Flagship explained that disclosing financial information to the class members may put it at a competitive disadvantage and/or negatively affect its prospects in a future equity event, but these concerns cannot excuse total silence on the topic of Flagship's ability to pay," Baylson continued. "The only information class members had was class counsel's representation that Flagship 'was not willing or able to pay more to settle the case, would have paid nothing if it prevailed, and if plaintiff prevailed [Flagship] would go bankrupt.' The court cannot agree to the accuracy of the last part of that communication."

Class counsel also claimed that Flagship didn't have insurance coverage, but made no inquiries about it, Baylson said.

He continued, "The court is not prepared to accept at face value class counsel's claim that there was no insurance, which weighs against finding Flagship is not able to withstand a greater judgment."

The class members are represented by Sergei Lemberg, Esq. of Lemberg Law in Wilton, Connecticut. Flagship is represented by Gerald Arth of Fox Rothschild. Neither responded to requests for comment. [GN]

#### FLOOR AND DECOR OUTLETS: Ekstrom Balks at Biometric ID Collection

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KATHERINE EKSTROM, individually and on behalf of all others similarly situated, Plaintiff v. FLOOR AND DÉCOR OUTLETS OF AMERICA, INC., Defendant, Case No. 2020CH02315 (Ill. Cir., Cook Cty., February 25, 2020) is a class action complaint brought against Defendant for its alleged violations of Illinois Biometric Information Privacy Act.

According to the complaint, Plaintiff began working for Defendant in or around October 2017 and she was required by Defendant to place her fingers on a fingerprint scanner during the course of her

employment.

Plaintiff alleges Defendant of illegally collecting, storing and using her and other similarly situated individuals' biometric identifiers and biometric information without obtaining informed written consent or providing the requisite data retention and destruction policies, thereby invading Plaintiff's statutorily protected right to privacy in her biometrics.

Floor and Decor Outlets of America, Inc. offers vinyl coverings, ceramic tiles, floor molding, decorative glass, counter tops, finishing accessories, and wood flooring products to customers in the U.S. [BN]

The Plaintiff is represented by:

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## FLORIDA REGIONAL: Faces Class Action Filed by Immigrant Investors

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John Suayan, writing for Legal Newsline, reports that two Chinese immigrants claim in a class action complaint they fell victim to a bogus investment.

Ting Peng and Lin Fu's 90-page lawsuit, which was filed on Jan. 27 in the U.S. District Court for the Southern District of Florida, alleges Nicholas Mastroianni and Richard Yellen "created a group of companies to perpetrate a fraudulent scheme by which they obtained \$99,500,000 from a group of immigrant investors for the purpose of funding a construction loan that was to have been repaid when it matured more than two years ago, but had no intention of keeping their promise to repay."

According to the plaintiffs, when the loan matured over two years ago, the defendants "used the money they obtained for the loan to buy an equity interest in one of their companies in which the immigrant investors, including Peng and Fu, have no rights and no ability to recover the money that was stolen from them." [GN]

The case is TING PENG and LIN FU, on behalf of themselves individually and all others similarly situated, and derivatively on behalf of HARBOURSIDE FUNDING, LP, a Florida limited partnership, Plaintiffs, vs. NICHOLAS A. MASTROIANNI II; RICHARD L. YELLEN;

FLORIDA REGIONAL CENTER, LLC, a Delaware limited liability company;  
HARBOURSIDE FUNDING GP, LLC, a Florida limited liability company;  
and HARBOURSIDE PLACE, LLC, a Delaware limited liability company,  
Defendants, and HARBOURSIDE FUNDING, LP, a Florida limited  
partnership, Nominal Defendant (S.D. Fla. Case No.  
9:20-cv-80102-RAR).

A copy of the complaint is available at

<https://tinyurl.com/vnc3f8z>

[GN]

FLYING FOOD GROUP: Removes Ortiz Suit to C.D. California

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The Defendant in the case of HECTOR ORTIZ, on behalf of himself and others similarly situated, Plaintiff, v. FLYING FOOD GROUP LLC; and DOES 1 to 100, inclusive, Defendant, filed a notice to remove the lawsuit from the Superior Court of the State of California for the County of Los Angeles (Case No. 19STCV44539, filed December 12, 2019) to the U.S. District Court for the Central District of California on February 19, 2020. The clerk of court for the Central District of California assigned Case No. 2:20-cv-01630.

The case alleges wage and hour violations.

Chicago, Illinois-based Flying Food Group LLC provides large-scale



catering to airlines and retail partners. [BN]

The Defendant is represented by:

John A. Conkle, Esq.

Amanda R. Washton, Esq.

Keith Rossman, Esq.

CONKLE, KREMER & ENGEL

Professional Law Corporation

3130 Wilshire Boulevard, Suite 500

Santa Monica, CA 90403-2351

Telephone: (310) 998-9100

Facsimile: (310) 998-9109

FORD MOTOR: Sunroof Class Action Lawsuit Dismissed

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David A. Wood, writing for CarComplaints.com, reports that a Ford sunroof class action lawsuit has been dismissed after the judge ruled the plaintiff couldn't show that Ford panoramic sunroofs are defective or shatter on a regular basis.

The class action lawsuit says plaintiff Jessica Beaty purchased a 2013 Ford Escape with a panoramic sunroof in September 2012, but she says her sunroof spontaneously shattered while she was driving on the freeway in February 2017.

The plaintiff claims the panoramic sunroof tempered glass is too thin to cover the large area needed for the roof and they shatter due to manufacturing defects in Escapes and these Ford models.

- \* 2007-present Ford Edge
- \* 2009-present Ford Focus
- \* 2010-present Ford Fusion
- \* 2011-present Ford Explorer
- \* 2009-present Ford Flex
- \* 2011-present Ford F-150
- \* 2009-2014 Ford Mustang
- \* 2008-present Ford Escape
- \* 2014-present Ford Transit Connect
- \* 2013-present Ford C-Max
- \* 2007-present Lincoln MKX
- \* 2009-2015 Lincoln MKS
- \* 2013-present Lincoln MKZ
- \* 2010-present Lincoln MKT
- \* 2010-2011 Mercury Milan
- \* 2010-2011 Mercury Montego

Ford didn't cover the replacement under warranty, so she went to an auto glass business and paid a \$500 insurance deductible to replace the glass. She also says she lost more than \$100 to pay for a

rental car for the time it took to replace the sunroof.

Earlier the judge dismissed express and implied warranty claims but said the plaintiff could amend those claims, which she chose not to do.

Ford told the judge there is no defect with the panoramic sunroofs because the glass breaks in the exact way federal law mandates the glass to break, specifically into small round pieces.

Ford also references the rate its sunroofs shatter, estimated at 0.05%, a failure rate of less than 1% which is not material as a matter of law. According to the automaker, one sunroof out of every 2,000 vehicles is a rate equal or lower to shattered sunroofs in vehicles from other manufacturers.

The automaker also argues it couldn't have known about alleged sunroof defects because the 2013 Ford Escape was the first model year to include a panoramic sunroof. Ford says the plaintiff bought hers at the very beginning of production, meaning Ford could not have "known," much less concealed, the alleged defect.

The plaintiff argues Ford has a duty to disclose "any systemic failure of a specific automotive part of which it was aware and concealed from the public."

But the judge had serious issues with the plaintiff's claim that Ford was deceptive by not informing potential customers about parts of a vehicle that could have problems or may one day fail, including the sunroof.

The judge let the plaintiff know her argument wasn't logical.

"It defies common sense to claim that a manufacturer must disclose every single failure of any component or part to every potential purchaser, even if the failure is minor and not dangerous, or even if it has only happened a handful of times." - Judge Ronald B.

Leighton

As for the warranty, Ford responded by pointing out the warranty had already expired on the vehicle when the plaintiff complained about the sunroof. In addition, the warranty clearly says, "glass may chip, scratch, crack or break, and that any such damage is not covered by the warranty."

The plaintiff argues exploding glass shouldn't be excluded by the warranty terms, but the judge agreed with Ford by saying sunroof glass is tempered and supposed to shatter when it breaks. So the glass isn't defective when it does exactly what it is supposed to do if it breaks.

Ford further showed data that indicated no serious injuries or crashes have occurred because of shattered sunroofs.

Ford emphasizes the National Highway Traffic Safety Administration (NHTSA) has never requested a recall of the sunroofs and documents filed with the government show vehicles from other automakers have higher rates of shattered sunroofs.

The judge also agreed with Ford concerning the plaintiff's claim that hundreds of sunroof complaints have been filed, but that doesn't change the fact that about one in every 2,000 Ford sunroofs break, a rate too low to consider the problem a material defect.

The judge also found the plaintiff's own expert claimed a Ford sunroof replacement rate of only 0.41%, a low rate that also includes incidents other than shattering, such as leaking or sticking sunroofs.

"A truly dangerous failure (like an exploding gas tank) is material even if it is rare, and in a different case a duty to disclose a material defect may arise even if the defect occurs only infrequently. But viewed in the NHTSA's 'severity, frequency and consequences' context, the actual failure rates, and the evidence in the record, the Court cannot conclude that the defect at issue

here was material, if it was a defect at all." - Judge Leighton

By finding entirely in favor of Ford, the judge ruled the plaintiff cannot support her fraudulent concealment claims against Ford as a matter of law and cannot show that Ford knew of and failed to disclose a material defect. Additionally, she can't "establish that any such failure caused her benefit-of-the-bargain damage."

The Ford sunroof lawsuit was filed in the U.S. District Court for the Western District of Washington - Beaty et. al., v. Ford Motor Company.

The plaintiff is represented by Terrell Marshall Law Group, Simmons Hanly Conroy LLC, and Greg Coleman Law PC.

CarComplaints.com has complaints about the vehicles named in the sunroof class action lawsuit.

- \* Ford Focus
- \* Ford Fusion
- \* Ford Explorer
- \* Ford Flex
- \* Ford F-150
- \* Ford Mustang
- \* Ford C-Max

- \* Ford Edge
- \* Ford Escape
- \* Ford Transit Connect
- \* Lincoln MKX
- \* Lincoln MKZ
- \* Lincoln MKT
- \* Lincoln MKS
- \* Mercury Milan
- \* Mercury Montego

[GN]

FOWLER PACKING: Court Orders Six Depositions in Aldapa Labor Suit

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In the case, BEATRIZ ALDAPA, et al., Plaintiffs, v. FOWLER PACKING COMPANY INC., et al., Defendants, Case No. 1:15-cv-00420-DAD-SAB (E.D. Cal.), Magistrate Judge Stanley A. Boone of the U.S. District Court for the Eastern District of California has ordered six depositions to occur as submitted by the parties.

On March 5, 2019, the Magistrate Judge issued an order granting in part and denying in part the Plaintiffs' motion for a protective order. The order granted the Defendants leave to conduct a total of 15 depositions of the absent class members who submitted declarations in support of the motion for class certification. The Plaintiffs filed a motion for reconsideration of the order, which

was granted in part and denied in part by District Judge Dale A. Drozd on June 27, 2019. The order on reconsideration limited the depositions to four hours for each deposition of the absent class members.

The parties proceeded to attempt to complete the depositions but were only able to complete eleven of the 15 depositions. In July 2019, the Defendants emailed a list of 15 proposed deponents, requesting completion by the end of August. On July 30, 2019, the Plaintiffs requested 10 additional proposed deponents because of several unavailable deponents. The Defendants provided an additional 20 names in July and August 2019. The Plaintiffs were ultimately able to schedule 10 depositions for the week of Aug. 12, 2019, but only nine appeared. Thereafter, the Defendants asked to schedule the remaining six depositions before the Sept. 26, 2019 discovery cutoff. On Aug. 29, 2019, the Plaintiffs informed the Defendants they were having difficulty scheduling the depositions and suggested stipulating to extend the discovery deadline, and the Defendants agreed. On Sept. 13, 2019, the Court amended the scheduling order to accommodate the depositions and extended the non-expert discovery deadline until Dec. 26, 2019.

The Plaintiffs were only able to schedule two depositions in October 2019, and on Oct. 23, 2019, the Defendants provided contact information for five declarants who were current employees and



requested to schedule their depositions. In meeting and conferring on Nov. 15, 2019, the Plaintiffs explained they did not have four of the individuals available because a number of former employees had left to work in other states for harvests. The Plaintiffs also stated they had leads for people that the Defendants may be able to depose in February or March 2020, when they were expected to return to California. The Defendants offered to travel outside of California to depose these individuals.

The parties reached an impasse and requested an informal discovery dispute conference before the undersigned which was held on Nov. 22, 2019. Following the conference, on Nov. 25, 2019, the Magistrate Judge issued an order finding that the Defendants were entitled to complete the remaining four depositions of the absent class members who had already submitted declarations in support of the motion for class certification. He found that if the Plaintiffs were unable to find the class members who were willing to sit for depositions, Rule 45 of the Federal Rules of Civil Procedure provides that a party may use a subpoena to command the attendance for a deposition, and therefore, the Defendants may command the presence of the absent class member by use of a subpoena for any remaining depositions for a total of 15. The Judge again extended the deadline for completion of non-expert discovery until March 26, 2020.

Following the previous informal discovery conference and the Court's order entered on Nov. 25, 2019, no more depositions have been completed. Thus, the number of completed depositions remains at 11, and the Defendants are still seeking four more depositions. The parties have again requested an informal discovery dispute conference, which the Court set to be held on Feb. 11, 2020. On Feb. 10, 2020, the parties submitted a joint informal discovery dispute letter brief setting out their respective positions concerning the current discovery dispute. A telephonic conference was held on Feb. 11, 2020, regarding the discovery dispute. Counsel Mario Martinez appeared for the Plaintiffs, and counsel Ian Weiland, Charles Hamamjian, Bradley Hamburger, and Tiffany Phan appeared for the Defendants.

Currently before the Court is a discovery dispute between the parties that was the subject of an informal hearing held on Feb. 11, 2020. The Defendants request the Court to strike the 33 declarations for the individuals that did not appear for deposition, or at a minimum strike the declarations of those who were served with a subpoena and failed to appear for a deposition. Additionally, they request that the Court grants them permission to develop a method for deposing non-declarant class members from a variety of crews, given the Court's previous finding that the claims, allegations, and defenses are diverse and dependent on the experiences of a spectrum of employees.

The Plaintiffs first argue the requested relief is improper due to a failure to meet and confer regarding the specific relief requested. Second, they argue that even if Defense counsel had conferred regarding these remedies, the request for random class members depositions is improper because it would go beyond the previous orders of the Court which only allowed depositions of 15 class members who had "injected" themselves into the litigation by submitting declarations. Third, the Plaintiffs argue that the Defendants' request to strike declarations conflicts with their representations throughout these proceedings that they would not seek sanctions against any class member that failed to appear for depositions. The Plaintiffs state they are willing to cooperate with the Defendants, but the requested relief is far beyond the Court's orders and any meet and confer efforts.

While Magistrate Judge Boone considered the Defendants' proffer that they would not seek sanctions against the class members who failed to appear for depositions or seek to exclude the individuals from the class in determining whether the discovery was sought for an improper purpose, he expressly declined to grant the Plaintiffs' request to preemptively foreclose such relief until the precise situation was ripe and presented to the Court. Further, as the Defendants argued at the teleconference, it is not clear that the striking of declarations is the type of sanction, if it is to be

considered a sanction, that the Court and the Defendants were envisioning as unfairly targeting the absent class members.

Rather, the Magistrate Judge was concerned with potential monetary sanctions that may have been sought against the individual class members such as to cover the costs of the deposition, or the seeking of removing the absent class members altogether from the class resulting in the member being excluded from the a potential settlement or judgment, rather than simply striking the declarations and preventing the declarations from being used for other purposes where the declarant fails to appear for a deposition. He was concerned about any incentive for anyone to appear for a deposition and frankly the rule of law. Again, the Court will reserve decision until the matter is raised and ripe for the Court's consideration.

Now turning to the crux of the order, the Magistrate Judge will order the six proposed depositions to occur as submitted by the parties. The Defendants are only entitled to a total of four more depositions, and thus once four are completed, any remaining depositions will be cancelled.

Based on the foregoing, Magistrate Judge Boone ordered that the following individuals appear for depositions at the time and place described:

a. Mariano Carranza on March 4, 2020 at 8:00 a.m. at U.S.

Legal Support, 5200 Palm Ave., Suite 110, Fresno, CA

93704;

b. Claudia Villafuerte on March 4, 2020 at 8:00 a.m. at U.S.

Legal Support, 5200 N Palm Ave., Suite 110, Fresno, CA

93704;

c. Guadalupe Saldana on March 4, 2020 at 1:00 p.m. at U.S.

Legal Support, 5200 N Palm Ave., Suite 110, Fresno, CA

93704;

d. Maria Isabel Esquivel on March 4, 2020 at 1:00 p.m. at

U.S. Legal Support, 5200 N Palm Ave., Suite 110, Fresno,

CA 93704;

e. Miguel Angel Orosco on March 5, 2020 at 8:00 a.m. at

Sagaser, Watkins & Wieland, 5260 N. Palm Ave. Ste.

400 Fresno, CA 93704; and

f. Silva Machuca on March 5, 2020 at 8:00 a.m. at

Sagaser, Watkins & Wieland, 5260 N. Palm Ave. Ste.

400 Fresno, CA 93704.

Once four of these depositions are completed, any remaining depositions are ordered cancelled.

A full-text copy of the Court's Feb. 14, 2020 Order is available at <https://is.gd/tx1ugs> from Leagle.com.

Beatriz Aldapa & Elmer Avalos, Plaintiffs, represented by Dexter Flood Rappleye -- [drappleye@bushgottlieb.com](mailto:drappleye@bushgottlieb.com) -- Bush Gottlieb, ALC,  
Erica Deutsch -- [edeutsch@bushgottlieb.com](mailto:edeutsch@bushgottlieb.com) -- Bush Gottlieb, Mario Martinez -- [mmartinez@farmworkerlaw.com](mailto:mmartinez@farmworkerlaw.com) -- Martinez Aguilascho & Lynch, APLC & Ira L. Gottlieb -- [igottlieb@bushgottlieb.com](mailto:igottlieb@bushgottlieb.com) -- Bush Gottlieb, A Law Corporation.

Fowler Packing Company Inc., a California Corporation, AG Force LLC, a California Limited Liability Company & Fowler Marketing International LLC, a California Limited Liability Company, Defendants, represented by Howard A. Sagaser -- [has@sw2law.com](mailto:has@sw2law.com) -- Sagaser, Watkins & Wieland, PC, Tiffany X. Phan -- [tphan@gibsondunn.com](mailto:tphan@gibsondunn.com) -- Gibson Dunn and Crutcher LLP, Bradley Joseph Hamburger -- [bhamburger@gibsondunn.com](mailto:bhamburger@gibsondunn.com) -- Gibson, Dunn & Crutcher LLP, Ian Blade Wieland -- [ian@sw2law.com](mailto:ian@sw2law.com) -- Sagaser, Watkins & Wieland, PC & Theane Diana Evangelis Kapur -- [tevangelis@gibsondunn.com](mailto:tevangelis@gibsondunn.com) -- Gibson Dunn & Crutcher.

## GARDNER DENVER: Kent & Rubin Plaintiffs Drop Class Suits

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Gardner Denver Holdings, Inc. said in its Form 8-K filing with the U.S. Securities and Exchange Commission dated February 13, 2020, that the plaintiffs in the case, Kent v. Gardner Denver Holdings, Inc., et al. and Rubin v. Gardner Denver Holdings, Inc., et al., have agreed to dismiss their complaints.

On April 30, 2019, Gardner Denver Holdings, Inc.'s Board of Directors caused the Company to enter into an agreement and plan of merger with Ingersoll-Rand plc, Ingersoll-Rand U.S. HoldCo, Inc., and Charm Merger Sub Inc.

Following the filing of Gardner Denver's Proxy Statement/Prospectus-Information Statement, a purported class action lawsuit was filed on January 30, 2020 in the United States District Court for the District of Delaware, captioned Kent v. Gardner Denver Holdings, Inc., et al., No. 1:20-cv-00145, and a second lawsuit was filed on February 6, 2020 in the United States District Court for the Southern District of New York, captioned Rubin v. Gardner Denver Holdings, Inc., et al., No. 1:20-cv-01044.

The Actions generally allege material omissions in the Proxy Statement/Prospectus-Information Statement regarding the financial projections, the fairness opinion analyses, and potential conflicts of interest of certain financial advisors. The Actions both name Gardner Denver and the individual members of the Gardner Denver board of directors as defendants. The Kent Action also names as defendants Ingersoll-Rand plc, Ingersoll Rand Industrial and Charm Merger Sub Inc.

Gardner Denver believes that the allegations in the Actions are without merit and that no further disclosure is required to supplement the Proxy Statement/Prospectus-Information Statement under applicable law; however, to eliminate the burden, expense and uncertainties inherent in such litigation, and without admitting liability or wrongdoing, Gardner Denver is providing certain supplemental disclosures to the Proxy Statement/Prospectus-Information Statement. Nothing in the supplemental disclosures shall be deemed an admission of the legal necessity or materiality under applicable law of any of the disclosures. The defendants have vigorously denied, and continue vigorously to deny, that they have committed any violation of law or engaged in any of the wrongful acts that were alleged in the Actions. Plaintiffs have agreed to voluntarily dismiss the Actions.



