

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF PENNSYLVANIA

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	:
ANTHONY ACAMPORA	: Civil Action No. 24-cv-1296
on behalf of himself and	:
similarly situated employees,	:
	: INDIVIDUAL AND
<i>Plaintiff,</i>	: COLLECTIVE/CLASS
	: ACTION COMPLAINT
v.	:
	:
PNC BANK,	: Jury Trial Demanded
	:
<i>Defendant.</i>	: Electronically Filed
	:
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**INDIVIDUAL AND COLLECTIVE/CLASS ACTION COMPLAINT**  
**Nature of the Action, Jurisdiction, and Venue**

1. This is an individual and collective action under the Fair Labor Standards Act of 1938 (FLSA), 29 U.S.C. §§ 207(a) & 216(b), and an individual and class action under the New York Labor Law (NYLL), and FRCP 23 to recover damages for non-payment of overtime wages.
2. Jurisdiction of this court is invoked under 28 U.S.C. § 1331 and, for the supplemental state claims, 28 U.S.C. § 1367(a).
3. The actions and policies alleged to be unlawful were committed in whole or in part in Pittsburgh, Pennsylvania, where Defendant has its headquarters and in New York, New York, where Plaintiff worked for Defendant. This action is within the jurisdiction of, and venue is proper in, the United States District Court for the Western District of Pennsylvania.

**Parties**

4. **Plaintiff Anthony Acampora** resides at 155 Wirt Avenue, Staten Island, NY 10309. Plaintiff worked for Defendant PNC Bank as a Mortgage Loan Officer (hereinafter referred to as “MLO”) from his home from in or about November 2018 until on or about September 23, 2022.
5. **Defendant PNC Bank**, a national banking and financial services company, maintains its corporate headquarters at 300 Fifth Avenue, The Tower at PNC Plaza, Pittsburgh, PA 15222, and operates offices in the Commonwealth of Pennsylvania, the state of New York and throughout the United States.
6. At all relevant times Defendant has been an enterprise engaged in interstate commerce with annual revenues in excess of \$500,000 and has employees engaged in interstate commerce and the production of goods in interstate commerce and has been subject to the provisions of Section 203(s)(1) of the FLSA.
7. Defendant employs in excess of 500 full time employees.
8. Defendant has annual revenues in excess of \$150 billion.
9. Defendant has regularly employed individuals in the Commonwealth of Pennsylvania, the State of New York and more than two dozen other states in the performance of work on behalf of Defendant and is, therefore, subject to the provisions of the FLSA, Pennsylvania wage and hour laws, New York Labor Law and the wage and hour laws of the other states where it operates.
10. The actions, policies, practices and customs alleged to be unlawful originated in and were directed by headquarters in Pittsburgh, PA.

**Statement of Claims**

11. Plaintiff was a MLO from in or about November 2018 until on or about September 23, 2022.
12. Plaintiff worked from his home on Staten Island, NY.
13. There have been over 500 MLOs employed by Defendant company-wide since July 2021.
14. There have been over 50 MLOs working in New York for Defendant since July 2018.
15. Plaintiff was a W-2 employee.
16. The other MLOs company-wide as well as in New York have been W-2 employees.
17. Plaintiff was an employee within the meaning of the FLSA and the NYLL.
18. The other MLOs have been employees within the meaning of the FLSA, the NYLL (New York-employed MLOs) and the laws of the other states where PNC employs MLOs.
19. Plaintiff was paid a salary of \$3,000 per month.
20. The other MLOs are and have been paid a salary at or near \$3,000 per month.
21. Plaintiff was paid a commission based on sales of mortgage loan products.
22. The other MLOs are and have been paid a commission based on sales of mortgage loan products.
23. Plaintiff was non-exempt within the meaning of the FLSA and the NYLL.
24. The other MLOs are and have been non-exempt within the meaning of the FLSA, the

NYLL (New York-employed MLOs) and the wage and hour laws of other states where Defendant employs MLOs.

