

No. 15-10171-EE

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In the  
**United States Court of Appeals**  
for the Eleventh Circuit

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MAUREEN SMITH, individually and on behalf of all others similarly situated,  
*Plaintiff-Appellant*

v.

PHYSICIANS UNITED PLAN, INC., a Florida Profit corporation, FLORIDA  
MARKETING ORGANIZATION, LLC, a Florida limited liability company,  
*Defendants-Appellees*

**On Appeal from the United States District Court  
for the Southern District of Florida**

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**BRIEF OF PLAINTIFF-APPELLANT**

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ANDREW FRISCH, ESQ.  
FL. Bar No. 27777  
MORGAN & MORGAN, P.A.  
600 N. Pine Island Road, Suite 400  
Plantation, Florida 33324  
Telephone: (954) 318-0268  
Facsimile: (954) 333-3515  
E-mail: [AFrisch@forthepeople.com](mailto:AFrisch@forthepeople.com)  
*Counsel for Appellant*

BRIAN H. POLLOCK, ESQ.  
Fla. Bar No. 174742  
FAIRLAW FIRM  
8603 S. Dixie Highway, Suite 408  
Miami, FL 33143  
Telephone: (305) 230-4884  
Facsimile: (305) 230-4844  
E-mail: [brian@fairlawattorney.com](mailto:brian@fairlawattorney.com)  
*Counsel for Appellant*

**ORAL ARGUMENT REQUESTED**

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**CERTIFICATE OF INTERESTED PERSONS**

Pursuant to this Court's Local Rules 26.1-1 through 26.1-3, counsel for Appellant, Maureen Smith, certifies that the following is a complete list of interested persons:

1. Bloom, Charles E., Esq.
2. Bloom, Kinnear, & Rennick, P.A.
3. Brennan Ryan, Cynthia, Esq.
4. Cabral, Pierre
5. Canales, Silvia
6. Florida Marketing Organization, LLC.
7. Frisch, Andrew, Esq.
8. Gould, Branden
9. Justice, Lauren
10. Law Office of Brian H. Pollock, P.A. d/b/a FairLaw Firm
11. Morgan & Morgan, P.A.
12. Nixson, Yasmin
13. Noel, Harriet
14. Physicians United Plan, Inc.
15. Pickens, Anthony
16. Pollock, Brian H., Esq.

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17. Rawlins, Suzanne
18. Rebecchi, John
19. Ogletree, Deakins, Nash, Smoak & Stewart, P.C.
20. Ryan, Rory, Esq.
21. Ryan Law, P.A.
22. Scola, Honorable, Robert N.
23. Smith, Maureen (Appellant/ Plaintiff)
24. Zalucean, Natalia

## **STATEMENT REGARDING ORAL ARGUMENT**

Appellant, Maureen Smith (“Smith” or “Appellant”), requests oral argument to assist this Court with its review of this case and to address any questions this Court may have when briefing is complete. Oral argument will promote a clearer understanding of the factual and legal issues necessary for this Court to render its determination in this appeal. Fed R. App. P. 34(c) and 11th Cir. R. 28-2(c).

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## **JURISDICTIONAL STATEMENT**

This appeal arises from Smith’s claims for unpaid overtime compensation, declaratory relief and other relief under the Fair Labor Standards Act as amended, 29 U.S.C. § 216(b) (the “FLSA”), that the District Court sent to arbitration. The District Court had jurisdiction over Smith’s FLSA claim pursuant to 28 U.S.C. §1337. This Court, in turn, has jurisdiction over this appeal pursuant to 28 U.S.C. §1291.

The District Court granted Appellee, Florida Marketing Organization LLC’s Motion to Compel Arbitration on December 19, 2014. [Doc.45, p.1.] The District Court’s Order was a Final Order that disposed of all of Plaintiff’s claims. *Martinez v. Carnival Corp.*, 744 F.3d 1240, 1244-45 (11th Cir. 2014). Smith timely filed her notice of appeal of all issues on January 13, 2015 pursuant to Rule 4 of the Federal Rules of Appellate Procedure. [Doc.49, p.1.]

Appellant incorporates by reference Appellant’s Position on Jurisdictional Issue previously filed herein.

The balance of the brief has been eliminated for this sample. For a copy of the complete brief please call our office. Thank you.