

FILED

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

2018 APR -3 PM 12:27

**PEDRO GONZALEZ, on behalf of
himself and others similarly situated,**

Plaintiff,

CASE NO. 6:18-cv-504-02c-AdJJK

vs.

**CAR WASH HEADQUARTERS,
INC., d/b/a MISTER CAR WASH¹, a
Foreign Profit Corporation and
JEFFREY BURR,**

Defendant.

NOTICE OF REMOVAL

Defendants CAR WASH HEADQUARTERS, INC., d/b/a MISTER CARWASH, a Foreign Profit Corporation (“Mister Carwash” or “Defendant”), and JEFFREY BURR (“Burr”) (collectively “Defendants), by and through their undersigned counsel and pursuant to 28 U.S.C. §§ 1331, 1367, 1441 and 1446, respectfully file this Notice of Removal giving notice that they are removing this civil action to the United States District Court for the Middle District of Florida, Orlando Division. In support of this Notice of Removal, Defendants state as follows:

PROCEDURAL ALLEGATIONS

1. On or about March 1, 2018, Plaintiff filed a Complaint in the Circuit Court of the Eighteenth Judicial Circuit in and for Seminole County, Florida entitled *Pedro*

¹ The d/b/a of Defendant Car Wash Headquarters, Inc., was improperly named as “Mister Carwash” instead of “Mister Car Wash” and will work with counsel for Plaintiff to have this corrected.

Gonzalez, on behalf of himself and others similarly situated, v. Car Wash Headquarters, Inc., d/b/a Mister Carwash, a Foreign Profit Corporation designated Case No. 2018-CA-00055916L (hereafter referred to as the “State Court Action”).

2. On March 6, 2018, Defendant Mister Car Wash was served with Plaintiff’s Summons, Complaint and discovery and Defendant Burr was served on March 9, 2018. A copy of the executed Service of Process for each Defendant reflecting service is attached hereto as **Exhibit “A.”**

3. This Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b) within thirty-days (30) from the date on which summons was deemed effectively served. *See Murphy Brothers, Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 354 (1999).

4. A true and legible copy of all pleadings and other papers or exhibits of every kind on file in the State Court Action are attached hereto as **Exhibit “B.”** The judge presiding over the State Court Action has not entered any orders. There are no pending motions.

FEDERAL QUESTION AND SUPPLEMENTAL JURISDICTION

5. Removal is appropriate in this case based on federal question jurisdiction. Plaintiff’s Complaint alleges violations of 29 U.S.C § 201 *et seq.*, specifically §§ 206(a), 207(a) and § 203(m) (“FLSA”). *See* Plaintiff’s Complaint ¶¶ 98-0107. Thus, this is a civil action over which this Court has original jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1441(a), in that it presents a “general federal question.”

6. The District and Division embracing the place where such action is pending is the United States District Court for the Middle District of Florida, Ocala Division. *See* 28 U.S.C. § 1441(a).

7. Pursuant to 28 U.S.C. § 1446(d), Defendants have provided written Notice of the Removal to the Plaintiff in this action and has filed a copy of this Notice of Removal in the Eighteenth Circuit Court of Seminole County, Florida. A copy of the Notice of Filing Notice of Removal is attached hereto as **Exhibit "C."**

8. The required filing fee of \$400 and an executed civil cover sheet accompany this Notice.

WHEREFORE, Defendants respectfully remove this action, pending in the Eighteenth Circuit Court of Seminole County, Florida to the United States District Court in the Middle District Court of Florida, Orlando Division.

Dated this 3rd day of April, 2018.

Respectfully submitted,

LITTLER MENDELSON, P.C.
111 North Magnolia Avenue, Suite 1250
Orlando, Florida 32801
Telephone: (407) 393-2900
Facsimile: (407) 393-2929

By: /s/ Nancy A. Johnson
Kimberly Doud
Florida Bar No.: 0523771
Email: kdoud@littler.com

Nancy A. Johnson
Florida Bar No.: 0597562
Email: najohnson@littler.com

Attorneys for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of April, 2018, a correct copy of the foregoing has been furnished via electronic mail to the following: Jay P. Lechner, Esq., Whittel & Melton, LLC, One Progress Plaza, 200 Central Avenue, #400, St. Petersburg, FL 33701, pleadings@FLlawfirm.com; lechneri@theFLlawfirm.com; Sonia@theFLlawfirm.com.