A copy of the supplemental disclosure is available at

<https://bit.ly/2vomPHA>.

Gardner Denver Holdings, Inc. is a global provider of mission-critical flow control and compression equipments and associated aftermarket parts, consumables and services. The Company operates through three business segments: Industry, Energy and Medical. The company is based in Milwaukee, Wisconsin.

GERON CORP: Pomerantz Announces Filing of Class Action

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Pomerantz LLP announces that a class action lawsuit has been filed against Geron Corporation (GERN) and certain of its officers. The class action, filed in United States District Court for the Northern District of New York, and docketed under 20-cv-01163, is on behalf of a class consisting of investors who purchased or otherwise acquired Geron securities between March 19, 2018 and September 26, 2018, inclusive (the "Class Period"), who were damaged thereby (the "Class"). The claims asserted herein are alleged against Geron and the Company's President and Chief Executive Officer ("CEO") John A. Scarlett ("Scarlett"), and arise under Sections 10(b) and 20(a) of the Securities Exchange Act of 1934 (the "Exchange Act") and SEC Rule 10b-5, 17 C.F.R. § 240.10b-5, promulgated thereunder.

If you are a shareholder who purchased Geron securities during the class period, you have until March 23, 2020 to ask the Court to appoint you as Lead Plaintiff for the class. A copy of the Complaint can be obtained at [www.pomerantzlaw.com](http://www.pomerantzlaw.com). To discuss this action, contact

Robert S. Willoughby

POMERANTZ LLP

E-mail: [rswilloughby@pomlaw.com](mailto:rswilloughby@pomlaw.com)

Tel: 888.476.6529

Toll-free: 888.4-POMLAW, Ext. 9980.

Those who inquire by e-mail are encouraged to include their mailing address, telephone number, and number of shares purchased.

Geron is a biopharmaceutical company which specializes in developing and commercializing therapeutic products for cancer that inhibit telomerase.

Throughout the Class Period, Defendants misled investors regarding a drug called imetelstat, which was intended to treat certain cancers that occur in bone marrow. Specifically, Defendants misled investors about the results of a clinical drug study of imetelstat called IMbark. That study was designed to ascertain whether imetelstat helped patients with a cancer called myelofibrosis.

Geron was developing imetelstat in partnership with Janssen Biotech Inc. ("Janssen"), a division of Johnson & Johnson. During the Class Period, Janssen would decide whether to continue to partner with Geron on imetelstat. If Janssen decided to continue with the collaboration, it would owe Geron an upfront payment of \$65 million, with hundreds of millions of dollars in additional milestone payments possible.

Janssen would make its decision based in part on the results of the IMbark trial. Janssen was conducting that trial under the supervision of the Joint Steering Committee ("JSC") consisting of both Geron and Janssen employees. The JSC conducted an internal, nonpublic review of the IMbark results in March 2018. That review showed that IMbark was a failure.

The two primary endpoints for the study, the results which would determine whether the study was successful or not, were: (i) the spleen response rate, which measured the reduction in spleen swelling, and (ii) a composite of various symptoms called the Total Symptom Score ("TSS"). For IMbark to succeed, patients in the study needed to show at least a 35% reduction in spleen volume and a minimum 50% reduction in TSS.

The actual results of the IMbark study were a disappointing 10% for

the spleen response rate and 32% reduction in TSS—not even close to the results required for success. These poor results boded ill for both the future of imetelstat and for Geron's partnership with Janssen.

When Geron held a conference call with investors on March 19, 2018, however, Defendant Scarlett chose to tout the median overall survival of patients in IMbark, one of the study's fourteen secondary endpoints. Generally, a median value is that which separates the lower half and upper half of a data set. In this context, it referred to the amount of time that elapsed before half of the patients in the study had passed away. Scarlett announced that the median overall survival had not been reached after nineteen months, meaning that the final median would almost certainly be greater than nineteen months. He further claimed that, in comparison, an analysis of "real world" data showed that patients with myelofibrosis who discontinued or no longer responded to their medication showed median overall survival of just seven months.

Not surprisingly, Scarlett's encouraging statements about the IMbark study caused Geron's stock price to increase more than 28% in one trading day.

While Defendant Scarlett is free to tout "positive" information

about IMbark, under the federal securities laws he is bound to do so in a manner that will not mislead investors. This responsibility includes disclosing any additional adverse information that cuts against the voluntarily revealed, positive information. In this case, there was no adverse information more significant than the actual results of the IMbark study, which were known to Defendants at the time, namely that the study was a failure. Moreover, Defendants knew, but failed to disclose, that the "real world" survival data that Scarlett was touting was itself misleading because of the disease characteristics of the patients in that study when compared to those in IMbark.

A week later, on March 27, 2018, a biotech journalist published an article which called out Scarlett and Geron for misleading the market with their statements on March 19, 2018, and for failing to disclose IMbark's primary endpoint data or the baseline disease characteristics of patients in the study, all of which would help investors evaluate Defendants' encouraging claims.

On this news, Geron shares, which had closed at \$5.98 per share on March 26, 2018, dropped 29% over the next two days to close at \$4.23 per share on March 28, 2018.

This partial disclosure of Defendants' deception, however, did not fully reveal the extent of the fraud with respect to IMbark.

Indeed, Defendants were undeterred and continued to push the misleading increased survival rate narrative at a March 27, 2018 healthcare conference and in the Company's first quarter and second quarter Form 10-Qs filed with the SEC on May 10, 2018 and July 31, 2018. At the same time, they continued to hold back the results of the IMbark study and other information which would have allowed investors to evaluate Defendants' positive spin on the study's secondary results.

As a result, the price of Geron common stock continued to trade at artificially inflated levels. Geron took advantage of the inflation that it created by selling more than \$83 million of its common stock to unsuspecting investors during the second quarter of 2018.

On September 27, 2018, Defendants issued a press release finally admitting that IMbark was a failure. Geron disclosed that patients in the IMbark study had shown only 10% spleen volume reduction and 32% TSS reduction. Not coincidentally, Defendants further announced that Janssen had decided to terminate its partnership with Geron.

In response to these belated disclosures, the price of Geron's stock plummeted a price of \$6.23 per share, on September 26, 2018, to \$2.31 per share on September 27, 2018, a decrease of over 62%.

The Pomerantz Firm, with offices in New York, Chicago, Los Angeles, and Paris is acknowledged as one of the premier firms in the areas of corporate, securities, and antitrust class litigation. Founded by the late Abraham L. Pomerantz, known as the dean of the class action bar, the Pomerantz Firm pioneered the field of securities class actions. Today, more than 80 years later, the Pomerantz Firm continues in the tradition he established, fighting for the rights of the victims of securities fraud, breaches of fiduciary duty, and corporate misconduct. The Firm has recovered numerous multimillion-dollar damages awards on behalf of class members. See [www.pomerantzlaw.com](http://www.pomerantzlaw.com). [GN]

GERON CORP: Vincent Wong Reminds Investors of March 23 Deadline

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The Law Offices of Vincent Wong announces that a class action has commenced on behalf of certain shareholders in the following company. If you suffered a loss you have until the lead plaintiff deadline to request that the court appoint you as lead plaintiff. There will be no obligation or cost to you.

Geron Corporation (GERN)

If you suffered a loss, contact us at:

<http://www.wongesq.com/pslra-1/geron-corporation-et-al-loss-submission-form?prid=5470&wire=1>

Lead Plaintiff Deadline: March 23, 2020

Class Period: March 19, 2018 to September 26, 2018

The filed complaint alleges that defendants misled investors regarding a drug called imetelstat, which was intended to treat certain cancers that occur in bone marrow. Specifically, defendants misled investors about the results of a clinical drug study of imetelstat called IMbark. That study was designed to ascertain whether imetelstat helped patients with a cancer called myelofibrosis.

To learn more contact Vincent Wong, Esq. either via email [vw@wongesq.com](mailto:vw@wongesq.com) or by telephone at 212.425.1140.

Vincent Wong, Esq. is an experienced attorney who has represented investors in securities litigations involving financial fraud and violations of shareholder rights.

Contact:

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Email: vw@wongesq.com

[GN]

GODDESS DETOX: Deceptively Sells Goddess Detox Pearls, Weiss Says

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WENDY WEISS v. GODDESS DETOX, INC., Case No. CACE-20-002330 (Fla. Cir., Broward Cty., Feb. 7, 2020), is a class action complaint filed by the Plaintiff on behalf of all others similarly situated, enjoining the Defendant from continuing to engage, use, or employ unfair and deceptive business acts or practices, which violate the Florida Deceptive and Unfair Trade Practices Act, related to the design, testing, manufacture, assembly, development, marketing, advertising, or sale of Goddess Vaginal Detox Pearls infertility treating product.

According to the complaint, the Product's labeling, marketing, and advertising contained on the packaging and on the Defendant's Web site are false, deceptive and misleading because the Product is not safe and because the Product cannot provide the claimed benefits. The Defendant falsely and deceptively advertises and markets its Product as treating infertility.

The Plaintiff contends that products marketed to treat infertility are considered drugs under the Food, Drug, and Cosmetic Act and may

only be legally marketed if approved by the U.S. Food and Drug Administration. The Plaintiff alleges that the Product is not safe and contains at least one (1) ingredient that has been recognized as toxic. One of the ingredients in the Product is borneol. In 2002, Health Canada issued a warning over a Chinese medicine containing borneolum syntheticum, a synthetic version of borneol, both of which are toxic, says the complaint.

On Oct. 22, 2019, the Plaintiff purchased Goddess Vaginal Detox Pearls from the Defendant's Web site, <http://GoddessDetox.org/>. The Product is sold to consumers, like the Plaintiff, from the Defendant's Web site.

Goddess Detox provides woman with self-love inspired products to physically, spiritually and emotionally detox.[BN]

The Plaintiff is represented by:

Howard W. Rubinstein, Esq.

THE LAW OFFICE OF HOWARD W. RUBINSTEIN

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Singer Island, FL 33404

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E-mail: [howardr@pdq.net](mailto:howardr@pdq.net)

## GRAND CANYON: Berger Montague Investigating Class Action Claims

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Berger Montague is investigating claims on behalf of investors of Grand Canyon Education, Inc. The investigation is focused on whether Grand Canyon and its senior management have violated the federal securities laws or otherwise committed wrongful acts that harmed the Company's investors.

On January 28, 2020, financial analyst Citron Research issued a report on Grand Canyon Education entitled, "GCE, The Educational Enron." The report alleges that Grand Canyon Education was violating the federal securities laws by using Grand Canyon University as a "captive non-reporting subsidiary to hide liabilities" and to "artificially inflate the [company's] stock price."

On this news, the price of Grand Canyon shares declined by \$7.43, or 8.12%, to close at \$84.07 per share on January 28, 2020.

If you purchased Grand Canyon shares, have information, or would like to discuss this investigation, or have any questions concerning your rights or interests, please contact our attorneys Andrew Abramowitz, Esq. at (215) 875-3015 or Michael Dell'Angelo,

Esq. at (215) 875-3080, or visit  
[www.bergermontague.com/grand-canyon/](http://www.bergermontague.com/grand-canyon/).

Whistleblowers: Persons with non-public information regarding Grand Canyon should consider their options to help Berger Montague's investigation or take advantage of the SEC Whistleblower program. Under this program, whistleblowers who provide original information may receive rewards totaling up to 30 percent of successful recoveries obtained by the SEC. For more information, please contact us.

Berger Montague, with offices in Philadelphia, Minneapolis, Washington, D.C., and San Diego, has been a pioneer in securities class action litigation since its founding in 1970. Berger Montague has represented individual and institutional investors for five decades and serves as lead counsel in courts throughout the United States.

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[GN]

GREEN POGO: Faces Consumer RICO Class Action

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Courthouse News Service reported that a federal RICO class action claims that Green Pogo, Natural Beauty Line, Vegan Beauty and others conspired in a scam to use fake celebrity endorsements to trick consumers into signing up for "free trials" for cosmetics, then billing them for services and subscriptions they never signed up for.

A copy of the Complaint is available at:

<https://is.gd/fzqJIM>

## HARMONY NURSING: Chatman Sues over Collection of Biometric Data

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JASMINE CHATMAN, individually and on behalf of others similarly situated, Plaintiff v. HARMONY NURSING & REHABILITATION CENTER, INC., Defendant, Case No. 2020CH02234 (Ill. Cir., Cook Cty., February 24, 2020) is a class action brought against Defendants for its alleged violation of the Illinois Biometric Privacy Act.

Plaintiff was employed by Defendant as an information technology staff beginning in May 2017 and as a new employee, she was required to scan her fingerprint into Defendant's fingerprint-scanner time clock at its facility on West Foster Avenue in Chicago.

Plaintiff claims that Defendant did not inform her of any biometric data retention policy or whether Defendant will ever permanently delete her fingerprints in its computer system and she was never provided with nor ever signed a written release allowing Defendant to collect or store her fingerprint.

The BIPA requires companies to obtain informed written consent from employees before acquiring their biometric data and makes it unlawful for any private entity to "collect, capture, purchase, receive through trade, or otherwise obtain a person's biometric identifier or biometric information.

Harmony Nursing and Rehabilitation Center, Inc. operates as a health care center and offers physical, occupational, speech, respiratory, and restorative therapies, as well as wound, long term, and nursing care services. [BN]

The Plaintiff is represented by:

Michael William Drew, Esq.  
NEIGHBORHOOD LEGAL, LLC  
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Chicago, IL 60602  
Tel: (312)967-7220  
Email: mwd@neighborhood-legal.com

HEWLETT-PACKARD: Fails to Timely Pay Wages, Caccavale et al Claim

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TONY CACCAVALE and ANTHONY MANGELLI, individually and on behalf of all others similarly situated, Plaintiffs v. HEWLETT-PACKARD COMPANY, HEWLETT PACKARD ENTERPRISE, CO. and UNISYS CORPORATION, Defendants, Case No. 20-cv-00974 (E.D.N.Y., February 21, 2020) is a class action complaint brought against Defendants for their alleged violation of New York Labor Law.

According to the complaint, both Plaintiffs were employed by Defendants as Field Service Engineers, spent most of their time engaging in physical labor, paid on a bi-weekly basis during the entirety of their employment with Defendants, and did not receive the notices required by NYLL and/or were never provided copies of said notices for their records.

The complaint alleges that Defendant willfully failed to pay Plaintiffs and the Class as frequently as required by NYLL and to pay wages within seven days after the end of each workweek in which wages were earned as required by NYLL.

Hewlett-Packard Company sold printers, laptops and desktop personal computers.

Hewlett-Packard Enterprise, Co. focuses on enterprise hardware products such as servers and networking equipment.

Unisys Corporation offers outsourcing and managed services, systems integration and consulting services, high end server technology, cyber security and cloud management software, and maintenance and support services. [BN]

The Plaintiffs are represented by:



Paul A. Pagano, Esq.

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HR METRICS: Howell Sues over Unauthorized Biometrics Collection

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The case, JENITA HOWELL, individually and on behalf of all others  
similarly situated v. HR METRICS, INC., Defendant, Case No.

2020CH02420 (Ill. Cir., Cook Cty., February 26, 2020), arises from  
the Defendant's violations of the Biometric Information Privacy Act  
of the Illinois Code of Civil Procedure.

According to the complaint, the Defendant exposes the Plaintiff and  
other similarly-situated employees to serious and irreversible  
privacy risks by requiring them to have their facial geometry  
scanned by a biometric timekeeping device without getting prior  
written consent from them.

The Plaintiff was staffed by the Defendant at a Trader Joe's  
distribution center, located at 1510 Cargo Ct, Minooka, Illinois,  
as a kitchen sanitary worker from July 2015 to December 2015 and

from February 2019 through December 2019.

HR Metrics, Inc. is a provider of staffing services and temporary employment opportunities for employers and employees alike and conducts business in the State of Illinois, including Cook County.

It is also formerly known as DHR Staffing Solutions, Inc. [BN]

The Plaintiff is represented by:

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James B. Zouras, Esq.

Megan Shannon, Esq.

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ICF CONSULTING: Sends Unsolicited Text Messages, Fishman Alleges

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ELIZABETH FISHMAN, individually and on behalf of others similarly situated, Plaintiff v. ICF CONSULTING GROUP, INC., Defendant, Case

No. 1:20-cv-00219 (E.D. Va., February 27, 2020) is a class action against the Defendant for violation of the Telephone Consumer Protection Act.

The Plaintiff alleges that she received an autodialed text message to her cellular phone from the Defendant regarding a health survey, with incentives to sign-up for additional surveys in the future.

The class action is filed on behalf of all others similarly-situated consumers who received text messages from the Defendant using an automatic telephone dialing system without prior express written consent.

ICF Consulting Group, Inc. is a company that conducts surveys with consumers on behalf of clients in various industries, including the healthcare industry. It is a Delaware corporation with its head office located in Fairfax, Virginia. [BN]

The Plaintiff is represented by:

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INCEPT CORP: Rankin Seeks Overtime Pay for Telemarketers

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STEPHEN RANKIN, individually and on behalf of all others similarly  
situated, Plaintiff v. INCEPT CORPORATION and SAM FALLETTA,  
Defendants, Case No. 5:20-cv-00436 (N.D. Ohio, February 25, 2020)  
is a class action against the Defendants for violations of the Fair

Labor Standards Act and the statutes of the State of Ohio.

According to the complaint, the Defendants failed to compensate the Plaintiff and all others similarly-situated telemarketers for all hours worked, including pre-shift work and work prior to the end of each unpaid meal break, imposed an unlawful rounding policy that resulted to less pay of workers, and failed to keep accurate records as required.

Mr. Rankin was employed by Defendants as an hourly-paid telemarketer from approximately June 2018 to October 2019.

Incept Corporation is a telemarketing company that provides marketing services through outbound and inbound conversations with its principal place of business in Stark County, Ohio. [BN]

The Plaintiff is represented by:

Joseph F. Scott, Esq.

Ryan A. Winters, Esq.

Kevin M. McDermott II, Esq.

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INTERMEX WIRE: Underpays Sales Representatives, Herrera Claims

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ALBA HERRERA, individually and on behalf of all others similarly situated, Plaintiff v. INTERMEX WIRE TRANSFER, LLC, Defendant, Case No. 1:20-cv-20658-XXXX (S.D. Fla., Feb. 13, 2020) seeks to recover from the Defendant unpaid wages and overtime compensation, interest, liquidated damages, attorneys' fees, and costs under the Fair Labor Standards Act.

The Plaintiff Herrera was employed by the Defendant as sales representative.

Intermex Wire Transfer, LLC provides electronic money remittance services. The Company offers money transfers, telewires, cash direct, and money orders. Intermex Wire Transfer serves customers worldwide. [BN]

The Plaintiff is represented by:

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Miami, FL 33130

E-mail: employlaw@keithstern.com

JEFFRY KNIGHT: Faces Yan Suit Over Overtime Pay Violations

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WEIMANG YAN, individually, and on behalf of all others similarly situated, Plaintiff, v. JEFFRY KNIGHT, INC. d/b/a KNIGHT ENTERPRISES INC. Defendant, Case No. 8:20-cv-00410 (M.D. Fla., February 21, 2020) contends that the Defendant misclassifies Plaintiff and the putative class as independent contractors rather than employees who serve as cable installers or technicians in order to avoid paying overtime wages and other tax obligations under the Internal Revenue Service.

According to the complaint, the misclassification has resulted in a loss of substantial wages payable to Plaintiff and all other similarly situated pursuant to Fair Labor Standards Act.

Jerry Knight, Inc is d/b/a as Knight Enterprises, a Florida-based telecommunications company that contracts with other companies to install, repair, or construct the facilities for high-speed

Internet, cable television, and telephone service for cable television companies and consumers. [BN]

The Plaintiff is represented by:

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Facsimile: 813-639-9376

JOHN HANCOCK: Baker Sues over Employee Pension Plan Losses

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JENNIFER BAKER, as a representative of a class of similarly situated persons, and on behalf of the Incentive-Investment Plan for John Hancock Employees, Plaintiff v. JOHN HANCOCK LIFE INSURANCE COMPANY (U.S.A.), Defendant, Case No. 1:20-cv-10397 (D. Mass., February 27, 2020) is a class action complaint brought against Defendant for its alleged breach of fiduciary duties with respect to an "employee pension benefit plan", in violation of the Employee Retirement Income Security Act of 1974.

According to the complaint, Defendant applied an imprudent and inappropriate preference for John Hancock products within the Plan



despite their poor performance, high costs, and lack of traction among fiduciaries of similarly-sized plans, thereby breached its fiduciary duties to the detriment of the Plan and its participants and beneficiaries.

Moreover, Defendant failed to monitor or control the Plan's administrative expenses, costing the Plan millions of dollars in excessive administrative fees over the course of the class period.

Plaintiff was a participant in the Plan from 2014 until 2019, has invested in multiple investment options managed by Defendant's subsidiaries, and has been financially injured by Defendant's unlawful conduct.

Plaintiff seeks remedy of Defendant's unlawful conduct, to recover losses to the Plan, and to obtain other appropriate relief as provided by ERISA, which imposes strict fiduciary duties of loyalty and prudence upon fiduciaries of retirement plans.

John Hancock Life Insurance Company (U.S.A.) is a financial services company. [BN]

The Plaintiff is represented by:

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Brock J. Specht, Esq.

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JOHNSON & JOHNSON: Court Narrows Claims in Hall Securities Suit

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In the case, FRANK HALL, individually and on behalf of all others similarly situated, Plaintiff, v. JOHNSON & JOHNSON, et al., Defendants, Civil Action No. 18-1833 (FLW) (D. N.J.), Judge Freda L. Wolfson of the U.S. District Court for the District of New Jersey granted in part and denied in part the Defendants' Motion to Dismiss.

In the putative class action securities litigation, the Plaintiff alleges that he and other similarly situated investors purchased J&J stock between February 2013 and October 2018, and that the Defendants violated Section 10(b) of the Securities Exchange Act of 1934, and Rule 10b-5 promulgated thereunder. Furthermore, the Plaintiff avers that Defendants Gorsky, Caruso, Peterson, Goodrich, Sneed, Glasgow, and Casalvieri ("Individual Defendants") violated Section 20(a) of the Exchange Act.

J&J is a multinational company engaged in research and development, manufacturing, and sale of a broad range of healthcare products. Each of the Individual Defendants is, or was, a senior J&J executive and, along with other personnel, allegedly helped perpetuate the Company's fraudulent scheme over its investors.

The Plaintiff alleges that the Defendants fraudulently inflated the value of J&J's stock by issuing false and misleading statements as

part of a long-running scheme to conceal the truth from investors that the Company's talc products were contaminated with asbestos, and that the Plaintiff and other investors relied on these material misrepresentations and omissions to their detriment.

On Feb. 8, 2019, Hall filed a putative class action complaint, on behalf of all investors that purchased J&J securities between Feb. 22, 2013 and Feb. 7, 2018, alleging violations of Section 10(b) of the Securities Act of 1934 and Rule 10(b)(5) (Count 1) by all the Defendants, and violations of Section 20(a) of the 1934 Act by defendants J&J, Gorsky, and Caruso (Count 2). On Feb. 28, 2019, the Court appointed San Diego County Employees Retirement Association as the Lead Plaintiff. An Amended Complaint was filed on Feb. 28, 2019. The new pleadings added Sandra Peterson, Carol Goodrich, Joan Casalvieri, Michael Sneed, and Tara Glasgow as Defendants, and also extended the Class Period through December 2018.

In the instant matter, the Defendants move to dismiss the Amended Complaint on the basis that the alleged misstatements and omissions were not material, that the Plaintiff has failed to plead with particularity that Defendants acted with scienter, and that the Plaintiff has not sufficiently alleged loss causation.

Judge Wolfson denied in part and granted in part the Defendants'

Motion to Dismiss. The Plaintiff's Section 10(b) and Rule 10b-5 claim is limited to the Defendants' statements regarding the safety of its Talc Products, the "asbestos-free" nature of its talc, and the Company's commitment to product safety, quality assurance, and research. The Plaintiff's claims based upon the Defendants' alleged misstatements about the viability of the Product Liability lawsuits are dismissed. Furthermore, because the Plaintiff has not adequately alleged facts suggesting a strong inference of scienter as to defendants Caruso, Peterson, and Sneed, those Defendants are dismissed from the lawsuit.

Although the Judge finds that the Plaintiff has adequately alleged, for purposes of the motion to dismiss and assuming the facts pled to be true, that the Defendants made materially misleading or false statements regarding the safety of J&J's Talc Products, such a ruling should not be construed as the Court's acknowledgment of the underlying merits of the substance of the Plaintiff's claims, including whether the scientific evidence supports the Plaintiff's allegations. Any such a determination must be based upon a full record and not upon the pleadings alone.

A full-text copy of the Court's Dec. 27, 2019 Opinion is available at <https://is.gd/wY5QJW> from Leagle.com.

Oleg Fishman, Movant, represented by EDUARD KORSINSKY -- [ek@zlk.com](mailto:ek@zlk.com)

-- LEVI & KORSINSKY LLP.

SAN DIEGO COUNTY EMPLOYEES RETIREMENT ASSOCIATION, Lead Plaintiff,  
represented by DONALD A. ECKLUND -- DEcklund@carellabyrne.com --  
CARELLA, BYRNE, CECCHI, OLSTEIN, BRODY & AGNELLO, P.C. & JAMES E.  
CECCHI -- JCecchi@carellabyrne.com -- CARELLA BYRNE CECCHI OLSTEIN  
BRODY & AGNELLO, P.C.

FRANK HALL, Individually and on behalf of all others similarly  
situated, Plaintiff, represented by LAURENCE M. ROSEN --  
lrosen@rosenlegal.com -- THE ROSEN LAW FIRM, PA.

JOHNSON & JOHNSON, ALEX GORSKY, DOMINIC J. CARUSO, JOAN CASALVIERI,  
TARA GLASGOW, CAROL GOODRICH, SANDRA PETERSON & MICHAEL SNEED,  
Defendants, represented by JACK N. FROST, Jr. -- jack.frost@dbr.com  
-- DRINKER BIDDLE & REATH LLP.

JP MANAGEMENT GROUP: Fails to Pay Proper Wages, Irvin Claims

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The case, SAM IRVIN, Plaintiff, on behalf of himself and all others  
similarly situated, v. JP MANAGEMENT GROUP, INC. and JOY PATRICK,  
Defendants, Case No. 3:20-cv-00064-TMR (S.D. Ohio, February 18,  
2020) alleges that the Defendants fail to pay Plaintiff for any  
hours worked in excess of 40 hours per workweek.

Irvin was employed by the Defendants as a maintenance employee from June 2015 until August 30, 2019, and was paid on an hourly basis and worked approximately 50 hours per workweek.

According to the complaint, the Defendants fail to provide Plaintiff a notice concerning the continuation of health benefits after his resignation leading to a loss of health insurance coverage as well as a delayed treatment caused by a lack of insurance.

JP Management Group Inc. is a staffing agency.[BN]

The Plaintiff is represented by:

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Bradley L. Gibson, Esq.

Brian G. Greivenkamp, Esq.

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K & W CAFETERIAS: Hayth Seeks OT Pay for Restaurant Staff

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Amanda Hayth, individually and on behalf of all others similarly situated former and current employees, Plaintiff v. K & W CAFETERIAS, INC., Defendant, Case No. 7:20-cv-00132-GEC (W.D. Va., February 27, 2020) is a class action against the Defendant for violations of the Fair Labor Standards Act.

According to the complaint, the Defendant failed to compensate the Plaintiff and all others similarly-situated former and current tipped employees minimum wages and overtime pay for all hours worked as mandated by FLSA. Moreover, the Defendant required them to pay federal and other state income taxes on income they never received to avoid FLSA minimum wage obligations.

The Plaintiff was employed by the Defendant as an hourly-paid tipped employee at its restaurant located within Roanoke, Virginia.

K & W Cafeterias, Inc. is a restaurant operator with principal office located at PO Box 25048, Winston Salem, North Carolina.

[BN]

The Plaintiff is represented by:



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KALINA BAR: De la Cruz Seeks OT Pay for Delivery Staff

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The case, FRANKLIN MANUEL GONZALEZ DE LA CRUZ, individually and on

behalf of all others similarly situated v. KALI CORP., d/b/a KALINA BAR & GRILL; MARIEN GROCERY CORP., d/b/a CEMALYN GROCERY CORPORATION; and CESAR RODRIGUEZ, Defendants, Case No. 1:20-cv-01018 (E.D.N.Y., February 25, 2020), arises from the Defendants' violations of the Fair Labor Standards Act and the New York Labor Law.

According to the complaint, the Defendants failed to compensate the Plaintiff, on behalf of all others similarly-situated non-exempt employees, minimum wage and overtime premium at the rate of one and one half times the regular rate for work in excess of 40 hours per workweek and also failed to provide proper wage statements with every payment of wages.

The Plaintiff was employed by the Defendants as a delivery person for Kalina Bar & Grill on or about December 12, 2018.

Kali Corp. does business as Kalina Bar & Grill, a restaurant at 1476 Broadway in Brooklyn, New York.

Marien Grocery Corp. is a grocery store operator with principal place of business at 99 Jamaica Avenue in Brooklyn, New York. It is doing business as Cemalyn Grocery Corporation. [BN]

The Plaintiff is represented by:

C.K. Lee, Esq.

Anne Seelig, Esq.

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KASS MANAGEMENT: Faces O'Malley Suit over EFTA Violations

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DANIEL O'MALLEY, individually and on behalf of others similarly situated, Plaintiff v. KASS MANAGEMENT SERVICES, INC., Defendant, Case No. 1:20-cv-01331 (N.D. Ill., February 24, 2020) is a class action against the Defendants for violations of the Electronic Funds Transfer Act.

The Plaintiff, on behalf of all others similarly-situated, alleges that the Defendant automatically withdrew a \$233 legal fee from Plaintiff's bank account monthly during the period of June 2018 through July 2019 for a total of \$3,029.00 without prior express written authorization from the Plaintiff. The monthly legal fee is pursuant to a settlement agreement between the Plaintiff and the Condominium Association in April 2018 to dismiss the Association's lawsuit against the Plaintiff for bylaws violations.

Kass Management Services, Inc. is a property management corporation that provides management services to condominium, residential and commercial properties throughout the Chicago Metropolitan Area in Illinois.[BN]

The Plaintiff is represented by:

Glen J. Dunn, Jr., Esq.

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KILGORE ISD: Plaintiffs Seek to Expand Scope of Lawsuit

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Lucas Strough, writing for Kilgore News Herald, reports that a new development in the long-running Axberg vs. Kilgore ISD lawsuit recently came to light as plaintiffs filed a class-action lawsuit against the district, seeking monetary damages to cover the cost of taxes they allege were collected improperly, as well as the cost of attorney fees.

According to Gregg County court records, on Tuesday, Feb. 11, plaintiffs filed an amended motion which sought to expand the scope

of the original lawsuit in Cause No. 2016-1850-CCL2.

Originally, the lawsuit was filed by Gregg County residents Darlene Axberg, John Axberg and Sheila Anderson. The new motion includes plaintiffs Sheila Anderson, John Mills, Brenda Mills, James Nicks, Judy Nicks, Philip Eugene Patterson, Dale Hedrick, Laura Hedrick, Karen Wilson, and Patrick R. Gatons.

Their lawsuit is filed against the Kilgore ISD school district as well as school board members. Notably, the new lawsuit includes two board members, Lloyd Vanderwater and Dana Sneed, who were not on the board when the lawsuit was first filed in 2016.

The defendants are now as follows, according to the text of the lawsuit: Kilgore Independent School District, Reggie Henson, Dereck Borders, Trey Hattaway, Alan Clark, Lloyd Vanderwater, Joe Parker, and Dana Sneed, in their official capacities as members of the Board of Trustees of Kilgore Independent School District.

The lawsuit claims the district's 2015 repeal of their long-standing Local Option Homestead Exemption was done in violation of new state laws and KISD acted "ultra vires", or beyond their legal capacity, in carrying out the repeal.

"In violation of Section 1-b(e), Article VIII, of the Texas

Constitution and Section 11.13(n-1) of the Texas Tax Code, Defendants in 2015 repealed the local option homestead exemption that they had adopted under Section 11.13(n) of the Texas Tax Code for the 2014 tax year," the lawsuit read.

"They have also illegally assessed and collected taxes that are subject to this exemption. Plaintiffs, whose residence homesteads lie within the boundaries of the school district, are entitled to the same exemption for the 2015, 2016, 2017, 2018, and 2019 tax years. Plaintiffs seek declaratory relief that Defendants' actions were ultra vires and violate their due process and due course of law rights under the Texas Constitution. Plaintiffs further request a permanent injunction mandating that Defendants reinstate the exemption for application in the 2015 through 2019 tax years. Plaintiffs also seek a refund of illegally collected taxes which Plaintiffs paid to the school district as a result of duress."

Parties in the case met in Gregg County Judge Vincent Dulweber's County Court at Law No. 2 Monday, Jan. 27, in an attempt to reach a motion for summary judgment.

At the January hearing, KISD attorney Dennis Eichelbaum argued KISD's LOHE, which was established in the 1980s, should have been exempt from Senate Bill 1 and Senate Joint Resolution 1, the laws forbidding LOHE repeal, because the bills as written only addressed

LOHEs established in Fiscal Year 2014.

Representing the plaintiffs, attorney Jonathan Mitchell, Esq. of Austin countered there was no information in the case which contradicted the rulings of higher state courts and there was no confusion over whether or not KISD fell under the terms used in SB-1 and SJR-1.

At the conclusion of the hearing, Dulweber allowed final arguments before announcing he would personally review the attorney's arguments and the case information before returning his decision in seven to 10 days.

Also on Feb. 11, the court rejected KISD's argument for summary judgment, stating "the Court cannot find, as a matter of law, that SB-1 did not apply to Defendant (KISD) for the reason that Defendant did not take any action to adopt a local optional homestead exemption for the 2014 tax year, and therefore, Defendant's Traditional Motion for Summary Judgment under Texas Rules of Civil Procedure 166a© is hereby denied."

The ruling also denied KISD's argument claiming there was no evidence showing the district illegally rescinded their LOHE.

With this judgment, KISD may have to repay more than \$4 million in

taxes gathered following the LOHE's repeal. The district has been keeping those funds in an untouched bank account awaiting the decision of the court.

In the new motion filed by the plaintiffs, financial restitution to the original plaintiffs, as well as others, was sought.

"Plaintiffs request that Defendants be cited to appear and answer and that, upon final trial, the Court render judgment awarding Plaintiffs and the class the declaratory relief and injunctive and mandamus relief requested herein along with the requested class-wide refund, Plaintiffs' reasonable and necessary attorney's fees, and all other relief to which Plaintiffs and the class may be entitled," the document read. [GN]

L'OREAL USA: Liquid Cosmetics Have Defective Pumps, Young Claims

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RENEE YOUNG and ROXANE TIERNEY, Individually and On Behalf of All Others Similarly Situated v. L'OREAL USA, INC., Case No.

3:20-cv-00944-JSC (N.D. Cal., Feb. 7, 2020), is a consumer class action seeking redress for L'Oreal's deceptive practices in marketing and selling liquid cosmetic products in defective manual pumping bottles that fail to dispense significant, material amounts of the products, in violation of California's Consumer Legal Remedies Act, California's Unfair Competition Law, and California's



Song-Beverly Consumer Warranty Act.

The Plaintiffs contend that Liquid Cosmetic Products utilize substantially similar pumps for substantially similar liquid cosmetics to dispense product. All of L'Oreal's defective pumps suffer from the same defect of failing to dispense a significant and material amount of product, and L'Oreal's misleading acts or omissions that give rise to the Plaintiffs' consumer fraud and warranty claims are substantially similar with respect to all of the products at issue--particularly because the Plaintiffs' claims focus on the functionality of the Liquid Cosmetic Products' defective packaging as opposed to the efficacy of the contents.

L'Oreal's Liquid Cosmetic Products are generally sold in containers containing one fluid ounce or less of product. The Defendant packages and sells these products in containers made of glass that are sealed or otherwise designed to prevent consumers from opening them. L'Oreal further designed the products to be dispensed through manual pumps inserted into the sealed containers.

L'Oreal is a manufacturer and seller of cosmetic products including the Liquid Cosmetic Products at issue in this action. The Defendant's Liquid Cosmetic Products are offered for sale to consumers throughout the United States through various large retailers and pharmacies including but not limited to Sephora,

Walgreens, Wal-Mart, Target, Ulta, Rite-Aid, and CVS. They are also offered by these retailers on their e-commerce Web site and by other online retailers such as Amazon.com, Drugstore.com, and Beauty.com.[BN]

The Plaintiffs are represented by:

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Matthew B. George, Esq.

Mario M. Choi, Esq.

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- and -

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LA VILLE DELIVERY: Ponce et al. Sue over OT Pay, Retaliation

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ALEJANDRO PONCE, JAMES RUSSELL, LUIS AGUIRRE, ROBERTO ENRIQUE GOMEZ

MARROQUIN, and JUAN CARLOS QUINTANILLA, Plaintiffs, - against - LA

VILLE DELIVERY, INC.; LA VILLE IMPORTS, INC.; IVAN MARKOVIC

(individually and in his official capacity); NADEZDA N. MARKOVIC

(individually and in her official capacity), and any other related

persons or entities, Defendants, Case No. 2:20-cv-00905 (E.D.N.Y., February 19, 2020) alleges that the Defendants violate retaliation provisions of the Fair Labor Standards Act by terminating the Plaintiffs' employment a few weeks after paying them pursuant to a settlement agreement that resolved an initial dispute.

In or around May 2019, when initial negotiations between counsel were unsuccessful, Plaintiffs filed a lawsuit in this District, Ponce et. al. v. La Ville Delivery, Inc. et. al., Index No. 19-cv-3234 (BMC), alleging violations of the FLSA and New York Labor Law, including failure to pay overtime, failure to pay wages, and statutory violations of the NYLL notice provisions.

The termination of the Plaintiffs' employment was only the last of a series of retaliatory actions that Defendants took against Plaintiffs in response to and even after settling the Initial Lawsuit.

All five plaintiffs were employed by the Defendants as drivers/warehouse workers.

La Ville Delivery, Inc. is a wine importer and distributor with a principal place of business at 263 Park Ave., Garden City Park, NY 11040.

La Ville Imports, Inc. is a New York corporation with a principal place of business at 115 Herricks Road, New Hyde Park, NY 11040.

[BN]

The Plaintiffs are represented by:

Laura R. Reznick, Esq.

BELL LAW GROUP, PLLC

100 Quentin Roosevelt Boulevard Suite 208

Garden City, NY 11530

Telephone: (516) 280-3008

Facsimile: (212) 656-1845

LANDMARK BANK: Flowers Calls Overdraft Fees "Improper"

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PATRICK FLOWERS, individually and on behalf of all others similarly situated, Plaintiff v. LANDMARK BANK, Defendant, Case No.

2:20-cv-04025-NKL (W.D. Mo., Feb. 13, 2020) is an action arising from the Defendant's unfair and unconscionable assessment and collection of "overdraft fees" on accounts that were never actually overdrawn.

According to the Plaintiff in the complaint, at the moment debit card transactions are authorized on an account with positive funds

to cover the transaction, Landmark immediately reduces account-holders' checking accounts for the amount of the purchase, sets aside funds in a checking account to cover that transaction, and as a result, the accountholder's displayed "available balance" reflects that subtracted amount. As a result, customers' accounts will always have sufficient available funds to cover these transactions because Landmark has already sequestered these funds for payment.

However, Landmark still assesses crippling OD Fees on many of these transactions, and misrepresents its practices in its account documents. Despite putting aside sufficient available funds for debit card transactions at the time those transactions are authorized, Landmark later assesses OD Fees on those same transactions when they purportedly settle days later into a negative balance.

Landmark Bank operates as a bank. The Bank offers personal, business, online, and mobile banking services, mortgage loans, and investments. [BN]

The Plaintiff is represented by:

Ashlea Schwarz, Esq.

PAUL LLP

601 Walnut Street, Suite 300  
Kansas City, MO 64106  
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- and -

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sgold@kaliellpc.com

LD RODRIGUEZ TRANSPORT: Rabeiro Seeks Minimum Wage for Drivers

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The case, BRIAN RABEIRO and all others similarly situated under 29 U.S.C. 216(B) Plaintiff, v. LD RODRIGUEZ TRANSPORT LLC Defendant, Case No. 3:20-cv-00462-K (N.D. Tex., February 24, 2020) arises from the failure of the Defendant to pay minimum wages to Plaintiff and other similarly situated employees for work performed in a given work week.

Mr. Rabeiro was employed by the Defendant as a truck driver from on or about August 2019 to on or about November 7, 2019.

LD Rodriguez Transport LLC is a Texas trucking company and entity, incorporated under the laws of the State of Texas, and regularly transacts business within Dallas County. [BN]

The Plaintiff is represented by:

Thomas J. Urquidez, Esq.

URQUIDEZ LAW FIRM, LLC

5440 Harvest Hill, Suite 234

Dallas, TX 75230

Telephone: 214-420-3366

Facsimile: 214-206-9802

LEAFGUARD CHICAGO: Densmore Sues over Collection of Biometrics

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KEVIN DENSMORE and ABEL BRAMBILA, individually and on behalf of all others similarly situated, Plaintiff v. LEAFGUARD CHICAGO, LLC, and ADP, LLC, Defendants, Case No. 2020CH02287 (Ill. Cir., Cook Cty., February 25, 2020) is a class action complaint brought against Defendants pursuant to the Illinois Code of Civil Procedure.



Both Plaintiffs worked for Leafguard as a Lead Installer, Densmore from on or approximately March 2013 until April 29, 2019 and Brambila from approximately 2010 until April 16, 2019.

According to the complaint, Leafguard's employees were required to have their fingerprints scanned by a biometric timekeeping device, a biometric punch clock manufactured, operated and supplied by ADP, LLC. By using ADP's device, the privacy of biometric information of Leafguard's employees will be exposed to risk such as identity theft and unauthorized tracking which is a clear violation of the Biometric Information Privacy Act.

Plaintiffs allege that Defendants failed to inform Leafguard's employees that it discloses employees' fingerprint data to third parties; and failed to provide employees with a written, publicly available policy identifying their retention schedule and guidelines for permanently destroying employees' fingerprints when the initial purpose for collecting or obtaining their fingerprints is no longer relevant.

Leafguard Chicago, LLC is a gutter protection installer that installs its own patented one-piece seamless gutter protection system for homeowners across the U.S., including within the State of Illinois. [BN]

The Plaintiffs are represented by:

Jeffrey Friedman, Esq.

Arijana Keserovic, Esq.

LAW OFFICE OF JEFFREY FRIEDMAN, P.C.

225 W. Washington Street, Suite 2200

Chicago, IL 60606

Tel: (312)357-1431

LEOPOLD & ASSOCIATES: Faces McDonough FD CPA Suit in S.D. New York

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A class action lawsuit has been filed against Leopold & Associates, PLLC. The case is captioned as Michael P. McDonough, individually and on behalf of all others similarly situated v. Leopold & Associates, PLLC and Trinity Financial Services, LLC, Case No. 7:20-cv-01141 (S.D.N.Y., Feb. 10, 2020).

The suit alleges violation of the Fair Debt Collection Practices Act.

Leopold & Associates is a multi-law firm for mortgage servicers, banks, and investors. Trinity Financial is a private equity firm based in Newport Beach, California.[BN]

The Plaintiff is represented by:

David Michael Barshay, Esq.

Craig B. Sanders, Esq.

BARSHAY SANDERS, PLLC

100 Garden City Plaza, Suite 5th Floor

Garden City, NY 11530

Telephone: (516) 203-7600

Facsimile: (516) 706-5055

E-mail: [dbarshay@bakersanders.com](mailto:dbarshay@bakersanders.com)

[csanders@barshaysanders.com](mailto:csanders@barshaysanders.com)

LOUIS VUITTON: Website not Accessible to Blind Users, Cruz Claims

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SHAEL CRUZ, on behalf of himself and all others similarly situated,  
Plaintiffs, v. LVMH MOET HENNESSY LOUIS VUITTON INC., Defendant,  
Case No. 1:20-cv-01659-PGG-GWG (S.D.N.Y., February 25, 2020) is a  
civil rights action against Defendant for its failure to design,  
construct, maintain and operate its website to be fully accessible  
to and independently usable by Plaintiff and other blind or  
visually-impaired people.

The Defendant's denial of full and equal access to its website,

www.24s.com, and therefore denial of its goods and services offered thereby, is a violation of Plaintiff's rights under the Americans with Disabilities Act.

The Plaintiff seeks a permanent injunction to cause a change in the corporate policies, practices, and procedures of the Defendant so that its website will become and remain accessible to blind and visually-impaired consumers.

LVMH Moet Hennessy Louis Vuitton Inc. operates an online design clothing retail store. The Company offers handbags, shoes, jewellery, timepieces, perfumes, books, apparel products, and other accessories. LVMH Moet Hennessy Louis Vuitton serves customers worldwide. [BN]

The Plaintiff is represented by:

Joseph H. Mizrahi, Esq.

COHEN & MIZRAHI LLP

300 Cadman Plaza West, 12th Fl.

Brooklyn, NY 11201

Telephone: (929) 575-4175

LUCKIN COFFEE: Accused of Misleading Shareholders in Suit

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Shareholder rights law firm Robbins LLP announces that a purchaser of Luckin Coffee Inc. (NASDAQ: LK) filed a class action complaint against the Company for alleged violations of the Securities Exchange Act of 1934 between November 13, 2019 and January 31, 2020. Luckin Coffee engages in the retail sale of freshly brewed drinks, and pre-made food and beverage items in the People's Republic of China.

According to the complaint, on November 13, 2019, Luckin issued a press release announcing its financial and operating results for 3Q19, which highlighted positive increases in average monthly total items, total net revenues, and store level operating profit.

However, on January 31, 2020, Muddy Waters reported that Luckin had fabricated several financial figures based on a review of thousands of store videos and receipts. Then, on February 12, 2020, J Capital, a China-focused investment research firm, published a detailed report supporting the findings in the Muddy Waters Report.

On this news, the stock price fell to \$32.49 per share, representing a 35%-- decline from its class period high of --- \$50.02 per share.

Luckin Coffee Inc. (LK) Shareholders Have Legal Options

Contact us to learn more:

Leo Kandinov

(800) 350-6003

lkandinov@robbinsllp.com

Shareholder Information Form

Robbins LLP is a nationally recognized leader in shareholder rights law. The firm represents individual and institutional investors in shareholder derivative and securities class action lawsuits, and has helped its clients realize more than \$1 billion of value for themselves and the companies in which they have invested. Click [here](#) to receive free alerts from Stock Watch when companies engage in wrongdoing.

View source version on businesswire.com:

<https://www.businesswire.com/news/home/20200214005509/en/>

Contact:

Leo Kandinov, Esq.

Robbins LLP

5040 Shoreham Place

San Diego, CA 92122

Tel: (619) 525-3990 or Toll Free (800) 350-6003

Website: [www.robbinsllp.com](http://www.robbinsllp.com)

E-mail: [lkandinov@robbinsllp.com](mailto:lkandinov@robbinsllp.com)

[GN]

LUCKIN COFFEE: Howard G. Smith Announces Class Action Filing

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Law Offices of Howard G. Smith announces that a class action lawsuit has been filed on behalf of investors who purchased Luckin Coffee Inc. ("Luckin Coffee" or the "Company") (NASDAQ: LK) securities between November 13, 2019 and January 31, 2020, inclusive (the "Class Period"). Luckin investors have until April 13, 2020 to file a lead plaintiff motion.

Investors suffering losses on their Luckin investments are encouraged to contact the Law Offices of Howard G. Smith to discuss their legal rights in this class action at 888-638-4847 or by email to [howardsmith@howardsmithlaw.com](mailto:howardsmith@howardsmithlaw.com).

On Jan. 31, 2020, Muddy Waters Research published an anonymous report alleging that Luckin "had evolved into a fraud by fabricating financial and operating numbers starting in [the] 3rd quarter 2019." Among other allegations, Muddy Waters claims that the "[n]umber of items per store per day was inflated by at least 69% in 2019 3Q and 88% in 2019 4Q" and that "Luckin inflated its net selling price per item by at least RMB 1.23 or 12.3%."

On this news, Luckin's share price fell \$3.91, or nearly 11%, to close at \$32.49 per share on January 31, 2020, thereby injuring

investors.

The complaint alleges that defendants throughout the Class Period made false and/or misleading statements and/or failed to disclose:

(1) that certain of Luckin's financial performance metrics, including per-store per-day sales, net selling price per item, advertising expenses, and revenue contribution from "other products" were inflated; (2) that Luckin's financial results thus overstated the Company's financial health and were consequently unreliable; and (3) that, as a result, the Company's public statements were materially false and misleading at all relevant times.

If you purchased Luckin securities, have information or would like to learn more about these claims, or have any questions concerning this announcement or your rights or interests with respect to these matters, please contact:

Howard G. Smith, Esquire

Law Offices of Howard G. Smith

3070 Bristol Pike, Suite 112

Bensalem, Pennsylvania 19020

Tel: (215) 638-4847

Toll-free: (888) 638-4847

E-mail: [howardsmith@howardsmithlaw.com](mailto:howardsmith@howardsmithlaw.com)



Web site: [www.howardsmithlaw.com](http://www.howardsmithlaw.com)

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<https://www.businesswire.com/news/home/20200214005544/en/>

[GN]

LUCKIN COFFEE: Rosen Law Invites Investors to Class Action

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Rosen Law Firm, a global investor rights law firm, announces the filing of a class action lawsuit on behalf of purchasers of the securities of Luckin Coffee Inc. (NASDAQ: LK) between November 13, 2019 and January 31, 2020, inclusive (the "Class Period"). The lawsuit seeks to recover damages for Luckin investors under the federal securities laws.

To join the Luckin class action, go to

<http://www.rosenlegal.com/cases-register-1768.html> or call Phillip Kim, Esq. toll-free at 866-767-3653 or email [pkim@rosenlegal.com](mailto:pkim@rosenlegal.com) or [cases@rosenlegal.com](mailto:cases@rosenlegal.com) for information on the class action.

NO CLASS HAS YET BEEN CERTIFIED IN THE ABOVE ACTION. UNTIL A CLASS IS CERTIFIED, YOU ARE NOT REPRESENTED BY COUNSEL UNLESS YOU RETAIN ONE. YOU MAY RETAIN COUNSEL OF YOUR CHOICE. YOU MAY ALSO REMAIN AN ABSENT CLASS MEMBER AND DO NOTHING AT THIS POINT. AN INVESTOR'S ABILITY TO SHARE IN ANY POTENTIAL FUTURE RECOVERY IS NOT DEPENDENT

UPON SERVING AS LEAD PLAINTIFF.

According to the lawsuit, defendants throughout the Class Period made false and/or misleading statements and/or failed to disclose that: (1) certain of Luckin's financial performance metrics, including per-store per-day sales, net selling price per item, advertising expenses, and revenue contribution from "other products" were inflated; (2) Luckin's financial results thus overstated the Company's financial health and were consequently unreliable; and (3) as a result, the Company's public statements were materially false and misleading at all relevant times. When the true details entered the market, the lawsuit claims that investors suffered damages.

A class action lawsuit has already been filed. If you wish to serve as lead plaintiff, you must move the Court no later than April 13, 2020. A lead plaintiff is a representative party acting on behalf of other class members in directing the litigation. If you wish to join the litigation, go to <http://www.rosenlegal.com/cases-register-1768.html> or to discuss your rights or interests regarding this class action, please contact Phillip Kim, Esq. of Rosen Law Firm toll free at 866-767-3653 or via e-mail at [pkim@rosenlegal.com](mailto:pkim@rosenlegal.com) or [cases@rosenlegal.com](mailto:cases@rosenlegal.com).

Rosen Law Firm represents investors throughout the globe, concentrating its practice in securities class actions and shareholder derivative litigation. Rosen Law Firm was Ranked No. 1 by ISS Securities Class Action Services for number of securities class action settlements in 2017. The firm has been ranked in the top 3 each year since 2013. Rosen Law Firm has secured hundreds of millions of dollars for investors.

View source version on businesswire.com:

<https://www.businesswire.com/news/home/20200214005322/en/>

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[GN]

MARIN J CORP: Underpays Migrant Farmworkers, Romero et al Allege

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GUSTAVO CORTEZ-ROMERO, LUIS GERARDO ALVAREZ-ALONSO, SABINO  
CAMPUZANO-DOMINGA, MIGUEL ANGEL CERECEDO-RODRIGUEZ, FIDENCIO  
MARTINEZ-GREGORIO, CASIMIRO RODRIGUEZ-ESCOBAR, EDUARDO  
RODRIGUEZ-CRUZ, BERNARDO SANTIAGO-ZARAGOZA, and others similarly  
situated, Plaintiffs v. MARIN J CORP and JORGE J. MARIN,  
Defendants, Case No. 2:20-cv-14058 (S.D. Fla., February 22, 2020)  
is a collective action brought against Defendants for their alleged  
violation of the Fair Labor Standards Act.

Plaintiffs are citizens of Mexico who were admitted to the U.S. on  
a temporary basis pursuant to the Immigration and Nationality Act  
to perform agricultural labor.

According to the complaint, Defendants failed to pay and reimburse  
the Farmworkers, including:

-- at least \$7.25 for every compensable hour of labor  
performed in each workweek during which they were employed;

-- for expenses incurred primarily for the benefit of  
Defendants during their first workweek of employment;

-- Plaintiffs Dominga, Gregorio and Zaragoza's complete expenses in returning to their homes in Mexico;

-- for all hours the employer suffered or permitted the Farmworkers to work; and

-- at a rate not less than one and one-half times their regular rate for workweeks in excess of 40 hours during the 2018 southeastern Missouri watermelon harvest.

The plaintiffs seek to recover the amount of their unpaid overtime wages, an equal amount in liquidated damages, and attorneys' fees.

Marin J Corp., an H-2A labor contractor, hired the Farmworkers, directed and supervised their daily work activities, assigned them their tasks on a daily basis, and paid them their wages for their labor.

Jorge J. Marin is the owner, president and sole officer of Marin J Corp. [BN]

The Plaintiffs are represented by:

Gregory S. Schell, Esq.

SOUTHERN MIGRANT LEGAL SERVICES

311 Plus Park Boulevard, Suite 135

Nashville, TN 37217

Tel: (615)538-0725

Fax: (615)366-3349

Email: gschell@trla.org

MARQUIS HOME: Charles et al. Seek OT Pay for Home Attendants

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MARIE JEAN CHARLES, MARIE H. JEAN FERRARI, and ANN MARIE JULES,

individually and on behalf of others similarly situated, Plaintiffs

v. MARQUIS HOME CARE, LLC, D/B/A MARQUIS HOME CARE, Defendant, Case

No. 1:20-cv-01715 (S.D.N.Y., February 26, 2020) is a class action

against the Defendant for failure to compensate them and all others

similarly-situated home attendants the required minimum wages and

overtime pay at a rate of one-and-one-half times their regular rate

of pay for hours worked over 40 in one workweek, thereby violating

the Fair Labor Standards Act and the New York Labor Law

requirements.

The Plaintiffs were employed by the Defendant as home attendants at

Marquis Home Care approximately between 2016 and 2018.

Marquis Home Care, LLC is an operator of a home care agency located

at 230 N Main Street in Spring Valley, New York under the name  
Marquis Home Care. [BN]

The Plaintiffs are represented by:

Gennadiy Naydenskiy, Esq.

MICHAEL FAILLACE & ASSOCIATES P.C.

60 East 42nd Street, Suite 4510

New York, NY 10165

Telephone: (212) 317-1200

Facsimile: (212) 317-1620

MGM RESORTS INTERNATIONAL: Faces Smallman Suit Over Data Breach

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In the case, JOHN SMALLMAN, ON BEHALF OF HIMSELF AND ALL OTHERS  
SIMILARLY SITUATED, Plaintiff, v. MGM RESORTS INTERNATIONAL,  
Defendant, Case No. 2:20-cv-00376 (D. Nev., February 21, 2020),  
Plaintiff sues Defendant for negligence, breach of implied  
contract, unjust enrichment, breach of confidence and violation of  
the Nevada Consumer Fraud Act.

Mr. Smallman seeks to compel Defendant to adopt reasonably  
sufficient security practices to safeguard customer personally  
identifiable information that remains in its custody after an  
incident in the summer of 2019 where an unauthorized individual

accessed MGM's computer network system, downloaded customer data and then posted part of the data on a closed Internet forum exposing customer names, addresses, driver's license numbers, passport numbers, military identification numbers, phone numbers, emails and dates of birth.

MGM Resorts International is a global hospitality and entertainment company operating destination resorts throughout the world and headquartered in Las Vegas, Nevada. [BN]

The Plaintiff is represented by:

Richard Tanasi, Esq.

TANASI LAW OFFICES

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MI PUEBLO: Underpays Servers, Gonzalez Suit Alleges

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ALEJANDRO GARCIA GONZALEZ, individually and on behalf of all other similarly situated employees, Plaintiff v. MI PUEBLO OF NEW ALBANY, LLC, Defendant, Case No. 3:20-cv-00051-MPM-RP (W.D. Miss., Feb. 13, 2020) is an action against the Defendant's failure to pay the Plaintiff and the class overtime compensation for hours worked in excess of 40 hours per week.

The Plaintiff Gonzalez was employed by the Defendant as server.

Mi Pueblo of New Albany, LLC is a limited liability company formed and organized under Mississippi state law and currently conducting business as a restaurant at 213 Bankhead Street, New Albany, Mississippi 38652. [BN]

The Plaintiff is represented by:

William B. Ryan, Esq.

Bryce W. Ashby, Esq.

DONATI LAW, PLLC

1545 Union Avenue

Memphis, TN 38104

Telephone: 901-278-1004

Facsimile: 901-278-3111

E-mail: [billy@donatilaw.com](mailto:billy@donatilaw.com)

[bryce@donatilaw.com](mailto:bryce@donatilaw.com)

MICHAEL KORS USA: Faces Ramirez Suit Over Labor Law Violations

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JOANNA RAMIREZ, Plaintiff, v. MICHAEL KORS USA, INC.; and DOES 1 through 50, inclusive, Defendants, Case No. 20NWCV00144 (Calif. Super., Los Angeles City, February 26, 2020) is an action brought on behalf of Plaintiff and all similarly-situated employees against the Defendant for refusing to permit off-duty meal periods or providing compensation in lieu thereof and for refusing to reimburse Plaintiff for necessary business expenditures.

Ms. Ramirez began her employment with Defendant on or about December 15, 2015, as an hourly nonexempt general laborer and was transitioned into a new non-exempt hourly role of clerk position on or around December 6, 2016.

Michael Kors USA, Inc. is a luxury designer of products that include accessories, footwear, watches, jewelry, clothing, eye wear as well as a full line of fragrance products for both men and woman. [BN]

The Plaintiff is represented by:

Kevin Mahoney, Esq.

Berkeh Alemzadeh, Esq.  
MAHONEY LAW GROUP, APC  
249 E. Ocean Boulevard, Suite 814  
Long Beach, CA 90802  
Telephone: 562-590-5550  
Facsimile: 562-590-8400  
Email: kmahoney@mahoney-law.net  
balem@mahoney-law.net

MIDLAND CREDIT: Court Stays Class Certification Proceedings

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In the class action lawsuit styled as CAROL HOWARD v. MIDLAND CREDIT MANAGEMENT, INC., Case No. 2:20-cv-00263-WED (E.D. Wisc.), the Hon. Judge William E. Duffin entered an order on Feb. 18, 2020, granting Plaintiff's motion to stay further proceedings on the motion for class certification.

The parties are relieved from the automatic briefing schedule set forth in Civil Local Rule 7(b) and (c). Moreover, for administrative purposes, Judge Duffin directed the Clerk of Court to terminate the plaintiff's motion for class certification.

However, the motion will be regarded as pending to serve its protective purpose under *Damasco*.

In *Damasco v. Clearwire Corp.*, 662 F.3d 891, 896 (7th Cir. 2011),

the court suggested that class-action plaintiffs "move to certify the class at the same time that they file their complaint." "The pendency of that motion protects a putative class from attempts to buy off the named plaintiffs." However, because parties are generally unprepared to proceed with a motion for class certification at the beginning of a case, the Damasco court suggested that the parties "ask the district court to delay its ruling to provide time for additional discovery or investigation."

On February 18, 2020, the plaintiff filed a class action complaint. At the same time, the plaintiff filed what the court commonly refers to as a "protective" motion for class certification. In this motion the plaintiff moved to certify the class but also moved the court to stay further proceedings on that motion.

Midland Credit was founded in 1953. The company's line of business includes extending credit to business enterprises for relatively short periods.[CC]

MITCHELL INT'L: Misclassifies Case Managers, Josephson Says

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CLAIRE JOSEPHSON, an individual on behalf of herself and on behalf

of all persons similarly situated, Plaintiff v. MITCHELL INTERNATIONAL, INC. d/b/a DELAWARE MITCHELL INTERNATIONAL, INC., a Delaware corporation; and DOES 1-50, Inclusive, Defendants, Case No. STK-CV-UOE-2020-0002781 (Cal. Sup. Ct., February 25, 2020) is a class action complaint brought against Defendants for their alleged violations of California Business & Professional Code, California Labor Code, Industrial Welfare Commission Wage Order, and the Private Attorneys General Act.

Plaintiff was employed by Defendants in California as a Case Manager from October 2014 to December 2018 and was engaged in the core, day-to-day business activities of Defendant.

Plaintiff alleges that Defendants have unlawfully, unfairly, and/or deceptively misclassified Plaintiff and other Case Managers as exempt from overtime wages and other labor laws; failed to pay them the correct overtime pay; failed to provide them with all legally required off-duty, uninterrupted 30-minute meal breaks and the legally required rest breaks; failed to pay wages when due; and failed to provide them with an accurate itemized statement in writing showing the gross wages earned, the net wages earned, all applicable hourly rates in effect during the pay period and the corresponding amount of time worked at each hourly rate by the employee.

Mitchell International, Inc. is a computer software company which provides information and workflow solutions to the Property & Casualty Claims Industry and their supply chain partners. [BN]

The Plaintiff is represented by:

Shani O. Zakay, Esq.

ZAKAY LAW GROUP, APC

5850 Oberlin Drive, Suite 230A

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Tel: (619)255-9047

Fax: (858)404-9203

Email: shany@zakaylaw.com

- and -

Jean-Claude Lapuyade, Esq.

JCL LAW FIRMS, APC

3990 Old Town Ave., Suite C204

San Diego, CA 92110

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Fax: (619)599-8291

Email: jlapuyade@jcl-lawfirm.com

MOISHE'S MOVING SYSTEMS: Assisi Sues over Improper Wage Practice

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JOHN ASSISI, on behalf of himself and all others similarly situated, Plaintiff v. MOISHE'S MOVING SYSTEMS, LLC, Defendant, Case No. 151966 (New York Supreme Court, February 24, 2020) is a class action complaint brought against Defendant for its alleged illegal and improper wage practices in violation of the New York Labor Law.

Plaintiff was employed by Defendant as a Mover from in or around January 2017 until in or around December 2017, and from in or around June 2018 until on or about January 16, 2020. He was typically scheduled to work between 40 and 50 hours a week.

Plaintiff alleges that Defendant failed to:

- pay him on work performed outside of his scheduled shift,
- pay Movers for all time spent traveling between jobs,
- pay Movers for all money designated for them by customers as gratuities or tips,
- pay Movers overtime of time and one-half their regular rate of pay for all hours worked over 40 in a week, and



-- provide accurate wages statements.

Moishe's Moving Systems, LLC is a moving company that offers local and long distance moving services, self-storage, and mobile storage. [BN]

The Plaintiff is represented by:

Louis Ginsberg, Esq.

THE LAW FIRM OF

LOUIS GINSBERG, P.C.

1613 Northern Boulevard

Roslyn, NY 11576

Tel: (516)625-0105 X.18

MONROVIA NURSERY: Morgan Files Suit in New York

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Monrovia Nursery Company is facing a class action lawsuit filed pursuant to the Americans with Disabilities Act. The case is styled as Jon R. Morgan, on behalf of himself and others similarly situated, Plaintiff v. Monrovia Nursery Company, Defendant, Case No. 1:20-cv-01694 (S.D. N.Y., Feb. 26, 2020).

The Company offers shrubs, camellias, lemons, oranges, foliage, tangerines, grapefruits, ferns and bamboo, grasses, conifers, and maples.[BN]

The Plaintiff is represented by:

Jonathan Shalom, Esq.

Shalom Law, PLLC

105-13 Metropolitan Avenue

Forest Hills, NY 11375

Tel: (718) 971-9474

Email: [jshalom@jonathanshalomlaw.com](mailto:jshalom@jonathanshalomlaw.com)

NCAA: Fails to Protect Student-Athletes' Welfare, Hestera Claims

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DAVID HESTERA, individually and on behalf of all others similarly situated college football players, Plaintiff v. NATIONAL COLLEGIATE ATHLETIC ASSOCIATION, Defendant, Case No. 1:20-cv-00645-JRS-MJD (D. Ind., February 27, 2020) is a class action against the Defendant for its failure to perform its duties to protect the welfare of student-athletes at the University of Wyoming and the University of Colorado by ignoring the dangers of concussions and failing to implement adequate concussion management protocols to protect Plaintiff and other college football players from the long-term

dangers of concussions, concussion-related injuries, and sub-concussive injuries referred to as traumatic brain injuries.

The Defendant is alleged to have disregarded off-field consequences to protect the profitable business of amateur college football.

National Collegiate Athletic Association is an unincorporated association with its principal place of business located at 700 West Washington Street in Indianapolis, Indiana. [BN]

The Plaintiff is represented by:

Robert Dassow, Esq.

William F. Eckhart, Esq.

Tyler Zipes, Esq.

HOVDE DASSOW & DEETS LLC

10201 North Illinois Street, Suite 500

Indianapolis, IN 46290

Telephone: (317) 818-3100

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tzipes@shovdelaw.com

- and -

Eugene R. Egdorf, Esq.

Alex Barlow, Esq.

James B. Hartle, Esq.

SHRADER & ASSOCIATES LLP

9 Greenway Plaza, Suite 2300

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Jim@shraderlaw.com

NETWORK RECOVERY: Denciger Asserts Breach of FDCPA in New York

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A class action lawsuit has been filed against Network Recovery Services, Inc. The case is styled as Chaya R. Denciger, individually and on behalf of all others similarly situated, Plaintiff v. Network Recovery Services, Inc. and John Does 1-25, Defendants, Case No. 1:20-cv-01048 (E.D., N.Y., Feb. 26, 2020).

The docket of the case states the nature of suit as Consumer Credit filed pursuant to the Fair Debt Collection Practices Act.

Network Recovery Services Inc. is in the Adjustment and Collection Services industry in Roslyn Heights, NY.[BN]

The Plaintiff is represented by:

Raphael Deutsch, Esq.

Stein Saks PLLC

285 Passaic st

Hackensack, NJ 07601

Tel: (347) 668-9326

Email: rdeutsch@steinsakslegal.com

NYC HOUSING: McGriff et al. Allege Housing Lease Violations

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LATISHA MCGRIFF, RICARDO REED, and CLARESA WARD, individually and on behalf of all others similarly situated, Plaintiffs v. NEW YORK CITY HOUSING AUTHORITY, Defendant, Index No. 504776/2020 (N.Y. Sup., Kings Cty., February 26, 2020) is a class action against the Defendant for violations of its housing contracts and laws, including NYCHA's lease agreements with its residents, and the New York Public Housing Law.

The Plaintiffs, on behalf of all others similarly-situated residents of NYCHA Developments, allege that the Defendant breached its obligations to them by not fulfilling their lease agreements and the warranty of habitability, including but not limited to

failure to repair and maintain plumbing systems, failure to inspect for and remediate lead-based paint, and failure to repair and maintain electrical systems.

New York City Housing Authority is a public housing agency that owns and operates the NYCHA Developments in New York and has its principal place of business at 250 Broadway in New York City. [BN]

The Plaintiffs are represented by:

David H. Berg, Esq.

Joel M. Androphy, Esq.

Michael M. Fay, Esq.

Jenny H. Kim, Esq.

Bronwyn M. James, Esq.

Emily Burgess, Esq.

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#### OCEAN SPRAY: \$5.4MM False Ad Suit Settlement Gets Preliminary Okay

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Courthouse News Service reported that a federal court in California preliminarily approved a \$5.4 million settlement of a class action claiming Ocean Spray falsely advertised its juice products as having "no artificial flavors."

A copy of the Order Granting Plaintiffs' Unopposed Motion for Preliminary Approval of Class Action Settlement is available at:

<https://is.gd/Fw5atE>

#### OPERA LIMITED: Berger Montague Reminds of March 24 Deadline

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Berger Montague announces that a class action lawsuit has been filed against Opera Limited on behalf of all purchasers of Opera American Depositary Shares ("ADS") between July 27, 2018 and January 15, 2020 ("Class Period").

If you wish to discuss the claims against Opera or have any questions concerning your rights or interests, please contact our

attorneys Andrew Abramowitz, Esq. at (215) 875-3015 or Michael Dell'Angelo, Esq. at (215) 875-3080, or visit [www.bergermontague.com/opera-limited](http://www.bergermontague.com/opera-limited).

The suit alleges that Opera and members of its senior management misrepresented the Company's financial health, specifically by failing to disclose that:

The market opportunity for Opera's browser apps was significantly overstated;

Its loan apps relied on predatory lending practices; and

Once investors learned of the foregoing, there was likely to be a material negative impact on Opera's financial prospects.

The market learned the truth on January 16, 2020, when a report by Hindenburg Research accused Opera of engaging in predatory lending practices in Africa and India, including charging egregious interest rates. According to the report, Opera's apps were "in black and white violation of numerous Google rules," and therefore "this entire line of business is at risk of disappearing or being severely curtailed." In addition, the report accused Opera's chairman and CEO of diverting \$40 million of Company proceeds to entities owned or influenced by him through a range of questionable and inadequately disclosed transactions.



In response to this news, the price of Opera's ADS fell sharply on January 16, 2020. Opera's ADS now trade well below Opera's IPO and secondary offering prices.

If you purchased Opera ADS during the Class Period and suffered damages, no later than March 24, 2020, you may request that the Court appoint you lead plaintiff of the proposed Class. You do not need to be a lead plaintiff to share in any possible recovery to the Class.

Whistleblowers: Persons with non-public information regarding Opera should consider their options to help Berger Montague's investigation or take advantage of the SEC Whistleblower program. Under this program, whistleblowers who provide original information may receive rewards totaling up to 30 percent of successful recoveries obtained by the SEC. For more information, please contact us.

Berger Montague, with offices in Philadelphia, Minneapolis, Washington, D.C., and San Diego, has been a pioneer in securities class action litigation since its founding in 1970. Berger Montague has represented individual and institutional investors for five decades and serves as lead counsel in courts throughout the United States.

Contact:

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Berger Montague

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[GN]

PAPA JOHN'S USA: Flores Sues over Excessive Text Messages

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BRYAN FLORES, individually and on behalf of all others similarly situated, Plaintiffs v. PAPA JOHN'S USA, INC., Defendant, Case No. 2:20-cv-01672 (C.D. Cal., February 20, 2020) is a class action complaint brought against Defendant for its alleged unlawful practice of sending text messages to the cellular telephones of consumers in violation of the Telephone Consumer Protection Act.

According to the complaint, Plaintiff has agreed to receive a

maximum of six text messages each month of Defendant's promotional campaigns, which invite thousands of consumers nationwide to receive offers and advertisements on their cellular telephone.

However, Plaintiff has received seven text messages at his 0266 number in March 2019, without providing prior express consent.

Defendant took advantage of the goodwill from consumers by sending them more than six messages using an automated telephone dialing system which is a violation of the TCPA.

Papa John's USA, Inc. is the corporate entity behind the popular Papa John's pizza restaurant chain. [BN]

The Plaintiff is represented by:

William H. Beaumont, Esq.

BEAUMONT COSTALES LLC

107 W. Van Buren, Suite 209

Chicago, IL 60605

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- and -

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Culver City, CA 90403

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Email: peter@brnstn.org

PATIENTMATTERS LLC: Watson Seeks Overtime Pay Under FLSA and AMWA

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QUEEN WATSON and JACQUELINE WEST, Each Individually and on Behalf  
of All Others Similarly Situated v. PATIENTMATTERS, LLC, Case No.  
3:20-cv-00050-JM (E.D. Ark., Feb. 7, 2020), alleges that the  
Defendant violated the overtime provisions of the Fair Labor  
Standards Act and the Arkansas Minimum Wage Act.

The complaint seeks declaratory judgment, monetary damages,  
liquidated damages, prejudgment interest, and costs, including  
reasonable attorneys' fees, as a result of the Defendant's failure  
to pay the Plaintiffs and other workers overtime compensation for  
hours worked in excess of 40 hours per week pursuant to FLSA and  
AMWA.

Ms. Watson and Ms. West were employed by the Defendant as salaried  
employees from June 2018 to Oct. 2019 and Nov. 2017 to Sept. 2018,  
respectively.

PatientMatters unifies disparate registration, bill estimation and financial services.[BN]

The Plaintiffs are represented by:

Josh Sanford, Esq.

April Rheaume, Esq.

SANFORD LAW FIRM, PLLC

One Financial Center

650 South Shackleford, Suite 411

Little Rock, AR 72211

Telephone: (501) 221-0088

E-mail: [josh@sanfordlawfirm.com](mailto:josh@sanfordlawfirm.com)

[rhea@sanfordlawfirm.com](mailto:rhea@sanfordlawfirm.com)

PIP: EU's Top Court Limits Breast Implant Claims to France

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Molly Quell, writing for Courthouse News Service, reported that only the victims of defective breast implants made by French manufacturer PIP who had their surgeries in France are eligible for compensation, an adviser to the EU's highest court said Thursday.

The advisory opinion of European Court of Justice Advocate General Michal Bobek is a blow to some 300,000 women across 65 countries

who received implants filled with an industrial silicone intended for mattresses, rather than medical-grade silicone, manufactured by French company Poly Implant Prothese, or PIP.

"The civil liability insurance of breast implant producer PIP could validly be limited to women who underwent surgery in France," Bobek said in his opinion for the Court of Justice.

Though opinions from advocate generals are nonbinding, rulings from the Luxembourg-based court usually follow the same legal reasoning.

The Higher Regional Court Frankfurt am Main referred the case to the Court of Justice, after a woman who received a defective PIP implant in 2006 sued PIP's insurer Allianz in German court.

According to a clause in the agreement between Allianz and PIP, the insurance company was only liable for products used in France and the woman had her surgery in Germany, so Allianz claimed it wasn't responsible.

According to the advocate general, under current EU law, it is up to member states "to regulate insurance policies applicable to medical devices used on their territory." Bobek found there is no harmonization of the regulation of such devices under the Treaty on the Functioning of the European Union, one of two treaties forming

the constitutional basis of the EU.

French health care watchdog AFSSAPS withdrew PIP implants from the market in 2010 following complaints from surgeons, and the company went into bankruptcy the same day. The company's founder and president, Jean-Claude Mas, was jailed for four years and fined 75,000 euros (\$82,500) for his role in the scandal.

The Court of Justice is expected to issue its ruling later this year.

A copy of the Advisory Opinion is available at:

<https://is.gd/vnd96a>

PLATEAU DATA: Faces Winters TCPA Suit Over Unsolicited Calls

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Richard Winters, Jr., Individually and on Behalf of All Others  
Similarly Situated v. Plateau Data Services, INC. and Plateau Data  
Services, LLC d/b/a RateMarketplace, Case No. 2:20-cv-00303-ESW (D.  
Ariz., Feb. 8, 2020), alleges that the Defendants promote and  
market their merchandise, in part, by placing unsolicited telephone  
calls to wireless phone users, in violation of the Telephone  
Consumer Protection Act.

In November 2019, the Defendants contacted the Plaintiff's cellular telephone number ending in -6678, in an attempt to solicit him to purchase their services. The Plaintiff contends that at no time did he ever enter into a business relationship with the Defendants. He adds that he did not provide his current cellular telephone numbers to the Defendants through any medium.

Plateau Data is a digital marketing consultancy based in San Mateo. The Company provides web development, data management services, and internet marketing.[BN]

The Plaintiff is represented by:

David J. McGlothlin, Esq.

Ryan L. McBride, Esq.

KAZEROUNI LAW GROUP, APC

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ryan@kazlg.com



QFLORIST INC: Hedges Files Suit Under ADA in New York

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QFlorist Inc. is facing a class action lawsuit filed pursuant to the Americans with Disabilities Act. The case is styled as Donna Hedges for herself and on behalf of all other persons similarly situated, Plaintiff v. QFlorist Inc., Defendant, Case No. 1:20-cv-01687 (S.D. N.Y., Feb. 26, 2020).

Q Florist is an Upper West Side florist serving the UWS, UES, Midtown & Manhattan.[BN]

The Plaintiff appears PRO SE.

RESIDENTIAL CAPITAL: Partial Summary Judgment Bid in Drennen Denied

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In the case, In re: RESIDENTIAL CAPITAL, et al., Chapter 11, Debtors. ROWENA DRENNEN, FLORA GASKIN, ROGER TURNER, CHRISTIE TURNER, JOHN PICARD and REBECCA PICARD, individually and as the representatives of the KESSLER SETTLEMENT CLASS, STEVEN and RUTH MITCHELL, individually and as the representatives of the MITCHELL SETTLEMENT CLASS, and Adv. No. 15-01025 (SHL) RESCAP LIQUIDATING TRUST, Plaintiffs, v. CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON, et al., Defendants, Case No. 12-12020 (MG) Jointly Administered (S.D.

N.Y.), Judge Sean H. Lane of the U.S. Bankruptcy Court for the Southern District of New York (i) granted the Plaintiffs' partial motions for summary judgment, and (ii) denied the Defendants' cross-motions for partial summary judgment solely as to two Fee Exclusions.

The Plaintiffs' claims against Residential Funding Company, LLC (RFC) are based on origination and closing fees that were paid by the Class Plaintiffs in connection with second mortgages or subordinate loans they obtained from several lenders. These fees were paid to the Originating Banks and certain other third parties at either the time of closing or during the disbursement of the Loans. The fees were financed with the proceeds of the Loans and were included in and disbursed from the principal of the Loans. The Class Plaintiffs assert that certain of these fees were unlawful.

Formerly known as GMAC-Residential Funding Corporation or Residential Capital Corp., RFC operated during the period as a financial services company that bought and packaged mortgage loans, which it then securitized or sold directly to investors. In this capacity, RFC entered into contracts with the Originating Banks pursuant to which RFC agreed to purchase and take assignment of certain high loan-to-value loans. Under these contracts, the Class Plaintiffs' Loans were acquired by RFC after the closing and

funding of the Loans by the Originating Banks. RRFC then packaged the Loans, which were subsequently securitized or sold.

None of the Fees were paid to RFC or its subsidiaries or affiliates during the closing and funding of the Loans. RFC did not originate or close any of the Loans itself, and it did not have any contact or relationship with the Class Plaintiffs prior to its purchase of the Loans. Rather, the Class Plaintiffs sought to hold RFC derivatively liable for the acts of the Originating Banks pursuant to 15 U.S.C. Section 1641(d), and directly liable for acts that RFC itself performed after the loans originated, closed and the Fees were paid.

Representatives of both the Mitchell Class and the Kessler Class filed actions against RFC, among others, relating to the Fees. The Kessler Action, which was filed in October 2011, was still pending at the time that RFC filed for bankruptcy in 2012.

The Mitchell Action, filed in July 2003, proceeded to trial and the trial court entered a partial directed verdict against RFC and certain of the other defendants. The jury awarded compensatory damages in the amount of \$4,329,048 and punitive damages in the amount of \$92 million. RFC appealed the trial court's ruling and the judgment was subsequently affirmed as to the compensatory damages, but reversed and remanded for retrial as to the punitive

damages claim. Ultimately, RFC paid \$15,648,868.12 to satisfy the compensatory damages judgment, along with related attorneys' fees.

By the time of RFC's bankruptcy filing in 2012, RFC and the Mitchell Class had reached an agreement to settle the remanded claim for punitive damages for the amount of \$14.5 million, but no money had been paid under that settlement.

In May 2012, RFC filed for protection under Chapter 11 of the Bankruptcy Code. In December 2013, the Court approved a Chapter 11 plan, establishing the Liquidating Trust for the purpose of liquidating and distributing RFC's remaining assets to its unsecured creditors.

During the bankruptcy proceedings, RFC reached a resolution with both the Kessler Class and the Mitchell Class regarding their respective remaining claims against RFC. In November 2013, the Court entered an order approving a settlement agreement between RFC and the Kessler Class, which provided the Kessler Class with a \$300 million allowed claim against RFC's bankruptcy estate. As part of the Kessler Settlement, RFC's rights under the applicable insurance policies issued to RFC by the Defendants were assigned to the Kessler Class and the Liquidating Trust.

Similarly, the Plan approved the terms of the Mitchell Settlement that RFC and the Mitchell Class had reached prepetition with

respect to punitive damages, resulting in an allowed claim against RFC's bankruptcy estate in the amount of \$14.5 million. The Plan also assigned the Mitchell Class the right to pursue the Defendants for any insurance proceeds under the applicable policies to satisfy the Mitchell Claim. Additionally, the Plan assigned to the Liquidating Trust any rights of RFC to recover \$6.1 million from the Defendants in costs incurred by RFC in defense of the Mitchell Action, as well as RFC's rights to payment from the Defendants for the \$15.6 million in compensatory damages paid by RFC to the Mitchell Class prior to the bankruptcy filing.

As assignees of RFC's rights under these insurance policies, the Kessler Class and the Mitchell Class now seek coverage of their respective allowed claims under the Kessler Settlement and the Mitchell Settlement as losses under the insurance policies, while the Liquidating Trust seeks coverage for RFC's payment of the compensatory damages judgment in the Mitchell Action.

Before the Court are cross-motions for partial summary judgment filed by the Plaintiffs -- including the Liquidating Trust in the underlying bankruptcy case and certain class action Plaintiffs with claims against one of the debtors, and eight of the Defendants, including various tiers of insurers in the adversary proceeding. The Plaintiffs assert that their claims against RFC, one of the debtors, are covered by insurance policies that were originally

issued by the Defendants to General Motors Corp. The question at issue in the present cross-motions is whether two exclusions in the policies preclude coverage of the Plaintiffs' claims.

Judge Lane concludes that the Return of Fees Exclusion and the Mortgage Fee Claim Exclusion do not bar the Plaintiffs' Claims.

The Judge finds that the Defendants' interpretation of the Mortgage Fee Claim Exclusion is unsupported given the plain language of the Policy, the relevant definitions and common sense.

The Judge also finds that it appears that the Defendants' argument regarding Exclusions III.C.5 and III.C.34 were first raised in a footnote in the Defendants' Reply and thus is not properly before the Court. In any event, the Judge disagrees with the Defendants' reading. The first part of the exclusion is written broadly, with the terms "an" or "any" to exclude a number of Assureds. The second half of this exclusion contains an exception to the exclusion, which uses the word "the" to narrowly except only the one Assured that was involved in the specific excluded conduct.

Accordingly, Judge Lane granted the Plaintiffs' motions for partial summary judgment and denied the Defendants cross-motions for partial summary judgment solely as to the two Fee Exclusions.

A full-text copy of the Court's Dec. 27, 2019 Memorandum of

Decision is available at <https://is.gd/PLbouG> from Leagle.com.

Residential Capital, LLC, Debtor, represented by Jessica G. Berman

-- [jberman@teamtogut.com](mailto:jberman@teamtogut.com) -- Togut, Segal & Segal LLP, Donald H.

Cram -- [dhc@severson.com](mailto:dhc@severson.com) -- Severson & Werson, PC, Stefan W.

Engelhardt, Morrison & Foerster LLP, George M. Geeslin, Bonnie R.

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--

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Frankel, LLP.

Official Committee of Unsecured Creditors of Residential Capital,

LLC, et al., Creditor Committee, represented by Stephen Zide --

szide@kramerlevin.com -- Kramer Levin Naftalis and Frankel, LLP.

