

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

**KARIN ANFINSON, on her own
behalf and others similarly situated,**

Plaintiff,

Case Number _____

v.

**TRUE BLUE OF PINELLAS, INC., and
FRANCES E. WELT in her individual capacity.**

Defendants.

_____ /

COMPLAINT AND DEMAND FOR JURY TRIAL

1. Plaintiff, was an employee of Defendants, and brings this action for unpaid and also overtime wages (§ 6&7), and other relief under the Fair Labor Standards Act.

Additionally, Plaintiff seeks minimum wages under Article X, Section 24 of the Florida Constitution, unpaid wages under Chapter 448 of the Florida Statutes.

2. Defendant True Blue of Pinellas, Inc. operates and conduct business in Pinellas County, Florida, and are therefore, within the jurisdiction of the Court. Defendant Frances E. Welt, is the sole owner, alter ego and controlling party over True Blue of Pinellas, Inc., and was, at all material times, Plaintiff's direct supervisor and boss, overseeing all aspects of Plaintiff's employment.

3. This action is brought under the FLSA to recover from both Defendants, minimum wages, unpaid overtime wages, liquidated damages, and reasonable attorneys' fees and costs. Additionally, Plaintiff seeks minimum wages under Article X, Section 24 of the Florida Constitution and unpaid wages under Chapter 448 of the Florida Statutes.

4. The Court has original jurisdiction over Plaintiff's minimum wage/overtime (29 U.S.C. § 207) claims pursuant to 28 U.S.C. § 1331, and supplemental jurisdiction over Plaintiff's state constitutional minimum wage claim, unpaid wages claim (Fla. Stat. § 448.08) and claims pursuant to 28 U.S.C. § 1367(a).

5. At all material times relevant to this action, Defendant True Blue of Pinellas, Inc. was an enterprise covered by the FLSA, and as defined by 29 U.S.C. § 203(r) and 203(s). Similarly, Defendant Frances E. Welt, in her capacity as Plaintiff's direct supervisor qualifies as a statutory employer and property party to this action under the FLSA.

6. Defendants, collectively, employed Plaintiff as defined by 29 U.S.C. § 203(d).

7. Defendants, collectively, employed Plaintiff in a position that did not involve significant discretion. Likewise, Plaintiff was not employed by either Defendant in a managerial capacity. Plaintiff was employed as an hourly employee in a position that involved running errands, arranging flowers, using the computers, responding to the employer's text messages and receiving facsimile transmission and working up orders for flowers. Plaintiff was employed by Defendants for approximately the period of eighteen months preceding the filing of this lawsuit. Upon information and belief, Defendants employee at least three or more employees who were also not paid in accordance with the law.

8. Plaintiff's work involved interaction with the instrumentalities of interstate commerce, and was individually entitled to the protections of the FLSA, as evidenced above.

9. At all times relevant to this action, Defendants failed to comply with 29 U.S.C. §§ 201-209, because Plaintiff performed services for Defendants, collectively, for which no provisions were made by Defendants, collectively, to properly pay Plaintiff for all hours worked in excess of forty within a work week, and to ensure that Plaintiff was paid at the minimum wage for each hour worked within a work week.

10. During Plaintiff's employment with Defendants, collectively, Plaintiff was not paid time and one-half her regular rate of pay for all hours worked in excess of forty (40) per work week during one or more work weeks. In fact, there are numerous weeks in which Plaintiff was paid no wages at all, despite repeated and ongoing promises from Defendants, that Defendant would pay the wages due and owing.

11. Upon information and belief, the records, to the extent any exist, concerning the number of hours worked and amounts paid to Plaintiff is in the possession and custody of Defendants, collectively. Notably, Plaintiff did send a pre-suit demand for wages on January 12, 2017. Defendants, collectively, did not respond to Plaintiff's pre-suit demand in any material manner. Defendants did place a phone call to Plaintiff, but did not contest the amount of wages due or demanded in Plaintiff's letter of January 12, 2017.

COUNT I – RECOVERY OF UNPAID AND OVERTIME COMPENSATION

12. Plaintiff reincorporates and readopts all allegations contained within Paragraphs 1-11 above.

13. Plaintiff was entitled to be paid time at one-half her regular rate of pay for each hour worked in excess of forty (40) per work week. During her employment with Defendants, collectively, Plaintiff regularly worked overtime hours and was not paid time

and one half compensation for same. Plaintiff did not receive a substantive response in regard to her plea for straight/overtime wages, as indicated above.

14. As a result of Defendants', collectively, intentional, willful, and unlawful acts in refusing to pay Plaintiff, and those similarly situated to her, their regular rate of pay for each hour worked in excess of forty (40) per work week in one or more work weeks, Plaintiff has suffered damages plus incurring reasonable attorneys' fees and costs.