/s/ Nancy A. Johnson
Nancy A. Johnson

EXHIBIT A

AFFIDAVIT OF SERVICE

State of Florida

County of Seminole

Circuit Court

Case Number: 2018 CA 559 16 L



WPI2018001080

Plaintiff:

PEDRO GONZALEZ

vs.

Defendant:

**CAR WASH HEADQUARTERS INC D/B/A MISTER CARWASH and
JEFFREY BURR**

For:

Jay P Lechner, Esquire

Whittel & Melton LLC

One Progress Plaza

Suite 400

St. Petersburg, FL 33701

Received by VENTURE INVESTIGATIONS & PROCESS SERVICE, INC. on the 6th day of March, 2018 at 1:51 pm to be served on **JEFFREY BURR, 3720 LAKE EMMA RD, LAKE MARY, FL 32746.**

I, Kristen Phin-Ceppos, being duly sworn, depose and say that on the **9th day of March, 2018 at 10:55 am,** I:

INDIVIDUAL/PERSONAL: served by delivering a true copy of the **Summons, Complaint, Demand For Jury Trial** to: **JEFFREY BURR** at the address of: **2418 S. FRENCH ACENUE, SANFORD, FL 32771** with the date and hour of service endorsed thereon by me, and informed said person of the contents therein, in compliance with state statutes.

Military Status: I specifically asked the Subject/And or Parties Served if he/she is currently enrolled/active with any branch of the U.S. military service. Subject/And or Parties Served advised that at this time he/she is not with any branch of the U.S. military.

Additional Information pertaining to this Service:

Attempted service at 3720 LAKE EMMA RD, LAKE MARY, FL 32746 Per employee stated that Jeff was the Regional Manager and not located at this location. They called Jeff for server and Jeff advised where he was and to served him at

Mister Car Wash located at

2418 S. French Ave

Sanford, FL 32771 Attempt location: (28.7887,-81.2731) accuracy 50 m.

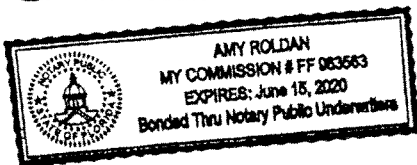
Description of Person Served: Age: 37, Sex: M, Race/Skin Color: White, Height: 6'2", Weight: 250, Hair: Black, Glasses: N

AFFIDAVIT OF SERVICE For 2018 CA 559 16 L

I certify that I am over the age of 18, have no interest in the above action, and am a Certified Process Server, in good standing, in the judicial circuit in which the process was served.

Subscribed and Sworn to before me on the 9th day of March, 2018 by the affiant who is personally known to me.

NOTARY PUBLIC



A handwritten signature in black ink, appearing to read 'KPC' with a flourish.

Kristen Phin-Ceppos
I.D. #18-0021

**VENTURE INVESTIGATIONS & PROCESS
SERVICE, INC.**
P O Box 1132
Oldsmar, FL 34677
(727) 771-9112

Our Job Serial Number: WPI-2018001080
Ref: P GONZALEZ

Filing # 68679719 E-Filed 03/01/2018 04:42:48 PM

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT
IN AND FOR SEMINOLE COUNTY, FLORIDA
CIVIL DIVISION

PEDRO GONZALEZ, on behalf of
himself and others similarly situated,

Plaintiff,

v.

CASE NO.: 2018-CA-000559-16-L

CAR WASH HEADQUARTERS, INC.
d/b/a MISTER CARWASH, a Foreign
Profit Corporation and JEFFREY BURR,

Defendants.

3-9-18
1055A
KPC 18-0021

SUMMONS

THE STATE OF FLORIDA)
TO EACH SHERIFF OF THE STATE)

YOU ARE COMMANDED to serve this Summons and a copy of the Complaint or
Petition in the above-styled cause upon the Defendant:

JEFFREY BURR
3720 Lake Emma Rd
Lake Mary, FL 32746

Each Defendant is required to serve written defenses to the Complaint or Petition in this
action on the attorney for the Plaintiff:

Jay P. Lechner, Esq.
Whittel & Melton, LLC
One Progress Plaza
200 Central Avenue, #400
St. Petersburg, Florida 33701
Service Email: lechnerj@theFlawfirm.com
sonia@theFlawfirm.com
pleadings@theFlawfirm.com

within 20 days after service of this Summons on that Defendant, exclusive of the day of service,
and to file the original of the Defenses with the Clerk of this Court either before service on the
Plaintiffs' attorney or immediately thereafter. If a Defendant fails to do so, a default will be
entered against that Defendant for the relief demanded in the Complaint or Petition.

WITNESS my hand and seal of said Court
Dated this 2nd day of March, 2018.

Grant Maloy
Seminole County, Clerk of Court
Deputy Clerk And Comptroller

Pamela Pinolin
DEPUTY CLERK

Filing # 68961657 E-Filed 03/08/2018 07:35:30 AM

RETURN OF SERVICE

State of Florida

County of Seminole

Circuit Court

Case Number: 2018 CA 559 16 L

Plaintiff:
PEDRO GONZALEZ

vs.

Defendant:
CAR WASH HEADQUARTERS INC D/B/A MISTER CARWASH and JEFFREY BARR



WPI2018001079

For:
Jay P Lechner, Esquire
Whittel & Melton LLC
One Progress Plaza
Suite 400
St. Petersburg, FL 33701

Received by VENTURE INVESTIGATIONS & PROCESS SERVICES, INC., on the 6th day of March, 2018 at 1:38 pm to be served on **CAR WASH HEADQUARTERS INC D/B/A MISTER CARWASH C/O CT CORPORATION AS R/A, 1200 SOUTH PINE ISLAND ROAD, PLANTATION, FL 33324.**

I, Sandra M. Quinones, do hereby affirm that on the **6th day of March, 2018 at 4:55 pm, I:**

Served the within named corporation by delivering a true copy of the **Summons, Complaint, Demand For Jury Trial** with the date and hour of service endorsed thereon by me to **Donna Moch as Senior Corp Ops Manager of CT Corporation System at 1200 South Pine Island Rd., Plantation, FL 33324** who is the **Registered Agent** of the within named corporation, after informing said person of the contents of the matter thereof in compliance with FL State Statutes 48.091.

Description of Person Served: Age: 50+, Sex: F, Race/Skin Color: White, Height: 5'5, Weight: 155, Hair: Brn, Glasses: N

I certify that I am a Special Process Server over the age of eighteen, appointed by the Sheriff's Office in the County in which it was served, that I am in good standing and have no interest in the above action. Under penalties of perjury, I declare that I have read the forgoing Verified return of service and the facts stated in it are true and correct. Pursuant to F.S. 92.525(2), Notary not required. Date: _____

MAR 07 2018

Sandra M. Quinones
Special Process Server #394

VENTURE INVESTIGATIONS & PROCESS SERVICES, INC.,
P.O. Box 1132
OLDSMAR, FL 34677
(727) 771-9112

Our Job Serial Number: WPI-2018001079
Ref: P GONZALEZ

Filing# 68679719 E-Filed 03/01/2018 04:42:48 PM

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT
IN AND FOR SEMINOLE COUNTY, FLORIDA
CIVIL DIVISION

PEDRO GONZALEZ, on behalf of
himself and others similarly situated,

Plaintiff,

v.

CASE NO.: 2018-CA-000559-16-L

CAR WASH HEADQUARTERS, INC.
d/b/a MISTER CARWASH, a Foreign
Profit Corporation and JEFFREY BURR,

Defendants.