SAFEGUARD PROPERTIES: Fails to Pay Overtime Wages, Reed Claims

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JACOB REED, individually and on behalf of all others similarly

situated Plaintiff, v. SAFEGUARD PROPERTIES MANAGEMENT, LLC

Defendant, Case No. 4:20-cv-00029-JHM-HBB (W.D. Ky., February 24,

2020) is a class action against the Defendant for improperly

classifying employees as independent contractors and paying them a

set monthly amount for each property they inspected with no

overtime pay.

The Defendant employed Mr. Reed as a Mortgage Field Inspector from

approximately January 2015 through August 2018.



Safeguard Properties Management, LLC serves as the leader in the mortgage field services industry dedicated to building and sharing industry best practices to protect the integrity and value of the nation's housing stock, to deliver the most efficient and cost-effective services in the industry, and to work on behalf of our clients to comply with all regulatory requirements. [BN]

The Plaintiff is represented by:

Charles E. Moore, Esq.  
Moore & Moorman  
401 Frederic St. Suite A202  
Owensboro, Ky 42302

– and –

Michael A. Josephson, Esq.  
Andrew W. Dunlap, Esq.  
Taylor A. Jones, Esq.  
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– and –

Richard J. (Rex) Burch, Esq.

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SAFESPEED: Faces Red-Light Camera RICO Class Action

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Courthouse News Service reported that a federal RICO class action claims that Safespeed and its agents, the city of Oakbrook Terrace, and public officials in Northern Illinois conspired to "corruptly use[] red-light cameras" to "generate millions of dollars in revenue . . . and thereafter used bribes to protect the money machine from calls for legislation" to ban red-light cameras.

A copy of the Complaint is available at:

<https://is.gd/k8enqH>

SASOL LIMITED: Berger Montague Announces Class Action Suit Filing

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Berger Montague announces that a class action lawsuit has been filed against Sasol Limited ("Sasol" or the "Company") on behalf of all purchasers of Sasol securities between March 10, 2015 and January 13, 2020 ("Class Period"). Sasol's American Depositary Receipts ("ADRs") trade on the NYSE.

If you wish to discuss the claims against Sasol or have any questions concerning your rights or interests, please contact our attorneys Andrew Abramowitz, Esq. at (215) 875-3015 or Michael Dell'Angelo, Esq. at (215) 875-3080, or visit [www.bergermontague.com/sasol](http://www.bergermontague.com/sasol).

According to the Complaint, Defendants misled investors by misrepresenting and/or failing to disclose that:

Sasol conducted insufficient due diligence into and inadequately accounted for multiple issues with its Lake Charles chemical plant ("LCCP"), and misrepresented the LCCP's true cost;

Construction and operation of the LCCP was plagued by delays, rising costs, and technical issues; and

Sasol's senior management exacerbated these issues by engaging in improper behavior concerning financial reporting and oversight with respect to the LCCP.

Investors began to learn the true state of the LCCP through a series of disclosures. First, on May 22, 2019, Sasol abruptly raised the project's cost estimate by \$1 billion and disclosed an internal review into the project's costs and construction schedule. The Company admitted to weaknesses in the project's integrated controls, as well as significant additional concerns related to the project's forecasting process.

Then, on October 27, 2019, Sasol terminated its co-CEOs following an internal probe showing that the LCCP management team had acted inappropriately, lacked experience, and was overly focused on maintaining cost and schedule estimates instead of providing accurate information.

Finally, on January 13, 2020, Sasol disclosed that an explosion and fire had occurred at the LCCP's low-density polyethylene unit, which necessitated a shutdown of the unit.

Each of these disclosures caused the price of Sasol's ADRs to decline sharply.

If you purchased Sasol securities during the Class Period, no later than April 6, 2020, you may request that the Court appoint you lead plaintiff of the proposed Class. You do not need to be a lead plaintiff to share in any possible recovery to the Class.

Whistleblowers: Persons with non-public information regarding Sasol should consider their options to help Berger Montague's investigation or take advantage of the SEC Whistleblower program. Under this program, whistleblowers who provide original information may receive rewards totaling up to 30 percent of successful recoveries obtained by the SEC. For more information, please contact us.

Berger Montague, with offices in Philadelphia, Minneapolis, Washington, D.C., and San Diego, has been a pioneer in securities class action litigation since its founding in 1970. Berger Montague has represented individual and institutional investors for five decades and serves as lead counsel in courts throughout the United States.

Contact:

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- and -

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E-mail: [mdellangelo@bm.net](mailto:mdellangelo@bm.net)

[GN]

SCHOOL SPECIALTY: Morgan Alleges Violation under ADA

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School Specialty, Inc. is facing a class action lawsuit filed pursuant to the Americans with Disabilities Act. The case is styled as Jon R. Morgan, on behalf of himself and others similarly situated, Plaintiff v. School Specialty, Inc., Defendant, Case No. 1:20-cv-01697 (S.D. N.Y., Feb. 26, 2020).

School Specialty offers essential educational supplies, complete learning environments, and curriculum solutions to help you transform more than classrooms.[BN]

The Plaintiff is represented by:

Jonathan Shalom, Esq.

Shalom Law, PLLC

105-13 Metropolitan Avenue

Forest Hills, NY 11375

Tel: (718) 971-9474

Email: [jshalom@jonathanshalomlaw.com](mailto:jshalom@jonathanshalomlaw.com)

SIEMENS MOBILITY: Removes Nunery Suit to E.D. California

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The Defendants in the case of DEWITT NUNERY, individually and on behalf of all others similarly situated, Plaintiff v. SIEMENS MOBILITY, INC; ACARA SOLUTIONS, INC.; ALERON GROUP, INC.; and DOES 1 to 100, Defendants, filed a notice to remove the lawsuit from the Superior Court of the State of California (Case No. 34-2019-00271992) to the U.S. District Court for the Eastern District of California on February 10, 2020. The clerk of court for the Eastern District of California assigned Case No. 2:20-at-00142.

The case alleges labor code violations including failure to provide meal breaks, failure to pay minimum wages, and failure to compensate overtime wages.

Siemens Mobility, Inc. is a Delaware-based company engaged in providing transportation-related solutions and infrastructure.

Acara Solutions, Inc. is a New York-based staffing agency supplying Siemens Mobility with staff for its warehouses in California.

Aleron Group, Inc. is the parent of subsidiary Acara Solutions, Inc. It is a for-profit corporation incorporated in the State of New York. [BN]

The Defendants are represented by:

Sabrina L. Shadi, Esq.

Nicholas D. Poper, Esq.

Monique Matar, Esq.

BAKER & HOSTETLER LLP

11601 Wilshire Boulevard, Suite 1400

Los Angeles, CA 90025-0509

Telephone: (310) 820-8800

Facsimile: (310) 820-8859

E-mail: [sshadi@bakerlaw.com](mailto:sshadi@bakerlaw.com)

[npoper@bakerlaw.com](mailto:npopper@bakerlaw.com)

[mmatar@bakerlaw.com](mailto:mmatar@bakerlaw.com)

SIX FLAGS: Schall Law Announces Class Action Lawsuit

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The Schall Law Firm, a national shareholder rights litigation firm, announces the filing of a class action lawsuit against Six Flags



Entertainment Corporation (NYSE:SIX) for violations of 10(b) and 20(a) of the Securities Exchange Act of 1934 and Rule 10b-5 promulgated thereunder by the U.S. Securities and Exchange Commission.

Investors who purchased the Company's securities between April 25, 2018 and January 9, 2020, inclusive (the "Class Period"), are encouraged to contact the firm before April 13, 2020.

We also encourage you to contact Brian Schall of the Schall Law Firm, 1880 Century Park East, Suite 404, Los Angeles, CA 90067, at 424-303-1964, to discuss your rights free of charge. You can also reach us through the firm's website at [www.schallfirm.com](http://www.schallfirm.com), or by email at [brian@schallfirm.com](mailto:brian@schallfirm.com).

The class, in this case, has not yet been certified, and until certification occurs, you are not represented by an attorney. If you choose to take no action, you can remain an absent class member.

According to the Complaint, the Company made false and misleading statements to the market. Six Flags suffered from park development delays in China with partner Riverside. The delays were not "short-term" by any reasonable definition, in fact, the delays were both long-term and material in nature. Riverside was in a state of

severe financial distress and did not have the resources necessary to complete its projects with the Company. Based on these facts, the Company's public statements were false and materially misleading throughout the class period. When the market learned the truth about Six Flags, investors suffered damages.

Join the case to recover your losses.

The Schall Law Firm represents investors around the world and specializes in securities class action lawsuits and shareholder rights litigation.

Contact:

Brian Schall, Esq.

The Schall Law Firm

Office: 310-301-3335

Cell: 424-303-1964

Website: [www.schallfirm.com](http://www.schallfirm.com)

E-mail: [info@schallfirm.com](mailto:info@schallfirm.com)

[brian@schallfirm.com](mailto:brian@schallfirm.com)

[GN]

SKANSKA KOCH: Cortese Seeks Unpaid Wages for Crane Operators

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ANTHONY CORTESE, individually and on behalf of others similarly situated, Plaintiff v. SKANSKA KOCH, INC. and KIEWIT INFRASTRUCTURE CO., Defendants, Case No. 1:20-cv-01632 (S.D.N.Y., February 25, 2020), is a collective and class action complaint against Defendants to recover unpaid wages, benefits and other damages pursuant to the Fair Labor Standards Act, the New York Labor Law, and the New York Commissioner of Labor's Wage Orders.

According to the complaint, Plaintiff commenced his employment as a W-2 employee of Defendant Skanska Koch on or about August 17, 2015 as one of at least New Jersey union crane operators on the Project which is a public work project.

Defendants had a policy and/or practice of permitting and/or directing New York and New Jersey union employees to work on both sides of the Bayonne Bridge span and the amount paid for all the work they performed depends on the prevailing wage rate of what sides of the Bayonne Bridge they have worked.

Plaintiff claims that Defendants only paid him the statutory New Jersey prevailing wage rate despite working in the New York City jurisdiction of the Project on weekends for approximately five months rather than the New York City prevailing wage for crane operators as required by NYLL.

Skanska Koch, Inc. and Kiewit Infrastructure Co. are both full-service construction contractors. [BN]

The Plaintiff is represented by:

Haralampo Kasolas, Esq.

BRACH EICHLER LLC

101 Eisenhower Parkway

Roseland, NJ 07068

Tel: (973) 403-3139

Email: bkasolas@bracheichler.com

SKYLINE RESTORATION: Fails to Pay Workers OT, Hernandez et al Claim

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The case, ALEJANDRO HERNANDEZ, ANDRES PINEDO, WILMER LOPEZ, JULIO CORONA, and AQUILINO NUNEZ, on behalf of themselves and all other similarly situated, Plaintiffs v. SKYLINE RESTORATION & PRESERVATION LLC, SKYLINE RESTORATION WATERPROOFING INC., SKYLINE RESTORATION GROUP, LLC, SKYLINE RESTORATION SERVICES, LLC, JOSE LUIS PRADO, JOHN DOE CORPORATIONS 1-10, and RICHARD ROES 1-10, Defendants, Case No. 1:20-cv-01062 (E.D.N.Y., February 26, 2020), arises from Defendants' alleged failure to properly pay overtime to their Construction workers in violation of the Fair Labor Standards Act and the New York Labor Law.

Plaintiffs, the FLSA Collective Plaintiffs, and the Class Members were employed by Defendants to work as non-exempt hourly construction workers on Defendants' various commercial and residential construction jobs in and/or around New York City and were paid day rates of between \$140 and \$180 per day, for an eight-hour work-day.

Plaintiffs claim that Defendants failed to pay Plaintiff and other construction workers overtime premiums when they had to stay at work late past the end of their scheduled shifts due to various emergencies including cleaning up and removing of debris from the job sites, inspections and/or deadlines. Also, Defendants failed to keep accurate and sufficient time records as required by Federal and New York State laws.

Jose Luis Prado is the owner, manager, and supervisor of the Skyline Defendants and Defendants JOHN DOE CORPORATIONS 1-10 and exercised the power to hire, fire, and control the wages and working conditions of the Plaintiffs.

Skyline operates a construction company that purports to have 30 years of experience restoring "New York's most iconic buildings" in the New York City area.[BN]

The Plaintiffs are represented by:

David Harrison, Esq.

HARRISON, HARRISON & ASSOCIATES

110 State Highway 35, 2nd Floor

Red Bank, NJ 07701

Tel: (718)799-9111

Fax: (718)799-9171

Email: dharrison@nynjemploymentlaw.com

SONIC CORP: Hernandez Sues over Unsolicited Text Messages

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The case, CECILIA HERNANDEZ, on behalf of herself and all others similarly situated, Plaintiff v. SONIC CORP. and SONIC RESTAURANTS, INC., Defendants, Case No. 5:20-cv-348 (C.D. Cal., February 20, 2020), arises from Defendants' alleged violation of the Telephone Consumer Protection Act by negligently and/or willfully sending unsolicited text messages to Plaintiff's cellular telephone.

According to the complaint, in an attempt to solicit its business, Defendants have been sending Plaintiff unsolicited promotional text messages from Defendants' SMS code 876-642 to Plaintiff's wireless phone ending in the number 4347. On or around December 2017 and up to the present, Plaintiff received approximately three to nine

unsolicited text messages per month through an automated telephone dialing system or prerecorded voice without prior express consent.

Plaintiff seeks an injunction to stop Sonic from sending unsolicited text messages, award of statutory damages under the TCPA, other costs and reasonable attorneys' fees.

Sonic is a fast food drive-in restaurant that sends promotional and marketing text messages to consumers in an attempt to solicit business. [BN]

The Plaintiff is represented by:

Ronald A. Marron, Esq.

Alexis M. Wood, Esq.

Kas L. Gallucci, Esq.

LAW OFFICES OF RONALD A. MARRON

651 Arroyo Drive

San Diego, CA 92103

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Email: [ron@consumersadvocates.com](mailto:ron@consumersadvocates.com)

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[kas@consumersadvocates.com](mailto:kas@consumersadvocates.com)

SPIRIT AEROSYSTEMS: Glancy Prongay Reminds of April 10 Deadline

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Glancy Prongay & Murray LLP ("GPM") reminds investors of the upcoming April 10, 2020 deadline to file a lead plaintiff motion in the class action filed on behalf of Spirit AeroSystems Holdings, Inc. ("Spirit" or the "Company") (NYSE: SPR) securities between October 31, 2019 and January 29, 2020 inclusive (the "Class Period").

If you suffered a loss on your Spirit investments or would like to inquire about potentially pursuing claims to recover your loss under the federal securities laws, you can submit your contact information here or contact Charles H. Linehan, of GPM at 310-201-9150, Toll-Free at 888-773-9224, via email [shareholders@glancylaw.com](mailto:shareholders@glancylaw.com) or visit our website at [www.glancylaw.com](http://www.glancylaw.com) to learn more about your rights.

On January 30, 2020, Spirit issued a press release announcing executive officer changes. Therein, Spirit stated that it "did not comply with its established accounting processes related to certain potential contingent liabilities that were received by Spirit after the end of third quarter 2019." Moreover, the Company stated that, "[i]n light of these findings," Spirit's Chief Financial Officer, Jose Garcia, and Principal Accounting Officer, John Gilson,



resigned from their positions.

On this news, the Company's share price fell \$2.56, or nearly 4%, to close at \$65.08 per share on January 30, 2020, on usually heavy trading volume.

The complaint alleges that defendants throughout the Class Period made false and/or misleading statements and/or failed to disclose that: (1) the Company lacked effective internal controls over financial reporting; (2) the Company did not comply with its established accounting principles related to potential contingent liabilities; and (3) as a result, defendants' statements about its business, operations, and prospects, were materially false and misleading and/or lacked a reasonable basis at all relevant times.

If you purchased or otherwise acquired Spirit securities during the Class Period, you may move the Court no later than April 10, 2020 to request appointment as lead plaintiff in this putative class action lawsuit. To be a member of the class action you need not take any action at this time; you may retain counsel of your choice or take no action and remain an absent member of the class action.

If you wish to learn more about this class action, or if you have any questions concerning this announcement or your rights or interests with respect to the pending class action lawsuit, please contact Charles Linehan, Esquire, of GPM, 1925 Century Park East,

Suite 2100, Los Angeles, California 90067 at 310-201-9150,  
Toll-Free at 888-773-9224, by email to [shareholders@glancylaw.com](mailto:shareholders@glancylaw.com),  
or visit our website at [www.glancylaw.com](http://www.glancylaw.com). If you inquire by email  
please include your mailing address, telephone number and number of  
shares purchased.

View source version on businesswire.com:

<https://www.businesswire.com/news/home/20200214005083/en/>

Contact:

Charles Linehan, Esq.

Glancy Prongay & Murray LLP

Los Angeles

Tel: 310-201-9150 or 888-773-9224

Website: [www.glancylaw.com](http://www.glancylaw.com)

E-mail: [shareholders@glancylaw.com](mailto:shareholders@glancylaw.com)

[GN]

SPIRIT AEROSYSTEMS: Rosen Reminds Investors of April 10 Deadline

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Rosen Law Firm, a global investor rights law firm, reminds  
purchasers of the securities of Spirit AeroSystems Holdings, Inc.  
(NYSE: SPR) between Oct. 31, 2019 and Jan. 29, 2020, inclusive (the  
"Class Period") of the important April 10, 2020 lead plaintiff

deadline in the securities class action commenced by the firm. The lawsuit seeks to recover damages for Spirit investors under the federal securities laws.

To join the Spirit class action, go to

<http://www.rosenlegal.com/cases-register-1765.html> or call Phillip Kim, Esq. toll-free at 866-767-3653 or email [pkim@rosenlegal.com](mailto:pkim@rosenlegal.com) or [cases@rosenlegal.com](mailto:cases@rosenlegal.com) for information on the class action.

NO CLASS HAS YET BEEN CERTIFIED IN THE ABOVE ACTION. UNTIL A CLASS IS CERTIFIED, YOU ARE NOT REPRESENTED BY COUNSEL UNLESS YOU RETAIN ONE. YOU MAY RETAIN COUNSEL OF YOUR CHOICE. YOU MAY ALSO REMAIN AN ABSENT CLASS MEMBER AND DO NOTHING AT THIS POINT. AN INVESTOR'S ABILITY TO SHARE IN ANY POTENTIAL FUTURE RECOVERY IS NOT DEPENDENT UPON SERVING AS LEAD PLAINTIFF.

According to the lawsuit, defendants throughout the Class Period made false and/or misleading statements and/or failed to disclose that: (1) Spirit lacked effective internal controls over financial reporting; (2) Spirit did not comply with its established accounting principles related to potential contingent liabilities; and (3) as a result, defendants' statements about its business, operations, and prospects, were materially false and misleading and/or lacked a reasonable basis at all relevant times.

A class action lawsuit has already been filed. If you wish to serve as lead plaintiff, you must move the Court no later than April 10, 2020. A lead plaintiff is a representative party acting on behalf of other class members in directing the litigation. If you wish to join the litigation, go to <http://www.rosenlegal.com/cases-register-1765.html> or to discuss your rights or interests regarding this class action, please contact Phillip Kim, Esq. of Rosen Law Firm toll free at 866-767-3653 or via e-mail at [pkim@rosenlegal.com](mailto:pkim@rosenlegal.com) or [cases@rosenlegal.com](mailto:cases@rosenlegal.com).

Rosen Law Firm represents investors throughout the globe, concentrating its practice in securities class actions and shareholder derivative litigation. Rosen Law Firm was Ranked No. 1 by ISS Securities Class Action Services for number of securities class action settlements in 2017. The firm has been ranked in the top 3 each year since 2013. Rosen Law Firm has secured hundreds of millions of dollars for investors.

Contact:

Laurence Rosen, Esq.

Phillip Kim, Esq.

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[cases@rosenlegal.com](mailto:cases@rosenlegal.com)

[GN]

SPORTRADAR US: Lucas Sues Over Fantasy Baseball Betting

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In the case, CODY LUCAS, individually and on behalf of other similarly situated individuals, Plaintiff, v. SPORTRADAR, US; MAJOR LEAGUE BASEBALL; MLB ADVANCED MEDIA, LP; HOUSTON ASTROS, LLC; and BOSTON RED SOX BASEBALL CLUB, LP, Defendants, Case No. 0:20-cv-00602-ECT-TNL (D. Minn., February 26, 2020), Plaintiff seeks to recover damages for Defendants' unlawful manipulation of baseball players' performance statistics and to redress for all those who have been harmed by Defendants' misconduct.

According to the complaint, Major League Baseball member teams were engaged in misconduct in violation of MLB's Official Rules and Regulations while actively inducing their fans to enter into Daily Fantasy Sports fantasy baseball wagering competitions based on

Official MLB Sportradar statistics. The MLB's lack of oversight and its constituent member teams' cheating destroyed the fairness of DFS wagering competitions.

The fans who engaged in fantasy wagering, that were largely encouraged by the MLB, were unaware that the MLB had been ignoring the fraudulent conduct of its constituent teams. Further, participants were unaware that the MLB had failed to uphold its commitment to preserving the honesty and integrity of its baseball games.

Plaintiff and other contestants placed wagers in DFS competitions under the belief that players' statistics provided by Sportradar were derived in accordance with MLB Official Rules and regulations. Plaintiff and contestants were unaware that the outcomes of DFS competitions were skewed by MLB and its constituent member teams' cheating scandal, which MLB concealed and/or willfully ignored.

Major League Baseball is an unincorporated association whose members are 30 clubs. MLB's headquarters are located at 1271 Avenue of the Americas, New York, New York.

MLB Advanced Media, LP is a limited partnership comprised of owners of MLB's membership teams. Its principal place of business is located at 1271 Avenue of the Americas, New York, New York.

Houston Astros, LLC is a Texas limited liability corporation that owns and operates the Houston Astros MLB team.

Boston Red Sox Baseball Club LP is a Massachusetts limited partnership that owns and operates the Boston Red Sox MLB team.

Sportradar, US is a Minnesota company that collects, reviews, analyzes, and distributes statistics from MLB games, including games played by the Red Sox and the Astros, to DFS entities such as FanDuel, and the MLB itself. [BN]

The Plaintiff is represented by:

Robert K. Shelquist, Esq.

Rebecca A. Peterson, Esq.

LOCKRIDGE GRINDAL NAUEN P.L.L.P.

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– and –

Myles McGuire, Esq.

Paul T. Geske, Esq.

Eugene Y. Turin, Esq.

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tkingsbury@mcgpc.com

STATE FARM: Rasmussen Insurance Suit Removed to W.D. Kentucky

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The class action lawsuit styled as Amber Rasmussen and Betty Irvin, both individually, and on behalf of a class of all persons similarly situated v. State Farm Mutual Automobile Insurance Company, Sarah Weir, and Deborah Combs, Case No. 20-CI-000387, was removed from the Kentucky Circuit Court, Jefferson County, to the U.S. District Court for the Western District of Kentucky (Louisville) on Feb. 10, 2020.

The Western District of Kentucky Court Clerk assigned Case No. 3:20-cv-00107-CHB to the proceeding. The case is assigned to the



Hon. Judge Claria Horn Boom.

The lawsuit alleges violation of insurance-related laws.

State Farm is a large group of insurance companies throughout the United States with corporate headquarters in Bloomington, Illinois.[BN]

The Plaintiffs are represented by:

Connor M. Breen, Esq.

Gregory A. Redden, Esq.

Richard M. Breen, Esq.

RICHARD BREEN LAW OFFICES

2950 Breckenridge Lane, Suite 3

Louisville, KY 40220

Telephone: (502) 473-0579

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E-mail: [connor@breen.org](mailto:connor@breen.org)

[adam@breen.org](mailto:adam@breen.org)

[richard@breen.org](mailto:richard@breen.org)

State Farm Mutual Automobile Insurance Company is represented by:

David T. Klapheke, Esq.

BOEHL STOPHER & GRAVES, LLP  
400 W. Market Street, Suite 2300  
Louisville, KY 40202  
Telephone: (502) 589-5980  
Facsimile: (502) 561-9400  
E-mail: dklapheke@bsg-law.com

Deborah Combs is represented by:

Curtis Lee Sitlinger, Esq.  
SITLINGER & THEILER  
320 Whittington Parkway, Suite 304  
Louisville, KY 40222  
Telephone: (502) 589-2627  
Facsimile: (502) 583-3415  
E-mail: csitlinger@sitlingerlaw.com

STETSON COURIER: Holmes et al. Seek OT Pay for Courier Drivers

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ROY HOLMES; TINA ALEXANDER; PATRICK NORRIS; AND MELISSA GARNER,  
individually and on behalf of all others similarly situated,  
Plaintiffs v. STETSON COURIER SOUTHEAST, INC., Defendant, Case No.  
4:20-cv-00191-DPM (E.D. Ark., February 25, 2020) is a class action  
against the Defendant for violations of the Fair Labor Standards

Act and the Arkansas Minimum Wage Act.

According to the complaint, the Defendant failed to pay Plaintiffs and other medical courier drivers one and one-half times their regular rate of pay for all hours worked over 40 each week and also failed to reimburse them for gas, mileage and automobile expenses.

The Plaintiffs were employed by the Defendant as medical courier drivers to deliver pharmaceuticals since June 2019.

Stetson Courier Southeast, Inc. is a courier company that provides delivery services with principal place of business at 18303 Bridle Club Drive in Tampa, Florida. [BN]

The Plaintiffs are represented by:

Blake Hoyt, Esq.

Josh Sanford, Esq.

SANFORD LAW FIRM PLLC

One Financial Center

650 S. Shackelford, Suite 411

Little Rock, AK 72211

Telephone: (501) 221-0088

Facsimile: (888) 787-2040

E-mail: [blake@sanfordlawfirm.com](mailto:blake@sanfordlawfirm.com)

josh@sanfordlawfirm.com

STONE BREWING: Dominguez FCRA Suit Removed to S.D. California

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The class action lawsuit styled as Jesse Dominguez, individually, and on behalf of other members of the general public similarly situated v. Stone Brewing Co., LLC, a California limited liability company and Does 1 Through 100, inclusive, Case No.

37-02019-00068119-CU-OE-CTL, was removed from the Superior Court of California, County of San Diego, to the U.S. District Court for the Southern District of California (San Diego) on Feb. 10, 2020.

The Southern District of California Court Clerk assigned Case No. 3:20-cv-00251-WQH-BLM to the proceeding. The case is assigned to the Hon. Judge William Q. Hayes.

The lawsuit alleges violation of the Fair Credit Reporting Act.

Stone Brewing is a brewery headquartered in Escondido, California.[BN]

The Plaintiff is represented by:

Douglas Han, Esq.

JUSTICE LAW CORPORATION

751 North Fair Oaks Avenue, Suite 101

Pasadena, CA 91103

Telephone: (818) 230-7502

Facsimile: (818) 230-7259

E-mail: dhan@justicelawcorp.com

- and -

Stone Brewing Co. is represented by:

Brian David Martin, Esq.

ANDREWS LAGASSE BRANCH & BELL LLP

4365 Executive Drive, Suite 950

San Diego, CA 92121

Telephone: (858) 345-5080

Facsimile: (858) 345-5025

E-mail: bmartin@albblaw.com

TAP ROCK RESOURCES: Fails to Pay Overtime Wages, Martin Claims

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GARY MARTIN, Individually and on Behalf of All Others Similarly  
Situating, v. TAP ROCK RESOURCES, LLC, Case No. 2:20-cv-170 (D.N.M.,  
February 26, 2020) is a collective action seeking to recover unpaid  
overtime wages and other damages owed by Defendant to Plaintiffs

and all others similarly situated.

The Defendant paid each of the workers a flat amount for each day worked and failed to pay them overtime for all hours that they worked in excess of 40 hours in a workweek in accordance with the Fair Labor Standards Act.

Martin worked for Tap Rock as a Drilling Consultant from approximately February 2018 until October 2018.

Tap Rock Resources, LLC is an oil and gas company focused on Exploration & Production in the Delaware Basin and is doing business throughout the United States. Tap Rock may be served by serving its registered agent for service of process: Cogency Global, Inc., 1012 Marquez Place, Suite 106B, Santa Fe, New Mexico 87505.

The Plaintiff is represented by:

Richard J. (Rex) Burch, Esq.

BRUCKNER BURCH PLLC

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Houston, TX 77046

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Facsimile: 713-877-8065

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– and –

Michael A. Josephson, Esq.

Andrew W. Dunlap, Esq.

Richard M. Schreiber, Esq.

JOSEPHSON DUNLAP LLP

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adunlap@mybackwages.com

rschreiber@mybackwages.com

TELARIA, INC: Financial Report Lacks Info, Carter Claims

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The case, MICHAEL CARTER, individually and on behalf of all others similarly situated, Plaintiff v. TELARIA, INC., PAUL CAINE, MARK ZAGORSKI, DOUG KNOPPER, RACHEL LAM, WARREN LEE, JAMES ROSSMAN, ROBERT SCHECHTER and KEVIN THOMPSON, Defendants, Case No. 1:20-cv-01576 (S.D.N.Y., February 21, 2020), challenges the proposed merger between Telaria, Inc. and The Rubicon Project, Inc.

announced on December 19, 2019.

According to the complaint, pursuant to the merger, Telaria's shareholders stand to receive 1.082 shares of Rubicon common stock for each share of Telaria stock they own. Telaria shareholders will own approximately 47.1% and Rubicon shareholders will own approximately 52.9% of the common stock outstanding upon completion of the merger.

Plaintiff alleges that Defendants violated Sections 14(a) and 20(a) of the Securities Exchange Act of 1934 by filing a materially incomplete and misleading Form S-4 Registration Statement with the U.S. Securities and Exchange Commission on January 30, 2020 in connection with the Proposed Transaction. Also, Defendants did not correct the materially incomplete and misleading nature of the S-4 when they filed Form S-4/A Registration Statement on February 7, 2020.

Moreover, Defendants have failed to disclose certain material information that is necessary for shareholders to properly assess the fairness of the Proposed Transaction such as the financial projections for the Company, and the summary of certain valuation analyses conducted by Telaria's financial advisor, RBC Capital Markets, LLC.



Telaria, Inc. provides a fully programmatic software platform for premium publishers to manage and monetize their video advertising.

[BN]

The Plaintiff is represented by:

Nadeem Faruqi, Esq.

James M. Wilson, Jr., Esq.

FARUQI & FARUQI, LLP

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jwilson@faruqilaw.com

TESLA INC: Trial in 2018 Performance Award Suit Set for June 2021

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Tesla Inc. said in its Form 10-K report filed with the U.S.

Securities and Exchange Commission on February 13, 2020, for the fiscal year ended December 31, 2019, that trial in the lawsuit related to a 2018 CEO Performance Award is set for June 2021.

On June 4, 2018, a purported Tesla stockholder filed a putative

class and derivative action in the Delaware Court of Chancery against Elon Musk and the members of Tesla's board of directors as then constituted, alleging corporate waste, unjust enrichment and that such board members breached their fiduciary duties by approving the stock-based compensation plan.

The complaint seeks, among other things, monetary damages and rescission or reformation of the stock-based compensation plan.

On August 31, 2018, defendants filed a motion to dismiss the complaint; plaintiff filed its opposition brief on November 1, 2018 and defendants filed a reply brief on December 13, 2018. The hearing on the motion to dismiss was held on May 9, 2019.

On September 20, 2019, the Court granted the motion to dismiss as to the corporate waste claim but denied the motion as to the breach of fiduciary duty and unjust enrichment claims. The company's answer was filed on December 3, 2019, and trial is set for June 2021.

Tesla said, "We believe the claims asserted in this lawsuit are without merit and intend to defend against them vigorously."

Tesla Inc. designs, manufactures, and sells high-performance electric vehicles and electric vehicle powertrain components. The

Company owns its sales and service network and sells electric powertrain components to other automobile manufacturers. Tesla serves customers worldwide. The company is based in Palo Alto, California.

TREMONT CAR WASH: Underpays Staff, Morales et al. Claim

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JORGE MORALES, TORIBIO DE LA CRUZ MEJIA, FREDDY GOMEZ CASTRO, CHRISTIAN LUGO VIERA, MARCOS GONZALEZ MARTINEZ, JORGE ALBERTO LINARES FIGUEROA, ROLANDO GARCIA, and RAMON ANTONIO CONSTANZA ESTEVEZ, individually and on behalf of all others similarly situated, Plaintiffs, -against- TREMONT CAR WASH AND LUBE LLC, K & P CW INC., and JOHN LAGE, MICHAEL LAGE, ALBINO COELHO, EDDIE PARK, and JI H. KIM, as individuals, Defendants, Case No. 1:20-cv-01760 (S.D.N.Y., February 27, 2020) is a class action against the Defendants for failure to properly compensate Plaintiffs and the Collective Class, and for denial of overtime pay in violation of the Fair Labor Standards Act and New York Labor Law.

The Plaintiffs were employed by the Defendants as car washers and dryers as well as ticket men.

Tremont Car Wash and Lube LLC is a registered business operating as a car wash with a principal executive office at 1095 East Tremont

Avenue, Bronx, New York.

K & P CW Inc. is a corporation organized under the laws of New York with a principal executive office at 1095 East Tremont Avenue, Bronx, New York. [BN]

The Plaintiffs are represented by:

Roman Avshalumov, Esq.

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TRIWEST HEALTHCARE: Schwarz Labor Suit Removed to E.D. California

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Triwest Healthcare Alliance Corp. removed the case captioned MARION SCHWARZ, individually, and on behalf of other members of the general public similarly situated v. TRIWEST HEALTHCARE ALLIANCE CORP., a Delaware corporation; and DOES 1 through 100, inclusive, Case No. 34-2019-00272292 (Filed Dec. 31, 2019), from the Superior Court of the State of California for the County of Sacramento to the U.S. District Court for the Eastern District of California (Sacramento) on Feb, 10, 2020.

The Eastern District of California Court Clerk assigned Case No. 2:20-at-00143 to the proceeding.

The complaint alleges that the Defendants violated the California Labor Code by failing to pay overtime, failing to pay meal period premiums and rest period premiums, and failing to pay minimum wages.

TriWest is a Phoenix, Arizona based corporation that manages health benefits under the United States Department of Veterans Affairs "Veterans Affairs Patient-Centered Community Care Program" in Regions 3, 5, and 6. On October 1, 2018, TriWest's contract for VAPCCC was expanded to cover Regions 1, 2, and 4.[BN]

Triwest Healthcare is represented by:

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sunny.sarkis@stoel.com

TUPPERWARE BRANDS: Bertrim Sues Over Misleading Fin'l Reports

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JARED BERTRIM, Individually and on behalf of all others similarly situated, Plaintiff, v. TUPPERWARE BRANDS CORPORATION, PATRICIA A. STITZEL, CHRISTOPHER D. O'LEARY, CASSANDRA HARRIS, and MICHAEL POTESHMAN, Defendants, Case No. 2:20-cv-01798 (C.D. Cal., February 25, 2020) is a class action on behalf of all persons and entities that purchased or acquired publicly traded Tupperware securities from January 30, 2019 through February 24, 2020, inclusive, seeking to recover compensable damages caused by Defendants' violations of the federal securities laws under the Securities Exchange Act of 1934.

On February 24, 2020, Tupperware issued a press release announcing that the Company will file a Form 12b-25 Notification of Late Filing with the Securities and Exchange Commission to provide a 15-calendar day extension within which to file its Form 10-K for the fiscal year ended December 28, 2019. The Company is forecasting a need for relief concerning its existing leverage ratio covenant in its \$650 million Credit Agreement dated March 29, 2019, to avoid a potential acceleration of the debt, which could have a material adverse impact on the Company.

On this news, shares in Tupperware's stock fell \$2.61 per share, or over 45%, to close at \$3.11 per share on February 25, 2020, damaging investors.

The complaint highlights Defendants' false and/or misleading statements and/or failure to disclose that: (1) Tupperware lacked effective internal controls; (2) as a result, Tupperware would need to investigate Fuller Mexico's accounting and liabilities; (3) consequently, Tupperware would be unable to timely file its annual report on Form 10-K for its fiscal year 2019; (4) Tupperware did not properly account for its accounts payable and accrued liabilities at Fuller Mexico; (5) Tupperware provided overvalued earnings per share guidance; (6) Tupperware would need relief from its \$650 million Credit Agreement; and (7) as a result, Defendants' public statements were materially false and/or misleading at all relevant times.

Tupperware Brands Corporation operates as a direct-to-consumer marketer of various products across a range of brands and categories in Europe, Africa, the Middle East, the Asia Pacific, North America, and South America. The Company engages in the manufacture and sale of an array of products for consumers under the Tupperware brand name. The Company also manufactures and distributes skin and hair care products, cosmetics, bath and body

care, toiletries, fragrances, jewelry, and nutritional products under the Avroy Shlain, Fuller, NaturCare, Nutrimetics, and Nuvo brands. [BN]

The Plaintiff is represented by:

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UNITED AMERICAN SECURITY: Fails to Pay Proper Wages, Jones Claims

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The case ANTWAUN JONES, on behalf of himself and others similarly situated, Plaintiff, v. UNITED AMERICAN SECURITY, LLC d/b/a GARDAWORLD SECURITY SERVICES, Case No. 1:20-cv-00440 (N.D. Ohio, February 26, 2020) is a class action against the Defendant for not paying Plaintiff and other similarly situated employees for work performed before clocking in each day as well as overtime compensation at a rate of one and one-half times their regular rate of pay for all the hours they worked over 40 in a workweek.

Plaintiff and other similarly situated employees were required to



arrive at work approximately 10-15 minutes before their scheduled shift for pass down which involves several shift-change duties that are essential for a security guard to perform his or her job.

According to the complaint, Plaintiff and other similarly situated workers were not paid any amount for the pre-shift pass down work and such time was not counted as hours worked for purposes of computing overtime.

United American Security, LLC is a security player with 24 branches and 3,600 employees across 16 states spanning the Midwest, Mid-Atlantic, Southwest, and Southeastern United States. [BN]

The Plaintiff is represented by:

Hans A. Nilges, Esq.

Shannon M. Draher, Esq.

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UNITEDHEALTH GROUP: Fails to Properly Pay OT, Harris et al Claim

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ERICA HARRIS and MARILYN TALBOT, each individually and on behalf of all others similarly situated, Plaintiffs v. UNITEDHEALTH GROUP INCORPORATED, Defendant, Case No. 0:20-cv-00610-JRT-BRT (D. Minn., February 26, 2020), is a wage-and-hour complaint pursuant to the Fair Labor Standards Act.

Plaintiffs were both employed by Defendant as "Quality Control Specialists", Harris was from May 2018 until December 2019 and Talbot was from December 2015 until July 2017.

According to the complaint, Plaintiffs and other similarly situated "Quality Control Specialists" were improperly classified by Defendant as salaried employees exempt from the overtime requirements of the FLSA. Thereby, Plaintiffs and other similarly situated were deprived of proper overtime compensation for all applicable hours.

Plaintiffs seek class certification, declaratory judgment, injunctive relief, compensatory damages, liquidated damages, pre- and post- judgment interest, costs, attorneys' fees, and all other relief available in law and equity.

UnitedHealth Group Incorporated provides health care coverage and benefits services, as well as information and technology-enabled health services. [BN]

The Plaintiffs are represented by:

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Courtney Lowery, Esq.

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- and -

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## UNIVERSAL MUSIC: Says Legal Case Meritless Amid Lost Recordings

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Jon Blistein, writing for Rolling Stone, reports that Universal Music Group continued to blast an ongoing class action lawsuit over alleged damages sustained in a 2008 vault fire as "meritless" amid confirmation that original master tapes or other recordings belonging to 19 artists were either damaged or destroyed in the blaze.

The revelation appeared in a new legal filing pertaining to discovery in the case, and marked the first public confirmation of specific artists whose recordings were affected since The New York Times Magazine detailed the potential damages in a report last year. The artists included Elton John, Nirvana, Sheryl Crow, Soundgarden, Beck, R.E.M., Sonic Youth, Peter Frampton and Michael McDonald.

Following the Times report, Soundgarden, Tom Petty's ex-wife Jane, Steave Earle and the estate of Tupac Shakur filed a class action suit on behalf of all artists who may have been affected. UMG, in turn, has maintained that the damages were not that significant and filed a motion to dismiss the suit. The label has also embarked on a massive archival project to ensure artists know whether or not their recordings were affected.

In a statement responding to the latest legal filing, a spokesperson for UMG focused on the artists and estates leading the class action suit, saying, "The plaintiffs' lawyers have already been informed that none of the masters for four of their five clients were affected by the fire -- and the one other client was alerted years earlier and UMG and the artist, working together, were still able to locate a high-quality source for a reissue project." (The previously informed artist was Soundgarden, which was told in 2015 that it had lost some stereo masters related to Badmotorfinger.)

The UMG spokesperson continued: "Recognizing the lack of merit of their original claims, plaintiffs' attorneys are now willfully and irresponsibly conflating lost assets (everything from safeties and videos to artwork) with original album masters, in a desperate attempt to inject substance into their meritless legal case. Over the last eight months, UMG's archive team has diligently and transparently responded to artist inquiries, and we will not be distracted from completing our work, even as the plaintiffs' attorneys pursue these baseless claims."

In response, Howard King, an attorney for the artists leading the class action suit, said, "For almost 10 years, UMG concealed from their artists that their most precious assets were lost in the fire

and that UMG had collected millions of dollars for those losses, money that should have been shared with the creators of those master recordings. Once UMG cashed in, they apparently discontinued efforts to confirm the magnitude of lost assets . . . at least until this lawsuit was filed."

The confirmation of the 19 artists who lost some recordings in the fire appeared in a part of the filing that quotes an alleged UMG response to a discovery query. The reply states, for instance, that "certain original master recordings" belonging to John, Beck, Nirvana, Bryan Adams and Y&T were "affected" by the fire, but that UMG had replacements and/or safety copies for all affected recordings (for John, the label said it was "still working with the artist to determine the extent of such impact"). There were several artists -- Michael McDonald, Sonic Youth, Peter Frampton, Slayer and Les Paul -- whose recordings were either damaged or destroyed with no mention of any back-ups or safety copies. [GN]

VALVOLINE LLC: Horne Sues over Collection of Biometric Data

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KEVIN HORNE, individually and on behalf of all others similarly situated, Plaintiff v. VALVOLINE LLC, Defendant, Case No. 2020CH02278 (Ill. Cir., Cook Cty., February 25, 2020) is a class action against the Defendant for violations of the Illinois Biometric Information Privacy Act.