25. Defendant maintains a corporate-wide time-keeping system.
26. Plaintiff and the other MLOs were instructed to utilize this time-keeping system.
27. Plaintiff and the other MLOs, however, were discouraged from recording the actual time worked.
28. As a matter of common policy, practice and custom Plaintiff and the other MLOs normally recorded only 35-40 hours of time worked.
29. Plaintiff regularly worked more than 40 hours in workweeks.
30. Despite this, Plaintiff normally recorded only 35-40 hours worked in most workweeks.
31. The other MLOs regularly have worked more than 40 hours in workweeks.
32. Despite this, the other MLOs have normally recorded only 35-40 hours in most workweeks.
33. Defendant knew that Plaintiff was working more hours than recorded in the company-wide time-keeping system.
34. Defendant knew this based on the digital work applications Plaintiff was required to use in performance of his duties.
35. Defendant also knew this from emails, phone records and other forms of electronic communications.
36. Defendant has known that the other MLOs are and have been working more hours than recorded in the company-wide time-keeping system.
37. Defendant has known this based on the digital work applications the other MLOs are and

have been required to use in performance of their duties.

38. Defendant has also known this from emails, phone records and other forms of electronic communications.
39. Plaintiff and the other MLOs have been required to use the same PNC work applications and other forms of electronic communications.
40. As a result of common policies, practices and customs Plaintiff and the other MLOs have worked off-the-clock for Defendant.
41. Plaintiff was entitled to payment of overtime at one-and-one-half times his regular rate of pay for the hours worked in excess of forty hours in workweeks.
42. The other MLOs are and have been entitled to payment of overtime at one-and-one-half times their regular rate of pay for the hours worked in excess of forty hours in workweeks.
43. Plaintiff and the other MLOs are and have also been entitled to payment of overtime wages on the commissions earned.
44. Defendant, a sophisticated employer with knowledge of its obligations under the FLSA, the NYLL and other state wage and hour laws, has and continues to understand it is required to maintain accurate records of time worked by Plaintiff and the other MLOs.
45. Defendant, as a sophisticated employer with knowledge of its obligations under the FLSA, the NYLL and other state wage and hour laws, has understood it has been and continues to be prohibited from requiring or suffering to permit Plaintiff and the other MLOs from working “off-the-clock.”
46. Defendant has knowingly and intentionally violated the FLSA’s explicit requirement at 29 U.S.C. §211(c) that it maintain accurate records of time worked, and at 29 U.S.C. §207(a) that it pay for overtime worked.

**COUNT I: VIOLATION OF THE FLSA: FAILURE TO PAY OVERTIME**  
**Individual and Collective Action (Company-Wide)**

47. Plaintiff incorporates by reference the preceding paragraphs of this complaint.
48. Plaintiff and all other similarly situated MLOs (company-wide) have been unlawfully denied overtime wages at the proper overtime rate.
49. For at least the past three years, Defendant's violations of the FLSA have been knowing, willful, and in reckless disregard of the FLSA's overtime requirements.
50. Plaintiff and all other similarly situated MLOs are entitled to recover from Defendant the overtime pay improperly withheld by Defendant, plus interest, attorneys' fees, and costs.
51. Plaintiff and all other similarly situated MLOs are also entitled to recover liquidated damages under 29 U.S.C. §§ 207(a) & 216(b).

**COUNT II: VIOLATION OF THE NYLL: FAILURE TO PAY OVERTIME**  
**Individual and Class Action (New York)**

52. Plaintiff incorporates by reference the preceding paragraphs of this complaint.
53. Plaintiff and all other similarly situated MLOs (New York-employed MLOs) have been unlawfully denied overtime wages at the proper overtime rate.
54. Since January 12, 2018<sup>1</sup>, Defendant has violated the NYLL's overtime requirements.

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<sup>1</sup> This class period is due to Governor Cuomo's Executive Order that tolled the applicable NYLL statute of limitations during the COVID-19 pandemic for 228 days. *See Brash v. Richards*, 195 A.D. 3d 582, 2021 WL 2213786, 2021 N.Y. Slip Op. 03436 (App. Div. 2d Dep't June 2, 2021) (holding executive order tolled rather than suspended statutes of limitations under New York law).

55. Plaintiff and all other similarly situated MLOs (New York-employed MLOs) are entitled to recover from Defendant the overtime pay improperly withheld by Defendant, plus interest, attorneys' fees, and costs.
56. Plaintiff and all other similarly situated MLOs (New York-employed MLOs) are also entitled to recover liquidated damages, interest, and attorneys' fees and costs under the NYLL.