Handwritten notes:
455P
~~3048~~ 3/6/18
SO
3/14

SUMMONS

THE STATE OF FLORIDA)
TO EACH SHERIFF OF THE STATE)

YOU ARE COMMANDED to serve this Summons and a copy of the Complaint or
Petition in the above-styled cause upon the Defendant:

**CAR WASH HEADQUARTERS, INC. d/b/a
MISTER CARWASH
c/o CT Corporation System
1200 South Pine Island Road
Plantation, FL 33324**

Each Defendant is required to serve written defenses to the Complaint or Petition in this
action on the attorney for the Plaintiff:

**Jay P. Lechner, Esq.
Whittel & Melton, LLC
One Progress Plaza
200 Central Avenue, #400
St. Petersburg, Florida 33701
Service Email: lechnerj@theFlawfirm.com
sonia@theFlawfirm.com
pleadings@theFlawfirm.com**

within 20 days after service of this Summons on that Defendant, exclusive of the day of service,
and to file the original of the Defenses with the Clerk of this Court either before service on the
Plaintiffs' attorney or immediately thereafter. If a Defendant fails to do so, a default will be
entered against that Defendant for the relief demanded in the Complaint or Petition.

WITNESS my hand and seal of said Court
Dated this 2nd day of March, 2018.


Grant Maloy
Seminole County, Clerk of Court
Deputy Clerk **And Comptroller**

Pamela C. Linton
DEPUTY CLERK

EXHIBIT B

COMPREHENSIVE CASE INFORMATION SYSTEM

Grant Maloy, Clerk of the Circuit Court and Comptroller



SEMINOLE COUNTY **CCIS**

eportaluser

Expand All

Case Number	Filed Date	County	Case Type	Status	Contested	Jury Trial
592018CA0005990000XX [2018CA000599]	03/01/2018	SEMINOLE		OPEN	No	Yes

Filing Date	Description	Active	Contested	Judgment Date
03/01/2018	OTHER CIRCUIT CIVIL	NO	NO	

Party Name	Party Type	Attorney	Bar ID
GALLUZZO, JOHN D	JUDGE		
GALLUZZO, JOHN D	JUDGE AT DISPOSITION		
MISTER CARWASH	ALSO KNOWN AS		
GONZALEZ, PEDRO	PLAINTIFF	LECHNER, JAY PAUL	504351
CAR WASH HEADQUARTERS INC	DEFENDANT	JOHNSON, NANCY A	597562
BURR, JEFFREY	DEFENDANT		

Dockets

Image	Doc #	Action Date	Description	Pages
	1	03/01/2018	CIVIL COVER SHEET	2
	2	03/01/2018	COMPLAINT FILED	6
	3	03/01/2018	SUMMONS ISSUED - CAR WASH HEADQUARTERS INC DBA MISTER CARWASH	1
	4	03/01/2018	SUMMONS ISSUED - JEFFREY BURR	1
	5	03/08/2018	SUMMONS RETURNED SERVED - CAR WASH HEADQUARTERS INC 3/6/18	2
	6	03/12/2018	NOTICE OF APPEARANCE BY ATTY NANCY JOHNSON ESQ OBO DEFT CAR WASH HEADQUARTERS INC	2
	7	03/12/2018	SUMMONS RETURNED SERVED /JEFFREY BURR/3/9/18	3

- Judge Assignment History**
- Court Events**
- Financial Summary**
- Reopen History**

Filing # 68679719 E-Filed 03/01/2018 04:42:48 PM

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT
IN AND FOR SEMINOLE COUNTY, FLORIDA
CIVIL DIVISION

PEDRO GONZALEZ, on behalf of
himself and others similarly situated,

Plaintiff,

v.

CASE NO.: 2018-CA-000559-16-L

CAR WASH HEADQUARTERS, INC.
d/b/a MISTER CARWASH, a Foreign
Profit Corporation and JEFFREY BURR,

Defendants.

_____ /

SUMMONS

**THE STATE OF FLORIDA)
TO EACH SHERIFF OF THE STATE)**

YOU ARE COMMANDED to serve this Summons and a copy of the Complaint or
Petition in the above-styled cause upon the Defendant:

JEFFREY BURR
3720 Lake Emma Rd
Lake Mary, FL 32746

Each Defendant is required to serve written defenses to the Complaint or Petition in this
action on the attorney for the Plaintiff:

Jay P. Lechner, Esq.
Whittel & Melton, LLC
One Progress Plaza
200 Central Avenue, #400
St. Petersburg, Florida 33701
Service Email: lechnerj@theFllawfirm.com
sonia@theFllawfirm.com
pleadings@theFllawfirm.com

within 20 days after service of this Summons on that Defendant, exclusive of the day of service,
and to file the original of the Defenses with the Clerk of this Court either before service on the
Plaintiffs' attorney or immediately thereafter. If a Defendant fails to do so, a default will be
entered against that Defendant for the relief demanded in the Complaint or Petition.

WITNESS my hand and seal of said Court
Dated this 2nd day of March, 2018.

Grant Maloy
Seminole County, Clerk of Court
Deputy Clerk **And Comptroller**

Pamela Einstein
DEPUTY CLERK

Filing # 68679719 E-Filed 03/01/2018 04:42:48 PM

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT
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PEDRO GONZALEZ, on behalf of
himself and others similarly situated,

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v.

CASE NO.:2018-CA-000559-16-L

CAR WASH HEADQUARTERS, INC.
d/b/a MISTER CARWASH, a Foreign
Profit Corporation and JEFFREY BURR,

Defendants.

_____ /

SUMMONS

THE STATE OF FLORIDA)
TO EACH SHERIFF OF THE STATE)

YOU ARE COMMANDED to serve this Summons and a copy of the Complaint or
Petition in the above-styled cause upon the Defendant:

**CAR WASH HEADQUARTERS, INC. d/b/a
MISTER CARWASH
c/o CT Corporation System
1200 South Pine Island Road
Plantation, FL 33324**

Each Defendant is required to serve written defenses to the Complaint or Petition in this
action on the attorney for the Plaintiff:

**Jay P. Lechner, Esq.
Whittel & Melton, LLC
One Progress Plaza
200 Central Avenue, #400
St. Petersburg, Florida 33701
Service Email: lechnerj@theFllawfirm.com
sonia@theFllawfirm.com
pleadings@theFllawfirm.com**

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and to file the original of the Defenses with the Clerk of this Court either before service on the
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WITNESS my hand and seal of said Court
Dated this 2nd day of March, 2018.

Grant Maloy
Seminole County, Clerk of Court
Deputy Clerk **And Comptroller**

Pamela Einstein
DEPUTY CLERK

Filing # 68679719 E-Filed 03/01/2018 04:42:48 PM

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT
IN AND FOR SEMINOLE COUNTY, FLORIDA
CIVIL DIVISION

PEDRO GONZALEZ, on behalf of
himself and others similarly situated,

Plaintiff,

v.

CASE NO.: 2018-CA-000559-16-L

CAR WASH HEADQUARTERS, INC.
d/b/a MISTER CARWASH, a Foreign
Profit Corporation and JEFFREY BURR,

Defendants.

3-6-18
455P
SMQ # 394

SUMMONS

THE STATE OF FLORIDA)
TO EACH SHERIFF OF THE STATE)

YOU ARE COMMANDED to serve this Summons and a copy of the Complaint or
Petition in the above-styled cause upon the Defendant:

CAR WASH HEADQUARTERS, INC. d/b/a
MISTER CARWASH
c/o CT Corporation System
1200 South Pine Island Road
Plantation, FL 33324

Each Defendant is required to serve written defenses to the Complaint or Petition in this
action on the attorney for the Plaintiff:

Jay P. Lechner, Esq.
Whittel & Melton, LLC
One Progress Plaza
200 Central Avenue, #400
St. Petersburg, Florida 33701
Service Email: lechnerj@theFlawfirm.com
sonia@theFlawfirm.com
pleadings@theFlawfirm.com

within 20 days after service of this Summons on that Defendant, exclusive of the day of service,
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Plaintiffs' attorney or immediately thereafter. If a Defendant fails to do so, a default will be
entered against that Defendant for the relief demanded in the Complaint or Petition.

WITNESS my hand and seal of said Court
Dated this 2nd day of March, 2018.

Grant Maloy
Seminole County, Clerk of Court
Deputy Clerk And Comptroller

Pamela Cirstein
DEPUTY CLERK



**Service of Process
Transmittal**

03/06/2018
CT Log Number 532913333

TO: Lisa Funk
Mister Car Wash
222 E 5th St
Tucson, AZ 85705-8412

RE: Process Served in Florida

FOR: Car Wash Headquarters, Inc. (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: PEDRO GONZALEZ, ON BEHALF OF HIMSELF AND OTHERS SIMILARLY SITUATED, PLTF. vs. CAR WASH HEADQUARTERS, INC., ETC. AND JEFFREY BURR, DFTS.

DOCUMENT(S) SERVED: SUMMONS, COMPLAINT

COURT/AGENCY: Seminole County Circuit Court, FL
Case # 2018CA00055916L

NATURE OF ACTION: Employee Litigation - Wrongful Termination

ON WHOM PROCESS WAS SERVED: C T Corporation System, Plantation, FL

DATE AND HOUR OF SERVICE: By Process Server on 03/06/2018 at 16:55

JURISDICTION SERVED : Florida

APPEARANCE OR ANSWER DUE: Within 20 days after service, exclusive of the day of service

ATTORNEY(S) / SENDER(S): JAY P. LECHNER
WHITTEL & MELTON, LLC
ONE PROGRESS PLAZA
200 CENTRAL AVENUE, #400
ST. PETERSBURG, FL 33701
727-822-1111

ACTION ITEMS: CT has retained the current log, Retain Date: 03/07/2018, Expected Purge Date: 03/12/2018

Image SOP

Email Notification, Lisa Funk lfunk@mistercarwash.com

Email Notification, Beth Iacono biacono@mistercarwash.com

Email Notification, Anne Graham-Bergin agraham@mistercarwash.com

Email Notification, Audrey Funk afunk@mistercarwash.com

Email Notification, Dillon Dunn ddunn@mistercarwash.com

Email Notification, Henrietta Coleman hcoleman@mistercarwash.com

SIGNED: C T Corporation System

Information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information contained in the documents themselves. Recipient is responsible for interpreting said documents and for taking appropriate action. Signatures on certified mail receipts confirm receipt of package only, not contents.



**Service of Process
Transmittal**

03/06/2018

CT Log Number 532913333

TO: Lisa Funk
Mister Car Wash
222 E 5th St
Tucson, AZ 85705-8412

RE: Process Served in Florida

FOR: Car Wash Headquarters, Inc. (Domestic State: DE)

ADDRESS: 1200 South Pine Island Road
Plantation, FL 33324
TELEPHONE: 954-473-5503

Page 2 of 2 / DK

Information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information contained in the documents themselves. Recipient is responsible for interpreting said documents and for taking appropriate action. Signatures on certified mail receipts confirm receipt of package only, not contents.

Filing # 68679719 E-Filed 03/01/2018 04:42:48 PM

**IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT
IN AND FOR SEMINOLE COUNTY, FLORIDA
CIVIL DIVISION**

PEDRO GONZALEZ, on behalf of
himself and others similarly situated,

Plaintiff,

v.

CASE NO.:

CAR WASH HEADQUARTERS, INC.
d/b/a MISTER CARWASH, a Foreign
Profit Corporation and JEFFREY BURR,

Defendants.

_____ /

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, PEDRO GONZALEZ ("Plaintiff"), on behalf of himself and others similarly situated, hereby sues the Defendants, CAR WASH HEADQUARTERS, INC. d/b/a MISTER CARWASH ("MISTER CARWASH") and JEFFREY BURR ("BURR") (collectively "Defendants") and alleges as follows:

JURISDICTION, VENUE AND PARTIES

1. This is an action for damages in excess of Fifteen Thousand Dollars (\$15,000.00) exclusive of interest and costs.
2. Venue lies within Seminole County because a substantial part of the events giving rise to this claim arose in this Judicial District.
3. At all times material, Plaintiff is and was a resident of Florida.
4. At all times material, Defendant MISTER CARWASH was/is a Foreign Profit Corporation authorized to conduct business in the State of Florida, and operates a car wash at 3720 Lake Emma Rd, Lake Mary, FL 32746.