15. As a result of Defendants', collectively, willful violation of the FLSA, Plaintiff is entitled to liquidated damages

16. Plaintiff demands a trial by jury.

WHEREFORE, Plaintiff demands judgment against Defendants, collectively, for the payment of all overtime hours at one and one-half the regular rate of pay for the hours worked by her for which neither Defendant did properly compensated Plaintiff, liquidated damages, reasonable attorneys' fees and costs incurred in this action, and any and all further relief that this Court determines to be just and appropriate.

**COUNT II – RECOVERY OF MINIMUM WAGES UNDER
ARTICLE X SECTION 24 OF THE FLORIDA CONSTITUTION**

17. Plaintiff reincorporates and readopts all allegations contained within Paragraphs 1-11 above.

18. As of May 2005, Pursuant to Article X, Section 24 of the Florida Constitution, Plaintiff was entitled to be paid minimum wage of \$7.93 (the rate increases each year) for each hour she worked during her employment with Defendants, collectively. Presently, Plaintiff is owed at least 8.05 an hour for all regular-straight time hours worked for any week in which Plaintiff worked less than forty hours any given week.

19. Defendants, collectively, willfully failed to pay Plaintiff minimum wage for one or more weeks of work contrary to Article X, Section 24 of the Florida Constitution. As a result of Defendants' collective actions in this regard, Plaintiff has not been paid the minimum wage for each hour worked during her employment with Defendants.

20. As a result of Defendants', collectively, deliberate underpayment of wages, Plaintiff has been damaged in the loss of minimum wages for one or more weeks of work with each named Defendant.

21. Plaintiff demands a trial by jury.

WHEREFORE, Plaintiff demands judgment against Defendants for damages, interest, reasonable attorneys' fees and costs incurred in this action.

**COUNT III – RECOVERY OF UNPAID WAGES
UNDER CHAPTER 448, FLORIDA STATUTES**

22. Plaintiff reincorporates and readopts all allegations contained within Paragraphs 1-11 above.

23. Plaintiff worked numerous hours for Defendants, collectively, and did not receive any compensation, whatsoever. Defendants, therefore, wrongfully deprived Plaintiff of wages to which she has been lawfully entitled.

24. Plaintiff has been damaged as a result of Defendants. collective failure to pay her the agreed upon wages to which she has been entitled.

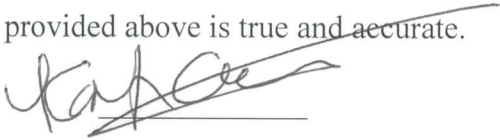
25. Pursuant to Fla. Stat. § 448.08, Plaintiff is entitled to the costs of this action and a reasonable attorneys' fee.

WHEREFORE, Plaintiff demands judgment against Defendants for the unpaid wages found to be due and owing, prejudgment interest, reasonable attorneys' fees and

costs incurred in this action, and any and all further relief this Court deems just and appropriate.

Dated this 13th day of January 2017.

Under penalty of perjury, I hereby swear and affirm that the factual information provided above is true and accurate.

A handwritten signature in black ink, appearing to read 'Karin Anfinson', is written over a horizontal line. The signature is stylized and cursive.

Karin Anfinson

/s/ W. John Gadd
W. JOHN GADD, ESQUIRE
LAW OFFICE OF W. JOHN GADD, P.A.
Florida Bar No. 463061
Bank of America Building
2727 Ulmerton Road - Suite 250
Clearwater, FL 33762
Telephone: (727) 524-6300
Counsel for Plaintiff

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jez@mazgadd.com

JS 44 (Rev. 11/15)

CIVIL COVER SHEET

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

KARIN ANFINSON, on her own behalf and others similarly situated,

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

(c) Attorneys (Firm Name, Address, and Telephone Number)
W. John Gadd
2727 Ulmerton Rd., Suite 250
Clearwater, FL 33762

DEFENDANTS

TRUE BLUE OF PINELLAS, INC., and FRANCES E. WELT in her individual capacity,

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

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

Attorneys (If Known)
UNKNOWN

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 checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input checked="" 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)

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	PERSONAL INJURY <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	PERSONAL INJURY <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 PERSONAL PROPERTY <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 LABOR <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	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <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)) FEDERAL TAX SUITS <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	IMMIGRATION		
<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 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	Habeas Corpus: <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 Other: <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	<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions		

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

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

29 USC 201-216
Brief description of cause:
FLSA - WAGE AND HOUR

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
01/23/2017

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFF JUDGE MAG. JUDGE

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Unpaid Wage Class Action Filed Against True Blue of Pinellas, Inc.](#)
