

**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
URBANA DIVISION**

SARAH JORN, TAMMY BRITZ, JOLENE	)	
LOCKWOOD, and GREGORY LOCKWOOD,	)	Case No. _____
individually and on behalf of all others similarly	)	
situated,	)	Judge:
	)	
<i>Plaintiff,</i>	)	
	)	JURY TRIAL DEMANDED
v.	)	
	)	
AKORN OPERATING COMPANY LLC,	)	
	)	
<i>Defendant.</i>	)	

CLASS ACTION COMPLAINT AND JURY DEMAND

Plaintiffs Sarah Jorn, Tammy Britz, Jolene Lockwood and Gregory Lockwood (“Plaintiffs”) by and through their undersigned attorneys, on their own behalf and on behalf of all others similarly situated, upon personal knowledge as to themselves and their own acts and upon information and good faith belief as to all other matters, hereby bring this putative class action against Defendant Akron Operating Company LLC (hereinafter collectively referred to as “Akorn” or “Defendant”), and allege as follows:

NATURE OF THE CASE

1. Plaintiffs bring this putative class action under the Worker Adjustment and Retraining Notification Act, 29 U.S.C. § 2101, *et seq.* (the “WARN Act”), to recover unpaid wages and other compensation owed after Defendant closed all U.S. sites and laid off all U.S. employees without proper notice on February 22, 2023.

2. The explicit purpose of the WARN Act is to provide protection to workers, their families and communities by requiring employers to provide notification 60 calendar days in advance of plant closings and mass layoffs.

3. The requisite advance notice provides workers and their families some transition time to adjust to the prospective loss of employment, to seek and obtain alternative jobs and, if necessary, to enter skill training or retraining that will allow these workers to successfully compete in the job market. The WARN Act also provides for notice to State dislocated worker units so that dislocated worker assistance can be promptly provided. *See* 20 C.F.R. § 639.1(a).

4. Defendant is an Illinois-based pharmaceutical company that develops, manufactures and markets specialty pharmaceuticals, including prescription, consumer health and animal products.

5. Defendant has Research and Development facilities in Vernon Hills, Illinois and Cranbury, New Jersey. Defendant has manufacturing facilities in Decatur, Illinois; Amityville, New York and Hettlingen, Switzerland.

6. Upon information and good faith belief, Defendant employed substantially more than 100 employees, excluding part-time employees, as defined at 29 U.S.C. 2101(a)(8).

7. As of February 22, 2023, Plaintiffs were all longtime and in good-standing employees of Defendant; each of them worked at its “Production Center,” which was one of two of Defendant’s facilities in Decatur, Illinois.

8. On February 22, 2023, Defendant closed all of its U.S. sites and permanently laid off all of its U.S. employees, including Plaintiffs. *See Email from CEO Boothe to All US Akorn Employees, dated February 22, 2023, attached hereto as Plaintiff’s Exhibit 1.*

9. Plaintiffs were **not** provided 60 days’ written notice of their employment loss or the nationwide shuttering of Defendant’s U.S. locations.

10. Thus, Plaintiffs and all others similarly situated, have suffered injury from Defendant’s violations of the WARN Act.

THE PARTIES, JURISDICTION AND VENUE

11. Plaintiff Sarah Jorn began her career at Akorn in 2012 as a Chemist I. After working through the ranks to Lead Chemist III, she was promoted to a supervisor role in 2021. It was in this position, as a Focus Factory Lead/Production Supervisor, that she was employed at Defendant's Decatur, Illinois Production Center when she was terminated on or about February 22, 2023. Plaintiff Jorn is an individual citizen of the State of Illinois. Ms. Jorn resides in Decatur, Illinois.

12. Plaintiff Tammy Britz began her career at Akorn in 2014 as a Quality Assurance Auditor. After working through the ranks to Lead Technician, she was promoted to Production Supervisor in 2019. It was in this position that she was employed at Defendant's Decatur, Illinois Production Center when she was terminated on or about February 22, 2023. Plaintiff Britz is an individual citizen of the State of Illinois. Ms. Britz resides in Macon, Illinois.

13. Plaintiff Jolene Lockwood began her career at Akorn in 2007 as a Quality Assurance Auditor. After working through the ranks (Production Technician I to Lead Technician to Production Supervisor to Tech Services Supervisor), she was promoted to Production Manager in July of 2022. It was in this position that she was employed at Defendant's Decatur, Illinois Production Center when she was terminated on or about February 22, 2023. Plaintiff J. Lockwood is an individual citizen of the State of Illinois. Ms. Lockwood resides in Decatur, Illinois.