**COUNT III: VIOLATION OF THE NYLL: FAILURE TO PROVIDE ACCURATE  
WAGE STATEMENTS  
Individual and Class Action (New York)**

57. Plaintiff incorporates by reference the preceding paragraphs of this complaint.
58. Since January 12, 2018, Defendant failed to supply Plaintiff and the similarly situated MLOs (New York-employed MLOs) with an accurate statement of wages with every payment of wages as required by NYLL, Article 6, § 195(3), listing: dates of work covered by that payment of wages; name of employee; name of employer; address and phone number of employer; rate or rates of pay and basis thereof, whether paid by the hour, shift, day, week, salary, piece, commission, or other; gross wages; deductions; allowances, if any, claimed as part of the minimum wage; hourly rate or rates of pay and overtime rate or rates of pay if applicable; the number of hours worked, including overtime hours worked if applicable; deductions; and net wages.
59. Due to Defendant's violations of NYLL, Article 6, § 195(3), Plaintiff and the similarly situated MLOs (New York-employed MLOs) are entitled to statutory penalties of two hundred fifty dollars for each workday that Defendant failed to provide them with accurate wage statements, or a total of five thousand dollars each, as well as reasonable attorneys' fees and costs as provided for by NYLL, Article 6, § 198(1-d).

**COUNT IV: VIOLATION OF THE NYLL: FAILURE TO PROVIDE  
PROPER WAGE NOTICES  
Individual and Class Action (New York)**

60. Plaintiff incorporates by reference the preceding paragraphs of this complaint.
61. Since January 12, 2018, Defendant has failed to supply Plaintiff and the similarly situated MLOs (New York-employed MLOs) with a proper time of hire annual wage notice, as required by NYLL, Article 6, § 195(1), in English or in the language identified as their primary language, at the time of hiring, containing, among other items: the rate or rates of pay and basis thereof, whether paid by the hour, shift, day, week, salary, piece, commission, or other; allowances, if any, claimed as part of the minimum wage; the regular pay day designated by the employer in accordance with section one hundred ninety-one of this article; overtime rate; the name of the employer; any “doing business as” names used by the employer; the physical address of the employer's main office or principal place of business, and a mailing address if different; the telephone number of the employer; plus such other information as the commissioner deems material and necessary.
62. Due to Defendant’s violations of NYLL, Article 6, § 195(1), Plaintiff and the similarly situated MLOs (New York-employed MLOs) are entitled to statutory penalties of fifty dollars for each workday that Defendant failed to provide them with wage notices, or a total of five thousand dollars each, as well as reasonable attorneys’ fees and costs as provided for by NYLL, Article 6, § 198(1-b).

**PRAYER FOR RELIEF**

63. WHEREFORE, Plaintiff and all others similarly situated MLOs respectfully request that this Court:
- A. Order Defendant to pay the unpaid overtime compensation owed to Plaintiff and all other similarly situated MLOs;



- B. Order Defendant to pay liquidated damages to Plaintiff and all other similarly situated MLOs;
- C. Order Defendant to pay Plaintiff and the similarly situated MLOs (New York-employed MLOs) penalties under the NYLL;
- D. Statutory penalties of fifty dollars for each workday that Defendant failed to provide Plaintiff and the similarly situated MLOs (New York-employed MLOs) with proper annual wage notices, or a total of five thousand dollars each, as provided for by NYLL, Article 6 § 198;
- E. Statutory penalties of two hundred fifty dollars for each workday that Defendant failed to provide Plaintiff and the similarly situated MLOs (New York-employed MLOs) with accurate wage statements, or a total of five thousand dollars each, as provided for by NYLL, Article 6 § 198;
- F. Order Defendant to pay pre- and post-judgment interest as well as the litigation costs and reasonable attorneys' fees incurred by Plaintiff and all other similarly situated MLOs; and
- G. Grant such further relief as the Court deems necessary and proper.

Respectfully submitted,

/s/ Joseph H. Chivers

**THE EMPLOYMENT RIGHTS GROUP, LLC**

Joseph H. Chivers, Esq.

PA ID No. 39184

First & Market Building

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Pittsburgh, PA 15222

jchivers@employmentrightsgroup.com

Tel: (412) 227-0763/Fax: (412) 774-1994

**FITAPELLI & SCHAFFER LLP**

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28 Liberty Street, 30<sup>th</sup> Floor

New York, New York 10005  
bschaffer@fslawfirm.com  
Tel: (212) 300-0375  
Fax: (212) 481-1333  
\**Pro Hac Vice* application forthcoming

Dated: September 11, 2024

*Counsel for Plaintiff  
and all others similarly situated*

**CIVIL COVER SHEET**

JS 44 (Rev. 06/17)

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**

Anthony Acampora, on behalf of himself and similarly situated employees, 155 Wirt Avenue, Staten Island, NY 10309