The Plaintiff, on behalf of himself and others similarly situated workers, alleges that the Defendant violated BIPA provisions by requiring workers to scan their fingerprints into a time management database as a means of authentication without prior express written consent, hereby exposing them to substantial privacy risks.

Valvoline LLC is a provider of oil change and vehicle maintenance services, with principal place of business located at 100 Valvoline Way in Lexington, Kentucky. [BN]

The Plaintiff is represented by:

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Alex J. Dravillas, Esq.

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VIVINT INC: Sells Defective Home Security Systems, Petrozzino Says

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JEFFREY PETROZZINO and CHRISTINE PETROZZINO, individually and on

behalf of all others similarly situated consumers, Plaintiffs v. VIVINT, INC., Defendant, Case No. 1:20-cv-01949-NLH-KMW (D.N.J., February 24, 2020) is a class action against the Defendant for violations of the New Jersey Consumer Fraud Act.

According to the complaint, the Defendant engages in deceptive marketing practices by selling defective home security systems to consumers through its door-to-door sales representatives. The Plaintiffs purchased the Defendant's security system due to its representation that the product was of good quality and functional. However, the security system failed to perform as promised, and the Defendant failed to fix the issues and also failed to reimburse the Plaintiffs for the money spent to repair the system.

Vivint, Inc. is a provider of home security systems with principal place of business in Provo, Utah.[BN]

The Plaintiff is represented by:

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VRELO ELECTRIC: Faces Ramirez Suit Over Unlawful Overtime Wages

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JONATHAN RAMIREZ, on behalf of himself, and all other plaintiffs similarly situated, known and unknown, Plaintiff, v. VRELO ELECTRIC, INC., AN ILLINOIS CORPORATION AND DAMIR DABEZIC, INDIVIDUALLY Defendants, Case No. 1:20-cv-01344 (N.D. Ill., February 24, 2020) alleges that the Defendants failed to pay Plaintiffs and all other similarly situated an overtime premium at a rate of one-and one-half their effective hourly rate of pay for hours worked in excess of 40 in a workweek.

The Plaintiff was former electrician and laborer employee of Defendants who performed a variety of electrician services for VRELO's customers at their locations in the Chicagoland area.

VRELO ELECTRIC, INC. is an Illinois corporation that owns and operates a construction business that performs primarily electrician services for residential and commercial customers in Chicago and the surrounding suburbs. [BN]

The Plaintiff is represented by:

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WARDLAW CONSULTING: Gipson Seeks OT Pay for Hourly-Paid Adjusters

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BILLY GIPSON, individually and on behalf of others similarly situated, Plaintiff v. WARDLAW CONSULTING SERVICES, INC.; WARDLAW CLAIMS SERVICE, LLC; WILLIAM WARDLAW; MICHAEL WARDLAW; AND REBECCA WARDLAW, Defendants, Case No. 3:20-cv-00482-S (N.D. Tex., February 25, 2020) is a class action against the Defendants for failure to compensate him and all others similarly-situated adjusters overtime pay at a rate of one-and-one-half times their regular rate of pay for hours worked over 40 in one workweek, thereby violating the Fair Labor Standards Act.

Mr. Gipson was employed by the Defendants as an hourly-paid, non exempt adjuster within the three years prior to the date of filing of the complaint through June 2018.

Wardlaw Consulting Services, Inc. is a consulting firm with principal place of business in Texas.

Wardlaw Claims Service, LLC is a claims management and risk solutions firm which is doing business in Texas. [BN]

The Plaintiff is represented by:

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Travis Gasper, Esq.

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WESTPAC BANKING: Bernstein Liebhard Reminds of March 30 Deadline

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Bernstein Liebhard, a nationally acclaimed investor rights law firm, reminds investors of the deadline to file a lead plaintiff motion in a securities class action filed on behalf of investors that purchased or acquired the securities of Westpac Banking Corporation (WBK) between Nov. 11, 2015, and Nov. 19, 2019, inclusive. The lawsuit filed in the United States District Court for the District of Oregon alleges violations of the Securities Exchange Act of 1934.

If you purchased Westpac securities and/or would like to discuss your legal rights and options, please visit Westpac Shareholder Class Action or contact Matthew E. Guarnero toll-free at (877) 779-1414 or MGuarnero@bernlieb.com.

The Complaint alleges that throughout the Class Period, Defendants made materially false and misleading statements and failed to disclose material adverse facts about the Company's business, operations, and prospects. Specifically, it is alleged that Defendants made materially false and misleading statements about:

- (1) contrary to Australian law, the Company failed to report over 19.5 million international funds transfer instructions to AUSTRAC, Australia's anti-money-laundering and terrorism financing regulator;
- (2) the Company did not appropriately monitor and assess the ongoing money laundering and terrorism financing risks associated with movement of money into and out of Australia;
- (3) the Company did not pass on requisite information about the source of funds to other banks in the transfer chain;
- (4) despite being aware of the heightened risks, the Company did not carry out appropriate due diligence on transactions in South East Asia and the Philippines that had known financial indicators relating to child exploitation risks;
- (5) the Company's AML/CTF Program was inadequate to identify, mitigate and manage money laundering and terrorism financing risks; and
- (6) as a result, defendants' statements about its business, operations, and prospects were

materially false and misleading and/or lacked a reasonable basis at all relevant times.

On November 19, 2019, aftermarket hours, AUSTRAC, Australia's anti-money-laundering, and terrorism financing regulator filed a civil action in Australia alleging over 23 million breaches of the Australian AML/CTF legislation, including a failure to report over 19.5 million international fund transfers, failing to perform enhanced due diligence on correspondent banks in high-risk jurisdictions, and potentially providing services used in the exploitation of children in South East Asia and the Philippines. On this news, Westpac's ADRs fell \$1.25 per share over the next three trading days or approximately 7.13% to close at \$16.67 per ADR on November 22, 2019.

If you purchased Westpac securities and/or would like to discuss your legal rights and options, please visit

<https://www.bernlieb.com/cases/westpackbankingcorporation-wbk-shareholder-class-action-lawsuit-stock-fraud-244/apply/>

or contact Matthew E. Guarnero toll-free at (877) 779-1414 or MGuarnero@bernlieb.com.

If you wish to serve as lead plaintiff, you must move the Court no later than March 30, 2020. A lead plaintiff is a representative party acting on behalf of other class members in directing the litigation. Your ability to share in any recovery doesn't require

that you serve as lead plaintiff. If you choose to take no action, you may remain an absent class member.

Since 1993, Bernstein Liebhard LLP has recovered over \$3.5 billion for its clients. In addition to representing individual investors, the Firm has been retained by some of the largest public and private pension funds in the country to monitor their assets and pursue litigation on their behalf. As a result of its success litigating hundreds of lawsuits and class actions, the Firm has been named to The National Law Journal's "Plaintiffs' Hot List" thirteen times and listed in The Legal 500 for ten consecutive years.

Contact:

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[GN]

WHIRLPOOL CORP: Wins Summary Judgment in Dzielak Suit

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Judge Kevin McNulty of the U.S. District Court for the District of New Jersey issued an Opinion granting Defendants' Motion for

Summary Judgment in the case captioned CHARLENE DZIELAK, SHELLEY BAKER, FRANCIS ANGELONE, BRIAN MAXWELL, JEFFREY McLENNA, JEFFREY REID, KARI PARSONS, CHARLES BEYER, JONATHAN COHEN, JENNIFER SCHRAMM, and ASPASIA CHRISTY, Plaintiffs, v. WHIRLPOOL CORPORATION, LOWE'S COMPANIES, INC., SEARS HOLDING CORPORATION, THE HOME DEPOT, INC., FRY'S ELECTRONICS, INC., APPLIANCE RECYCLING CENTERS OF AMERICA, INC., LOWE'S HOME CENTER, AND LOWE'S HOME CENTER, LLC, Defendants, Civ. No. 12-89 (KM) (JBC), (D.N.J.).

Defendant Whirlpool Corporation is the manufacturer of Maytag washing machines. The remaining defendants are the retailers from whom the plaintiffs purchased the Maytag washers.

Plaintiffs commenced the action, alleging that they had purchased washing machines that were supposed to be compliant with Energy Star requirements, but in fact were not. They alleged various theories, including breach of express warranty, breach of the implied warranty of merchantability, unjust enrichment, violation of the Magnuson-Moss Warranty Act (MMWA).

Plaintiffs moved to certify the class on two theories of harms: (1) that the washers' price was inflated because consumers pay a premium for Energy Star-qualified machines; and (2) that each purchaser incurred greater water and energy costs than he or she would have if the washer had been truly Energy Star-qualified.

The Court certified Plaintiffs' class on the price-premium energy theory only, against Whirlpool only (because it was Whirlpool that was responsible for obtaining Energy Star certification and placing the Energy Star labels on the washers). The class now comprises subclasses of purchasers in those seven states: California, Florida, Indiana, New Jersey, Ohio, Texas, and Virginia.

The Court did not certify the class against the retailer defendants, i.e., Lowe's, Sears, The Home Depot, Fry's, and ARCA. Against them, only the individual claims of Dzielak, Angelone, Baker, Maxwell, Reid, Parsons, Beyer, Cohen, Schramm, and Christy are currently pending.

Before the Court now in the class action are two motions for summary judgment: one filed by defendants Whirlpool Corporation, Lowe's Home Centers, LLC, Sears Holding Corporation, and Fry's Electronics, Inc.; and one filed by defendant The Home Depot, Inc. Also before the Court is defendant Whirlpool Corporation's motion to decertify classes.

Upon review, Judge McNulty ruled that:

1. Defendants' motions for summary judgment are GRANTED.



2. Whirlpool's motion to decertify classes is DENIED as moot, in that (a) the causes of action have been dismissed, and (b) the named plaintiffs would not be appropriate representatives of any hypothetical persons who retained viable claims.

\* Breach of Express Warranty (California, Florida, Indiana, New Jersey, Ohio, Texas, and Virginia)

The named plaintiffs assert Count II (breach of express warranty) on a class basis against Whirlpool, but only individually against the retailer defendants. Under New Jersey (i.e., forum) law, a claim for breach of express warranty requires a plaintiff to show (1) that Defendant made an affirmation, promise or description about the product (2) that this affirmation, promise or description became part of the basis of the bargain for the product and (3) that the product ultimately did not conform to the affirmation, promise or description.

Defendants argue that the express-warranty claims must fail for two reasons: (1) there is no evidence of an affirmation, promise, or description that constitutes a warranty; and (2) the washers did not actually breach any such affirmation, promise, or description.

Plaintiffs argue that Defendants frame the affirmation issue too narrowly, insisting that the law requires only an affirmation, promise, or description not a specific one. Plaintiffs further maintain that there exists sufficient evidence that the Energy Star logo became the basis of the bargain and that Defendants breached the affirmation, promise, or description upon which Plaintiffs relied.

The Court do not believe that New Jersey warranty law would require proof that these buyers had a particular efficiency percentage figure in mind. Plaintiffs have demonstrated that the Energy Star logo could be interpreted as a representation of an environmentally friendlier product when compared to a traditional washer, and one that met federal standards of efficiency. That is enough; Plaintiffs have raised a genuine issue of material fact regarding the existence of an affirmation, promise, or description.

The Court noted that evidence supports Plaintiffs' contention that an Energy Star label constituted at least some part of their motivation to purchase the washers at issue at the price offered. Coupled with the principle that the law requires belief only in an affirmation without requiring a particular level of precision, Plaintiffs' evidence is sufficient to show that there was a class-wide understanding of the Energy Star logo and that this understanding informed Plaintiffs' purchasing decisions. There is,

then, at least an issue of fact as to the second element of requirement for a claim of express warranty.

The third element, breach of the affirmation, promise, or description, is the weak point in Plaintiffs' express-warranty claim, the Court opined. The evidence now in the record does not demonstrate a breach under either warranty theory, i.e., (a) that the washers were improperly branded as Energy Star-qualified or (b) that they were generally more efficient than standard models. Here, the Court looks to whether the product contemporaneously conformed to any representation that was made at the time of sale.

First, the branding theory of liability fails because the washers were all manufactured and purchased at a time when they were, according to the DOE's guidance, Energy Star-qualified. Neither side now disputes that the Energy Star logo was authorized when the washers were sold to the class members. Before producing the washers, Whirlpool consulted the DOE for guidance, and the DOE confirmed to Whirlpool that its proposed design met the current standards. Whirlpool then affixed an Energy Star logo to its washers.

Second, the plaintiffs might be pressing a more general energy efficiency theory, independent of Energy Star specifics. Such an alternative theory would fail because it is undisputed that the

washers were more efficient than a standard model would have been. The washers provided class members a 46.1% water reduction and a 34.3% energy reduction as compared to a traditional model. True, Energy Star required a 50% water and 37% energy reduction (however measured). Setting aside whether the washers met that standard pursuant to one or another measuring protocol, they represented a significant gain in efficiency. There is no genuine issue of fact that the washers were more energy- and water-efficient than comparable standard models. Accordingly, Defendants did not breach an express warranty under the more general efficiency theory.

The Court finds that in sum, Plaintiffs have raised a triable issue of fact as to whether the Energy Star logo carried an affirmation, promise, or description that formed the basis of their bargain together, the first two elements of a cause of action for a breach of an express warranty against Whirlpool. However, they have not established the third element a corresponding breach of that affirmation, promise, or description. Whirlpool's washers were undisputedly Energy Star qualified at the time they were sold, and they delivered efficiency benefits when compared to standard machines. Summary judgment is granted and Plaintiffs' claim for breach of an express warranty is DISMISSED, the Court rules.

\* Breach of Implied Warranty (Indiana, New Jersey, Texas, and

Virginia)

Count III, brought on behalf of the plaintiffs in Indiana, New Jersey, Texas, and Virginia, alleges a breach of implied warranty because the washers were unfit for their intended purpose.

According to Plaintiffs, the washers did not function properly as water and energy-efficient washing machines within the parameters established by federal law and the ENERGY STAR(R) program.

Defendants argue that there is no breach because the evidence shows that the washers whatever their Energy Star shortcomings washed clothes and delivered substantial efficiency benefits. In other words, Defendants maintain that the washers were fit for their intended purpose and did not breach any implied promise that clothes would be washed at some level of efficiency.

Plaintiffs can sustain their implied-warranty claims only if the washers failed to wash clothes or failed to provide the level of efficiency consumers had a right to expect in goods of that kind.

Plaintiffs have not alleged that the washers fail to get clothes clean. There is no triable dispute that the goods function within the parameters of any such implied warranty. Nor is there a genuine issue of fact as to whether the washers did so efficiently.

Moreover, it is not alleged that the washers suffer from manufacturing or design defects, and there is no evidence that

Defendants failed to properly instruct the buyers on the use of the washers.

In the Court's view, the implied warranty standard is not so specific as to incorporate the changing particulars of the Energy Star program; it is a more general one, based on consumers' reasonable expectations of quality for goods of that kind. New Jersey courts have never required that products be perfect to overcome implied-warranty claims.

Because the washers cleaned clothes and did so efficiently, summary judgment is granted and Plaintiffs' claims under the implied warranty of merchantability are DISMISSED, the Court rules.

\* Unjust Enrichment (California, Indiana, New Jersey, Ohio, Texas, and Virginia)

Count IV alleges a claim of unjust enrichment. Under New Jersey law, to state a claim for unjust enrichment, a plaintiff must allege that (1) at plaintiff's expense (2) defendant received a benefit (3) under circumstances that would make it unjust for defendant to retain the benefit without paying for it.

Defendants argue that summary judgment is now appropriate because Plaintiffs have an adequate remedy at law under both contractual

(warranty) and statutory (consumer protection) theories.

The retailer defendants were not unjustly enriched by selling these washers. Equity recognizes certain basic principles of fairness, classically, a party who made a payment for items never received, even if not entitled to contract damages, may recover that payment. No such general principle of justice is in play here. Consumers paid for washers and got them. If there was any incremental injustice, it must be because there was, e.g., a fraud or a breach of express or implied warranty. The Court had already found, however, that there was not. Plaintiffs received washers that were certified Energy Star-compliant according to the testing protocols current at the time of purchase.

Summary judgment is granted, and the unjust enrichment claim is DISMISSED, the Court rules.

A full-text copy of the District Court December 5, 2019 Opinion is available at <https://tinyurl.com/wmufz8p> from Leagle.com

CHARLENE DZIELAK & SHELLEY BAKER, on behalf of themselves and all others similarly situated, Plaintiffs, represented by INNESSA

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CHARLES BEYER, JONATHAN COHEN & JENNIFER SCHRAMM, Plaintiffs,  
represented by JAMES E. CECCHI , CARELLA BYRNE CECCHI OLSTEIN BRODY  
& AGNELLO, P.C., AUDRA ELIZABETH PETROLLE , CARELLA BYRNE CECCHI  
OLSTEIN BRODY & AGNELLO, CAROLINE F. BARTLETT , CARELLA BYRNE,  
LINDSEY H. TAYLOR , CARELLA, BYRNE, CECCHI, OLSTEIN, BRODY &  
AGNELLO & YITZCHAK KOPEL , BURSOR & FISHER PA.

ASPASIA CHRISTY, Plaintiff, represented by YITZCHAK KOPEL , BURSOR  
& FISHER PA & JAMES E. CECCHI , CARELLA BYRNE CECCHI OLSTEIN BRODY  
& AGNELLO, P.C..

WHOLE FOODS: Hiland Alleges Deceptive Labeling of Vanilla Product

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The case, GORDON HILAND, individually and on behalf of all others



similarly situated, Plaintiff v. WHOLE FOODS MARKET GROUP, INC., Defendant, Case No. 7:20-cv-01680 (S.D.N.Y., February 26, 2020), arises from the alleged deceptive, misleading, and fraudulent branding and packaging of the Defendant's "Vanilla Rice Milk" Product in violation of the Consumer Protection from Deceptive Acts and the Express Warranty, Implied Warranty of Merchantability and Magnuson Moss Warranty Act.

Plaintiff alleges that Defendant failed to disclose to consumers as required and expected that the unqualified, prominent and conspicuous representation of the Product as "Vanilla" is false, deceptive and misleading because the Product contains non-vanilla flavors which imitate, reinforce an extend vanilla but are not derived from the vanilla bean.

Moreover, Defendant breached Express Warranty, Implied Warranty of Mechantability and Magnuson Moss Warranty Act because Defendant manufactured, labeled and sold the Products to Plaintiff and class members that they possessed substantive, functional, nutritional, qualitative, compositional, organoleptic, sensory, physical and other attributes which they did not.

Plaintiff seeks to enter preliminary and permanent injunctive relief by directing Defendant to correct the challenged practices to comply with the law; and monetary damages and interest, costs

and expenses, including attorneys and experts' fees, and other relief as the Court deems just and proper.

Whole Foods Market Group, Inc. manufactures, distributes, markets, labels and sells rice drink beverages purporting to be flavored only with vanilla under their Organic 365 brand. [BN]

The Plaintiff is represented by:

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YOUNGSOL CORP: Fails to Pay Proper Wages, Perez Claims

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MARGARITA MILIAN PEREZ, individually and on behalf of all others similarly situated, Plaintiff, -against- YOUNGSOL CORP. d/b/a LAUNDRY PALACE, and INSANG JI, as an individual, Defendants, Case No. 2:20-cv-01086 (E.D.N.Y., February 27, 2020) alleges that the Defendants fail to post notices of the minimum wage and overtime wage requirements in a conspicuous place at the location of their employment and fail to keep payroll records as required by both the New York Labor Law and Fair Labor Standards Act.

Perez seeks compensatory damages and liquidated damages in an amount exceeding \$100,000 as a result of the Defendants' violations of Federal and New York State labor laws.

The Plaintiff was employed by the Defendants as a counter person, washer and folder, and cleaner while performing other miscellaneous duties from in or around June 2015 until in or around January 2017.

Youngsol Corp. is a laundromat and self-service laundry company located at 280 Burnside Avenue, Lawrence, New York. [BN]

The Plaintiff is represented by:

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Telephone: (718) 263-9591

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ZOOM TAN: Blind Can't Access Website, Gardenhire Claims

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The case, LANCE GARDENHIRE, individually and on behalf of all others similarly-situated v. ZOOM TAN, INC., Defendant, Case No. 3:20-cv-00190-HES-MCR (M.D. Fla., February 27, 2020), arises from the Defendant's violations of the Title III of the Americans with Disabilities Act.

According to the complaint, the Defendant failed and refused to remove access barriers to its website, which deny the Plaintiff and all other similarly-situated visually-impaired consumers access to the goods and services that are offered and integrated with Defendant's physical locations.

The goods and services offered by Defendant through its website include but are not limited to the following: the ability to ascertain salon locations and hours, contact and promotion information; the ability to make a product purchase, access shipping and return policies, and apply for credit

Zoom Tan, Inc. is a tanning salon that owns and operates at least 18 locations throughout Florida. It is the owner and operator of the website [www.zoomtan.com](http://www.zoomtan.com). [BN]

The Plaintiff is represented by:

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