14. Plaintiff Gregory Lockwood began his career at Akorn in 2005 as a LYO Technician I. For the last approximately eleven (11) years, he was employed at Akorn as a Maintenance Technician. It was in this position that he was employed at Defendant's Decatur, Illinois Production Center when he was terminated on or about February 22, 2023. Plaintiff G.

Lockwood is an individual citizen of the State of Illinois. Ms. Lockwood resides in Decatur, Illinois.

15. Defendant Akorn Operating Company LLC is a Delaware Corporation with its principal place of business at 5605 Centerpoint Court, Gurnee, IL 60031. Defendant may be served through its registered agent, Illinois Corporation Service Company, at 801 Adlai Stevenson Drive, Springfield, Illinois 62703.

16. This Court has jurisdiction over the WARN Act claim pursuant to 28 U.S.C. § 1331 and 29 U.S.C. § 2104(a)(5).

17. Venue is proper for the WARN Act pursuant to 29 U.S.C. § 2104(a)(5), because the violation is alleged to have occurred here and Defendant transacts business here.

FACTUAL ALLEGATIONS

18. In early 2020, Akorn, Inc., then a publicly-traded Louisiana Corporation, filed for Chapter 11 bankruptcy protection.

19. On October 1, 2020, Akorn, Inc. announced the United States Bankruptcy Court for the District of Delaware had, on September 2, 2020, approved its sale to certain of the Company's term loan lenders.

20. Thereafter, Defendant reincorporated as a Delaware Corporation – and a private entity – under the name Akorn Operating Company LLC.

21. Defendant's registered principal place of business is 5605 Centerpoint Court, Gurnee, IL 60031.

22. Pursuant to Defendant's Illinois LLC filing report, Defendant operates under the following assumed names: Akorn Pharmaceuticals, Akorn, Taylor Pharmaceuticals, Akorn (New Jersey), VPI Holdings, 10 Edison Street, 13 Edison Street, Advanced Vision Research, Akorn

Animal Health, Akorn Consumer Health, Akorn Sales, Akorn Ophthalmics, Clover Pharmaceuticals, Covenant Pharma, Hi-Tech Pharmacal, Inspire Pharmaceuticals, Oak Pharmaceuticals, Versapharm, VPI Holding Sub and Olta Pharmaceuticals.

23. Defendant has Research and Development facilities in Vernon Hills, Illinois and Cranbury, New Jersey. Defendant has manufacturing facilities in Decatur, Illinois; Amityville, New York and Hettlingen, Switzerland.

24. Defendant employed substantially more than 100 employees, excluding part-time employees, as defined at 29 U.S.C. 2101(a)(8).

25. Defendant states, on its website, that it develops, manufactures and markets specialty pharmaceuticals, including prescription, consumer health and animal products.

26. Defendant further states that it is an industry leader in branded and generic products in alternate dosage forms such as ophthalmics, injectables, oral liquids, otics, topicals, inhalants and nasal sprays.

27. Defendant's Akorn Consumer Health division markets a portfolio of over-the-counter brands and private-label over-the-counter products, and its Akorn Animal Health division manufactures and distributes a full line of diagnostic, therapeutic, and over-the-counter ophthalmics, as well as speciality niche injectable drugs for the veterinary marketplace.

28. Defendant's website also lists Akorn Eye Care, which supports every aspect of eye health, whether anterior or posterior, diagnostic or therapeutic, dealing with both branded and generic ophthalmics.

29. On May 27, 2021, Defendant announced the sale of its Consumer Health business to Prestige Consumer Healthcare Inc. for \$230 million in cash.

30. On March 9, 2022, Defendant announced the sale of seven branded ophthalmic products to Théa Pharma Inc. for an undisclosed amount.

FEBRUARY 22, 2023: MASS TERMINATION

31. On February 22, 2023, Plaintiffs were all longtime and in good-standing employees of Defendant, all working at its Decatur “Production Center,” which was one of two of Defendant’s facilities in Decatur, Illinois.

32. Plaintiffs were called into an “all staff” meeting around 8:30 am on February 22, 2023, where a Human Resources employee lead a computer presentation and passed out written packets to Plaintiffs and all other employees present.

33. Plaintiffs and all other employees were then addressed by Douglas S. Boothe, President and CEO of Akorn, and Beth Zelnick Kaufman, Executive Vice President, Chief Legal Officer and Corporate Secretary of Akorn, via conference call.

34. Mr. Boothe informed Plaintiffs and all other employees they should pack their personal things and turn in their company property, as they were being terminated due to Defendant’s sudden and previously unannounced shutdown.

35. Mr. Boothe told Plaintiffs and all other employees they would (i) be paid through approximately February 23, 2023, (ii) receive a payout for any unused Personal Time Off (PTO) and (iii) retain their insurance coverage through the end of February.

36. Mr. Boothe was very clear when addressing Plaintiffs and all other employees, that they would not receive any other severance or compensation.

37. Thereafter, at 10:52 am, Mr. Boothe authored an email to AKORN.US.ALL@akorn.com, which included Plaintiffs and all other employees. Mr. Boothe stated, in relevant part:

Dear Employee,

In 2022, Akorn Operating Company LLC (the “Company”) initiated a process to sell the company. Despite the best efforts from all parties and interest from potential buyers, the Company did not receive an appropriate bid that would address outstanding liabilities. In light of the company running at a loss for some time, the Company’s lenders will not provide the additional financing required to continue to run the business. Because the Company has insufficient liquidity to continue its operations, continue to seek a buyer and continue to retain its workforce, the Company will file cases under chapter 7 of the US Bankruptcy Code. In connection with that filing, the Company must shutdown all operations and terminate all of its employees.

Effective immediately, we are closing all U.S. sites and laying off all employees as of Thursday February 23, 2023. These layoffs will be permanent.

I truly regret that these actions have become necessary. This is a shock. It will take some time to absorb the news and what it means to you and your colleagues.

This week a packet of information will be mailed to your home address. It will include benefits and other information to help you navigate through the stress and uncertainty created by these very difficult decisions. Should you have questions beyond what is covered in this packet, please direct your questions to AkornHR@akorn.com.

See Email from CEO Boothe to All US Akorn Employees, dated February 22, 2023, attached hereto as Plaintiff’s Exhibit 1.

38. Plaintiffs were not given 60 days’ written notice of their employment loss or the nationwide shuttering of Defendant’s U.S. locations.

CLASS ALLEGATIONS

39. For purposes of the claims set forth below, brought pursuant to the WARN Act, 29 U.S.C. § 2101 *et seq.*, Plaintiffs assert a class (hereinafter the “Class”) defined as follows:

All individuals across the United States who, without cause, suffered an employment loss due to Defendant’s mass layoff and/or plant closing without proper notice on or about February 22, 2023.

Excluded from the Class are Defendant’s officers and directors, Plaintiffs’ counsel, and any member of the judiciary presiding over this action.

40. Plaintiffs bring this action on behalf of themselves and all others similarly situated pursuant to Rules 23(a), 23(b)(2), and 23(b)(3) of the Federal Rules of Civil Procedure.

41. Plaintiffs reserve the right to add, amend, modify, or further define the Class, add subclasses, and/or to move for certification of a class or classes, including subclasses, defined differently than set forth above depending on the facts or law as discovered in this action.

42. If necessary to preserve the case as a class action, the Court itself can redefine the Class, create additional classes or subclasses, or both.

43. **Numerosity:** The exact number of Class Members is unknown and is not available to Plaintiffs at this time, but upon information and belief, there are substantially in excess of forty (40) potential Class Members, and individual joinder in this case is impracticable. Class Members, as well as rate of pay and benefits, can easily be identified through Defendant’s records and are presently within the sole control of Defendant. Therefore, the “numerosity” requirement of Rule 23(a)(1) is met.

44. **Commonality:** The commonality requirement of Rule 23(a)(2) is satisfied because there are several questions of law and fact common to the claims of Plaintiffs and the Class Members, and those questions predominate over any questions that may affect individual Class

Members. Plaintiffs' claims are typical of those in the Classes and are based on the same legal and factual theories. Common questions include, but are not limited to, the following:

- a. whether Plaintiffs and Class Members were employed by Defendant;
- b. whether Defendant ordered a mass layoff and/or plant closing;
- c. whether Plaintiffs and Class Members suffered an employment loss due to Defendant's mass layoff and/or plant closing;
- d. whether Plaintiffs and Class Members were entitled to notice of the mass layoff and/or plant closing under the WARN Act;
- e. whether Defendant provided Plaintiffs and Class Members proper notice of the mass layoff and/or plant closing under the WARN Act;
- f. whether Defendant is subject to any potential defenses provided for in the WARN Act; and
- g. whether Plaintiffs and Class Members are entitled to damages, and what is the proper measure of damages.

45. **Typicality:** Plaintiffs claims are typical of those of the Class because the claims arise from the same course of conduct and actions by Defendant and are based on the same legal theories. Plaintiffs, like other Class Members, were employed by Defendant and suffered an employment loss due to Defendant's mass layoff and/or plant closing on or about February 22, 2023. Plaintiffs, like other Class Members, did not receive proper notice of such employment loss pursuant to the Warn Act. Thus, Plaintiffs have sustained legal injuries arising from Defendant's conduct, as alleged herein, and Plaintiffs seek the same forms of relief for themselves and the proposed Class. Therefore, the "typicality" requirement of Rule 23(a)(3) is satisfied.