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

(c) Attorneys (Firm Name, Address, and Telephone Number)  
Joseph H. Chivers/The Employment Rights Group, LLC, 100 First Avenue, Suite 650, Pittsburgh, PA 15222 (412) 227-0763

**DEFENDANTS**

PNC Bank  
300 Fifth Avenue, The Tower at PNC Plaza, Pittsburgh, PA 15222

County of Residence of First Listed Defendant Allegheny  
(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	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

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

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS			
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**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):

Fair Labor Standards Act of 1938 (FLSA), 29 U.S.C. §§ 207(a) & 216(b)

Brief description of cause:

Denial of Overtime Wages

**VII. REQUESTED IN COMPLAINT:**

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

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

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

09/11/2024

/s/Joseph H. Chivers

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

JS 44A REVISED June, 2009  
IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA  
THIS CASE DESIGNATION SHEET MUST BE COMPLETED

**PART A**

This case belongs on the ( Erie Johnstown  Pittsburgh) calendar.

1. **ERIE CALENDAR** - If cause of action arose in the counties of Crawford, Elk, Erie, Forest, McKean, Venang or Warren, OR any plaintiff or defendant resides in one of said counties.
2. **JOHNSTOWN CALENDAR** - If cause of action arose in the counties of Bedford, Blair, Cambria, Clearfield or Somerset OR any plaintiff or defendant resides in one of said counties.
3. Complete if on **ERIE CALENDAR**: I certify that the cause of action arose in \_\_\_\_\_ County and that the \_\_\_\_\_ resides in \_\_\_\_\_ County.
4. Complete if on **JOHNSTOWN CALENDAR**: I certify that the cause of action arose in \_\_\_\_\_ County and that the \_\_\_\_\_ resides in \_\_\_\_\_ County.

**PART B** (You are to check ONE of the following)

1. This case is related to Number \_\_\_\_\_ . Short Caption \_\_\_\_\_
2.  This case is not related to a pending or terminated case.

DEFINITIONS OF RELATED CASES:

**CIVIL:** Civil cases are deemed related when a case filed relates to property included in another suit or involves the same issues of fact or it grows out of the same transactions as another suit or involves the validity or infringement of a patent involved in another suit

**EMINENT DOMAIN:** Cases in contiguous closely located groups and in common ownership groups which will lend themselves to consolidation for trial shall be deemed related.

**HABEAS CORPUS & CIVIL RIGHTS:** All habeas corpus petitions filed by the same individual shall be deemed related. All pro se Civil Rights actions by the same individual shall be deemed related.

**PART C**

I. CIVIL CATEGORY (Select the applicable category).

1. Antitrust and Securities Act Cases
2. Labor-Management Relations
3. Habeas corpus
4. Civil Rights
5. Patent, Copyright, and Trademark
6. Eminent Domain
7.  All other federal question cases
8. All personal and property damage tort cases, including maritime, FELA, Jones Act, Motor vehicle, products liability, assault, defamation, malicious prosecution, and false arrest
9. Insurance indemnity, contract and other diversity cases.
10. Government Collection Cases (shall include HEW Student Loans (Education), V A Overpayment, Overpayment of Social Security, Enlistment Overpayment (Army, Navy, etc.), HUD Loans, GAO Loans (Misc. Types), Mortgage Foreclosures, SBA Loans, Civil Penalties and Coal Mine Penalty and Reclamation Fees.)

I certify that to the best of my knowledge the entries on this Case Designation Sheet are true and correct

/s/Joseph H. Chivers

Date: September 11, 2024

\_\_\_\_\_

ATTORNEY AT LAW

NOTE: ALL SECTIONS OF BOTH FORMS MUST BE COMPLETED BEFORE CASE CAN BE PROCESSED.

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Pennsylvania

Anthony Acampora,
on behalf of himself and
similarly situated employees,

Plaintiff(s)

v.

PNC Bank

Defendant(s)

Civil Action No. 24-cv-1296

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) PNC Bank
The Tower at PNC Plaza
300 Fifth Avenue
Pittsburgh, PA 15222

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Joseph H. Chivers, Esq.
jchivers@employmentrightsgroup.com
The Employment Rights Group, LLC
100 First Ave., Suite 650
Pittsburgh, PA 15222

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. 24-cv-1296

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_ .

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_ , who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the summons unexecuted because \_\_\_\_\_ ; or

Other *(specify)*:

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00 \_\_\_\_\_ .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc: