

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

CONNIE PATTERSON, on behalf herself and
all others similarly situated,

Plaintiff,

v.

RAYMOURS FURNITURE COMPANY, INC.,

Defendant.

No. 14 Civ. 5882 (VEC)

**NOTICE OF APPEAL
IN A CIVIL CASE**

Notice is hereby given that Plaintiffs Connie Patterson and David Ambrose hereby appeal to the United States Court of Appeals for the Second Circuit from the Court's Order Granting Defendant's Motion to Compel Arbitration with respect to Plaintiffs' claims for alleged violations of the Fair Labor Standards Act ("FLSA") and the New York Labor Law ("NYLL"), dated March 27, 2015, and entered in this action on March 30, 2015, and from the Court's Order Denying Plaintiffs' Motion for Partial Reconsideration, entered on August 7, 2015. (Although the March 27, 2015 Order dismissed the action, no separate document of final judgment was ever entered in the docket by the clerk; therefore, Plaintiffs treat the March 27, 2015 order as the final judgment.) Plaintiffs appeal these orders and all other orders entered in this case.

Plaintiff Connie Patterson, as putative class representative, appeals this order in her representative capacity on behalf of the putative class.

Dated: New York, New York
September 4, 2015

Respectfully submitted,

/s/ Justin M. Swartz

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**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:14-cv-05882-VEC**

Patterson v. Raymours Furniture Company, Inc.
Assigned to: Judge Valerie E. Caproni
Cause: 29:201 Fair Labor Standards Act

Date Filed: 07/30/2014
Date Terminated: 03/27/2015
Jury Demand: None
Nature of Suit: 710 Labor: Fair Standards
Jurisdiction: Federal Question

Plaintiff

Connie Patterson
*on behalf of herself and all others
similarly situated*

represented by **Joseph A. Fitapelli**
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Plaintiff

David Ambrose

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Justin Mitchell Swartz
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V.

Defendant

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Date Filed	#	Docket Text
07/30/2014	<u>1</u>	COMPLAINT against Raymours Furniture Company, Inc.. (Filing Fee \$ 350.00, Receipt Number 01101306) Document filed by Connie Patterson. (Kaliakina, Tatiana) (Entered: 07/31/2014)
07/30/2014		SUMMONS ISSUED as to Raymours Furniture Company, Inc.. (Kaliakina, Tatiana) (Entered: 07/31/2014)
07/30/2014		Magistrate Judge Debra C. Freeman is so designated. (Kaliakina, Tatiana) (Entered: 07/31/2014)
07/30/2014		Case Designated ECF. (Kaliakina, Tatiana) (Entered: 07/31/2014)
07/30/2014	<u>2</u>	CIVIL COVER SHEET filed. (Kaliakina, Tatiana) (Entered: 07/31/2014)
08/06/2014	<u>3</u>	NOTICE OF APPEARANCE by Eric Joshua Gitig on behalf of Connie Patterson. (Gitig, Eric) (Entered: 08/06/2014)
08/06/2014	<u>4</u>	NOTICE OF APPEARANCE by Brian Scott Schaffer on behalf of Connie Patterson. (Schaffer, Brian) (Entered: 08/06/2014)
08/06/2014	<u>5</u>	NOTICE OF INITIAL PRETRIAL CONFERENCE: Counsel for all parties are directed to appear before the undersigned for an Initial Pretrial Conference, in accordance with Rule 16 of the Federal Rules of Civil Procedure on September 5, 2014, at 10:30 a.m. in Courtroom 443 of the Thurgood Marshall Courthouse, 40

		Foley Square, New York, New York. And as set forth herein. SO ORDERED. Initial Conference set for 9/5/2014 at 10:30 AM in Courtroom 443, 40 Centre Street, New York, NY 10007 before Judge Valerie E. Caproni. (Signed by Judge Valerie E. Caproni on 8/06/2014) (ama) (Entered: 08/06/2014)
08/06/2014	<u>6</u>	CONSENT TO SUE UNDER THE F.L.S.A.. Document filed by David Ambrose.(Gitig, Eric) (Entered: 08/06/2014)
08/18/2014	<u>7</u>	WAIVER OF SERVICE RETURNED EXECUTED. Raymours Furniture Company, Inc. waiver sent on 7/31/2014, answer due 9/29/2014. Document filed by Connie Patterson. (Gitig, Eric) (Entered: 08/18/2014)
08/26/2014	<u>8</u>	NOTICE OF APPEARANCE by David Wirtz on behalf of Raymours Furniture Company, Inc.. (Wirtz, David) (Entered: 08/26/2014)
08/26/2014	<u>9</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Raymours Furniture Company, Inc..(Wirtz, David) (Entered: 08/26/2014)
08/26/2014	<u>10</u>	NOTICE OF APPEARANCE by Michael Thomas Grosso on behalf of Raymours Furniture Company, Inc.. (Grosso, Michael) (Entered: 08/26/2014)
08/26/2014	<u>11</u>	NOTICE OF APPEARANCE by Edward T. Groh on behalf of Raymours Furniture Company, Inc.. (Groh, Edward) (Entered: 08/26/2014)
08/29/2014	<u>12</u>	JOINT LETTER addressed to Judge Valerie E. Caproni from David M. Wirtz dated 08/29/2014 re: enclosing a draft Civil Case Management Plan and Scheduling Order in accordance with the Court's Notice of Initial Pretrial Conference, dated August 6, 2014. Document filed by Raymours Furniture Company, Inc..(Wirtz, David) (Entered: 08/29/2014)
09/05/2014		Minute Entry for proceedings held before Judge Valerie E. Caproni: Status Conference held on 9/5/2014. See order for motion schedule and deadlines. (Court Reporter Khris Sellin) (Brantley, Michael) (Entered: 09/05/2014)
09/05/2014	<u>13</u>	ORDER: It is hereby ORDERED: 1. Defendants shall file a motion to dismiss Plaintiff's Complaint by September 8, 2014. 2. Plaintiff's deadline to file any opposition to Defendant's motion to dismiss shall be September 29, 2014. 3. Defendant's deadline to file any reply in further support of its motion to dismiss shall be October 8, 2014. 4. All discovery shall be stayed pending the Court's decision on Defendant's motion to dismiss. (Motions due by 9/8/2014. Responses due by 9/29/2014. Replies due by 10/8/2014.) (Signed by Judge Valerie E. Caproni on 9/5/2014) (kgo) (Entered: 09/05/2014)
09/08/2014	<u>14</u>	MOTION to Compel Arbitration . Document filed by Raymours Furniture Company, Inc..(Wirtz, David) (Entered: 09/08/2014)
09/08/2014	<u>15</u>	MEMORANDUM OF LAW in Support re: <u>14</u> MOTION to Compel Arbitration . . Document filed by Raymours Furniture Company, Inc.. (Wirtz, David) (Entered: 09/08/2014)
09/08/2014	<u>16</u>	DECLARATION of Stephen McPeak in Support re: <u>14</u> MOTION to Compel Arbitration .. Document filed by Raymours Furniture Company, Inc.. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12, # <u>13</u> Exhibit 13, # <u>14</u> Exhibit 14, # <u>15</u> Exhibit 15, # <u>16</u> Exhibit 16, # <u>17</u> Exhibit 17)(Wirtz, David) (Entered: 09/08/2014)
09/09/2014	<u>17</u>	NOTICE OF APPEARANCE by Michael Joseph Scimone on behalf of Connie Patterson. (Scimone, Michael) (Entered: 09/09/2014)
09/25/2014	<u>18</u>	FIRST LETTER MOTION for Extension of Time to File Response/Reply as to <u>14</u> MOTION to Compel Arbitration . addressed to Judge Valerie E. Caproni from Michael J. Scimone dated September 25, 2014. Document filed by Connie Patterson.(Scimone, Michael) (Entered: 09/25/2014)
09/29/2014	<u>19</u>	ORDER granting <u>18</u> Letter Motion for Extension of Time to File Response/Reply. Application GRANTED. Plaintiff's deadline to file her opposition to Defendant's Motion to Compel Arbitration shall be extended to October 6, 2014, and

		Defendant's deadline to file any reply shall be October 15, 2014. SO ORDERED. Responses due by 10/6/2014 Replies due by 10/15/2014. (Signed by Judge Valerie E. Caproni on 9/29/2014) (mro) (Entered: 09/29/2014)
10/06/2014	<u>20</u>	MEMORANDUM OF LAW in Opposition re: <u>14</u> MOTION to Compel Arbitration . . Document filed by Connie Patterson. (Swartz, Justin) (Entered: 10/06/2014)
10/08/2014	<u>21</u>	FIRST LETTER MOTION for Extension of Time to File Response/Reply to <u>20</u> Plaintiff's Memorandum of Law in Opposition to Defendant's Motion to Compel Arbitration addressed to Judge Valerie E. Caproni from David M. Wirtz dated October 8, 2014. Document filed by Raymours Furniture Company, Inc..(Wirtz, David) (Entered: 10/08/2014)
10/08/2014	<u>22</u>	ORDER granting <u>21</u> Letter Motion for Extension of Time to File Response/Reply. Application GRANTED. Defendant's deadline to file its reply in further support of its Motion to Compel Arbitration of Plaintiff's Individual Claims and to Dismiss the Complaint is extended to October 29, 2014. Replies due by 10/29/2014. (Signed by Judge Valerie E. Caproni on 10/8/2014) (mro) (Entered: 10/09/2014)
10/29/2014	<u>23</u>	REPLY MEMORANDUM OF LAW in Support re: <u>14</u> MOTION to Compel Arbitration . . Document filed by Raymours Furniture Company, Inc.. (Wirtz, David) (Entered: 10/29/2014)
10/29/2014	<u>24</u>	DECLARATION of Edward T. Groh in Support re: <u>14</u> MOTION to Compel Arbitration .. Document filed by Raymours Furniture Company, Inc.. (Attachments: # <u>1</u> Exhibit A)(Wirtz, David) (Entered: 10/29/2014)
11/05/2014	<u>25</u>	LETTER addressed to Judge Valerie E. Caproni from Justin M. Swartz dated November 5, 2014 re: Notice of Supplemental Authority. Document filed by Connie Patterson. (Attachments: # <u>1</u> Supplement Murphy Oil)(Swartz, Justin) (Entered: 11/05/2014)
11/06/2014	<u>26</u>	RESPONSE re: <u>25</u> Letter . Document filed by Raymours Furniture Company, Inc.. (Wirtz, David) (Entered: 11/06/2014)
03/27/2015	<u>27</u>	OPINION AND ORDER re: <u>14</u> MOTION to Compel Arbitration . filed by Raymours Furniture Company, Inc. For the forgoing reasons, Defendant's motion to compel arbitration is GRANTED. Because all claims are arbitrable, the case is dismissed. The Clerk of the Court is respectfully directed to terminate docket number 14 and to close the case. (Signed by Judge Valerie E. Caproni on 3/27/2015) (lmb) (Entered: 03/30/2015)
03/27/2015		Transmission to Judgments and Orders Clerk. Transmitted re: <u>27</u> Memorandum &Opinion, to the Judgments and Orders Clerk. (lmb) (Entered: 05/04/2015)
04/13/2015	<u>28</u>	MOTION for Reconsideration re; <u>27</u> Memorandum &Opinion, <i>Partial Reconsideration of March 27, 2015 Order</i> . Document filed by David Ambrose, Connie Patterson.(Swartz, Justin) (Entered: 04/13/2015)
04/13/2015	<u>29</u>	MEMORANDUM OF LAW in Support re: <u>28</u> MOTION for Reconsideration re; <u>27</u> Memorandum &Opinion, <i>Partial Reconsideration of March 27, 2015 Order</i> . . Document filed by David Ambrose, Connie Patterson. (Swartz, Justin) (Entered: 04/13/2015)
04/13/2015	<u>30</u>	DECLARATION of Justin M. Swartz in Support re: <u>28</u> MOTION for Reconsideration re; <u>27</u> Memorandum &Opinion, <i>Partial Reconsideration of March 27, 2015 Order</i> .. Document filed by David Ambrose, Connie Patterson. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Swartz, Justin) (Entered: 04/13/2015)
04/27/2015	<u>31</u>	MEMORANDUM OF LAW in Opposition re: <u>28</u> MOTION for Reconsideration re; <u>27</u> Memorandum &Opinion, <i>Partial Reconsideration of March 27, 2015 Order</i> . . Document filed by Raymours Furniture Company, Inc.. (Wirtz, David) (Entered: 04/27/2015)
05/04/2015	<u>32</u>	REPLY MEMORANDUM OF LAW in Support re: <u>28</u> MOTION for Reconsideration re; <u>27</u> Memorandum &Opinion, <i>Partial Reconsideration of March 27, 2015 Order</i> . . Document filed by David Ambrose, Connie Patterson. (Swartz,

		Justin) (Entered: 05/04/2015)
05/06/2015	<u>33</u>	LETTER addressed to Judge Valerie E. Caproni from David M. Wirtz dated May 6, 2015 re: Plaintiff's Reply Memorandum. Document filed by Raymours Furniture Company, Inc..(Wirtz, David) (Entered: 05/06/2015)
05/07/2015	<u>34</u>	MEMO ENDORSEMENT on re: <u>33</u> Letter filed by Raymours Furniture Company, Inc. ENDORSEMENT: Application GRANTED. By May 12, 2015, Defendant shall file a letter brief of no more than three pages responding to Plaintiff's reply brief. (Signed by Judge Valerie E. Caproni on 5/7/2015) (mro) (Entered: 05/07/2015)
05/12/2015	<u>35</u>	RESPONSE in Opposition to Motion re: <u>28</u> MOTION for Reconsideration re: <u>27</u> Memorandum & Opinion, <i>Partial Reconsideration of March 27, 2015 Order</i> . . Document filed by Raymours Furniture Company, Inc.. (Attachments: # <u>1</u> Exhibit Enclosure 1, # <u>2</u> Exhibit Enclosure 2)(Wirtz, David) (Entered: 05/12/2015)
08/07/2015	<u>36</u>	ORDER denying <u>28</u> Motion for Reconsideration. For the forgoing reasons, Plaintiff's Motion is DENIED. The Clerk of the Court is respectfully directed to terminate docket number 28 and to close the case. (Signed by Judge Valerie E. Caproni on 8/7/2015) (spo) (Entered: 08/07/2015)
09/04/2015	<u>37</u>	NOTICE OF APPEAL from <u>27</u> Memorandum & Opinion, <u>36</u> Order on Motion for Reconsideration,. Document filed by David Ambrose, Connie Patterson. Filing fee \$ 505.00, receipt number 0208-11356980. Form C and Form D are due within 14 days to the Court of Appeals, Second Circuit. (Swartz, Justin) (Entered: 09/04/2015)