46. **Adequacy of Representation:** Plaintiffs will fairly and adequately represent and protect the interest of the Class and has retained competent counsel experienced in complex litigation and class action litigation. Plaintiffs have no interests antagonistic to those of the Class, and Defendant has no defenses unique to Plaintiffs. Accordingly, Plaintiffs satisfy the adequacy of representation requirements of Rule 23(a)(4) and Rule 23(g).

47. **Appropriateness:** Class proceedings are also superior to all other available methods for the fair and efficient adjudication of this controversy because joinder of all parties is impracticable. Even if Class Members were able or willing to pursue individual litigation, a class action would still be preferable due to the fact that a multiplicity of individual actions would likely increase the expense and time of litigation given the complex legal and factual controversies presented in this Class Action Complaint. A class action, on the other hand, provides the benefits of fewer management difficulties, single adjudication, economy of scale, and comprehensive supervision before a single Court, and would result in reduced time, effort and expense for all parties and the Court, and ultimately, the uniformity of decisions.

CLAIMS FOR RELIEF

VIOLATION OF THE WARN ACT, 29 U.S.C. § 2101 *ET SEQ.* INDIVIDUALLY AND ON BEHALF OF THE CLASS

48. Plaintiffs, individually, and on behalf of all others similarly situated, repeat, re-allege, and incorporate all preceding paragraphs as if fully set forth herein.

49. At all relevant times, Defendant was an “employer,” as that term is defined in 29 U.S.C. § 2101(a)(1) and 20 C.F.R. § 639.3(a), employing more than 100 employees, excluding part-time employees, who in the aggregate worked at least 4,000 hours per week, exclusive of hours of overtime, within the United States.

50. On or about February 22, 2023, Defendant ordered a mass layoff and/or plant closing, as those terms are defined by 29 U.S.C. § 2101(a)(2) and (3), when it closed all of its U.S. sites and permanently laid off all of its U.S. employees, including Plaintiffs.

51. The mass layoff or plant closing at the worksite resulted in “employment losses,” as that term is defined by 29 U.S.C. §2101(a)(2), (3) and (6), for at least fifty (50) of Defendant’s employees as well as at least thirty-three percent (33%) of Defendant’s workforce at any single site of employment, excluding “part-time employees,” as that term is defined by 29 U.S.C. § 2101(a)(8).

52. Plaintiffs and Class Members were terminated by Defendant without cause on their part, and thus, are “affected employees,” within the meaning of 29 U.S.C. § 2101(a)(5), suffering “employment losses,” as that term is defined by 29 U.S.C. § 2101(a)(6).

53. Defendant was required by the WARN Act, 29 U.S.C. § 2102, to give the Plaintiffs and Class Members at least 60 days advance written notice of their terminations.

54. Defendant failed to give the Plaintiffs and Class Members written notice that complied with the requirements of the WARN Act.

55. Plaintiffs and each of the Class Members are “aggrieved employees” of the Defendant, as that term is defined in 29 U.S.C. § 2104 (a)(7).

56. Defendant failed to pay the Plaintiffs and each of the Class Members their respective wages, salary, commissions, and/or bonuses for 60 days from and after the dates of their respective terminations.

57. Defendant failed to pay the Plaintiffs and each of the Class Members their respective accrued benefit pay for 60 days from and after the dates of their respective terminations.

58. Defendant failed to make pension/401(k) contributions and/or provide employee benefits under COBRA to Plaintiffs and each of the Class Members for 60 days from and after the dates of their respective terminations.

59. Accordingly, Plaintiffs are authorized to bring this action against Defendant for its violation of the WARN Act pursuant to 29 U.S.C. § 2104(a)(1).

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs, individually, and on behalf of the Class, respectfully pray for judgment against Defendant as follows:

- A. Finding this action satisfies the prerequisites for maintenance as a class action set forth in 735 ILCS 5/2-801, *et seq.*, and certifying the Class defined herein;
- B. Designating and appointing Plaintiffs as representatives of the Class and Plaintiffs' undersigned counsel as Class counsel;
- C. Entering judgment in favor of Plaintiffs and the Class and against Defendant;
- D. Awarding Plaintiffs and the Class Members all damages available to Plaintiffs and the Class available under applicable law, including statutory or liquidated damages;
- E. Awarding Plaintiffs and the Class Members reasonable attorneys' fees and costs incurred in this litigation; and
- F. Granting all such other and further relief as the Court deems just and appropriate.

DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a trial by jury as to all issues stated herein, and all issues so triable.

Dated: February 23, 2023

Respectfully submitted,

By: /s/ David S. Almeida

David S. Almeida

Almeida Law Group LLC

849 W. Webster Avenue

Chicago, Illinois 60614

(p) 312-576-3024

(e) david@almeidalawgroup.com



Fw: Important Business Update - CEO Message

1 message

Sarah Jorn <sjorn_24@hotmail.com>

Wed, Feb 22, 2023 at 3:51 PM

From: Sarah Jorn <sarah.jorn@akorn.com>
Sent: Wednesday, February 22, 2023 3:47 PM
To: sjorn_24@hotmail.com <sjorn_24@hotmail.com>
Subject: Fwd: Important Business Update - CEO Message

Get [Outlook for iOS](#)

From: Akorn Employee Communications <Corporate.Affairs@akorn.com>
Sent: Wednesday, February 22, 2023 10:52:57 AM
To: #Akorn.US.ALL <#Akorn.US.ALL@akorn.com>
Subject: Important Business Update - CEO Message

Dear Employee,

In 2022, Akorn Operating Company LLC (the "Company") initiated a process to sell the company. Despite the best efforts from all parties and interest from potential buyers, the Company did not receive an appropriate bid that would address outstanding liabilities. In light of the company running at a loss for some time, the Company's lenders will not provide the additional financing required to continue to run the business. Because the Company has insufficient liquidity to continue its operations, continue to seek a buyer and continue to retain its workforce, the Company will file cases under chapter 7 of the US Bankruptcy Code. In connection with that filing, the Company must shutdown all operations and terminate all of its employees.

Effective immediately, we are closing all U.S. sites and laying off all employees as of Thursday February 23, 2023. These layoffs will be permanent.

I truly regret that these actions have become necessary. This is a shock. It will take some time to absorb the news and what it means to you and your colleagues

This week a packet of information will be mailed to your home address. It will include benefits and other information to help you navigate through the stress and uncertainty created by these very difficult decisions. Should you have questions beyond what is covered in this packet, please direct your questions to AkornHR@akorn.com

In closing, I want to express my appreciation and respect for each of you. The Akorn team has worked hard towards a successful outcome from the sale process, and I wish that I could share better news with you about that. During challenging times, you have demonstrated dedication, resilience, and professionalism. I am grateful to you

Douglas S Boothe

President & CEO

Employee Communications

[Employee Communications@akorn.com](mailto:EmployeeCommunications@akorn.com)

5605 Centerpoint Ct., Gurnee, IL 60031

Akorn Pharmaceuticals | A specialty pharmaceutical company

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CIVIL COVER SHEET

E-FILED

Thursday, 23 February 2023 09:43:53 PM

Clerk, U.S. District Court, ILCD

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Sarah Jorn, Tammy Britz, Jolene Lockwood and Gregory Lockwood

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

(c) Attorneys (Firm Name, Address, and Telephone Number)
David S. Almeida, Almeida Law Group
849 W. Webster Avenue, Chicago, Illinois 60614
312-576-3024

DEFENDANTS

Akorn Operating Company LLC

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

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

Attorneys (If Known)

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

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

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

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | ☐ 1 | ☐ 1 | Incorporated or Principal Place of Business In This State | ☐ 4 | ☐ 4 |
| Citizen of Another State | ☐ 2 | ☐ 2 | Incorporated and Principal Place of Business In Another State | ☐ 5 | ☐ 5 |
| Citizen or Subject of a Foreign Country | ☐ 3 | ☐ 3 | Foreign Nation | ☐ 6 | ☐ 6 |

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

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice	PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability LABOR ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other PROPERTY RIGHTS ☐ 820 Copyrights ☐ 830 Patent ☐ 840 Trademark SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g))	☐ 375 False Claims Act ☐ 376 Qui Tam (31 USC 3729(a)) ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☒ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	FEDERAL TAX SUITS	
☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	☐ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education	Habeas Corpus: ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement	☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	

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

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

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Worker Adjustment and Retraining Notification Act, 29 U.S.C. § 2101, et seq.

Brief description of cause:

Failure to provide WARN Act notice and compensation after mass layoff and/or plant closing

VII. REQUESTED IN COMPLAINT:

☒ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$
5,000,000.00

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

02/23/2023

SIGNATURE OF ATTORNEY OF RECORD

/s/ David S. Almeida

FOR OFFICE USE ONLY

RECEIPT # _____

AMOUNT _____

APPLYING IFP _____

JUDGE _____

MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

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

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

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