5. At all times material, Defendant BURR is and was a resident of Seminole County.

GENERAL ALLEGATIONS

6. Defendant MISTER CARWASH operates car wash and express lube services.

7. Defendant BURR is the Regional Manager for the Lake Mary location of MISTER CARWASH. In that position, BURR exercises significant control over the company's operations, has the power to hire and fire employees, the power to determine salaries, the responsibility to maintain employment records and has operational control over significant aspects of the company's day-to-day functions.

8. Defendants are employers as defined by the Fair Labor Standards Act, as amended, 29 U.S.C. § 216(b), *et seq.* ("FLSA").

9. At all material times, Defendants were an enterprise covered by the FLSA, and as defined by 29 U.S.C. §203(r) and 203(s) and during all relevant times had at least two employees and had an annual dollar volume of sales or business done of at least \$500,000.

10. Plaintiff was employed by Defendants from 2014 through April 24, 2017 as a Customer Sales Associate ("CSA"), during which time he was engaged in commerce.

11. This action is brought under the FLSA to recover unpaid overtime compensation owed to Plaintiff and all others similarly situated who are or were employed by Defendants as CSAs.

12. Plaintiff and others similarly situated were employees of Defendants under the FLSA.

13. Defendants failed to comply with the FLSA because Plaintiff, and other similarly situated employees, were regularly required to work in excess of forty (40) hours a workweek but were not paid overtime compensation as required by the FLSA.

14. The additional persons who may become Plaintiffs in this action are employees who held positions similarly situated to Plaintiff and who were required to work in excess of forty (40) hours a workweek but were not paid overtime compensation as required by the FLSA.

15. Defendant BURR is subject to individual liability under the FLSA because he acted directly or indirectly in the interest of the employer in relation to Plaintiff, exercised significant control over the company's operations, has the power to hire and fire employees, the power to determine salaries, the responsibility to maintain employment records and has operational control over significant aspects of the company's day-to-day functions.

16. Defendants' violations of the FLSA were knowing, willful and in reckless disregard of the rights of Plaintiff and all other similarly situated. Defendants did not have reasonable grounds for believing that their acts were not a violation of the FLSA.

17. During his employment, Plaintiff complained to management, objecting to Defendants' failure to properly pay overtime compensation.

18. After Plaintiff objected to the unlawful pay practices, Defendants terminated Plaintiff's employment in retaliation for his protected activity under the FLSA.

19. Plaintiff has been required to retain the undersigned counsel to represent him in this action and is obligated to pay them a reasonable fee for their services.

COUNT I
OVERTIME – FLSA (BOTH DEFENDANTS)

20. Plaintiff hereby incorporates by reference the allegations contained in Paragraphs 1 to 19 as if fully restated herein.

21. During the three (3) year period prior to filing this action, Defendants failed to pay Plaintiff and all other similarly situated employees overtime compensation for hours worked over forty (40) in a workweek.

22. Defendants' failure to pay Plaintiff and all other similarly situated employees overtime compensation for hours worked over forty (40) in any workweek constitutes a violation of the FLSA, 29 U.S.C. § 207.

23. Defendants' violations of the FLSA were knowing, willful and in reckless disregard of the rights of Plaintiff and all other similarly situated.

WHEREFORE, Plaintiff respectfully requests, on behalf of himself and all others similarly situated, that this Court issue an Order awarding damages in the amount of the unpaid overtime compensation owed, awarding liquidated damages pursuant to 29 U.S.C. § 216(b), awarding reasonable attorneys' fees and costs pursuant to 29 U.S.C. § 216(b), awarding injunctive relief requiring Defendants to comply with the FLSA, and awarding all such other relief as the Court deems just and appropriate.

COUNT II
RETALIATION – FLSA (BOTH DEFENDANTS)

24. Plaintiff hereby incorporates by reference the allegations contained in Paragraphs 1 to 19 as if fully restated herein.

25. Section 15(a)(3) of the FLSA states that it is a violation for any person to "discharge or in any other manner discriminate against any employee because such

employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act, or has testified or is about to testify in any such proceeding....”

26. By complaining about Defendants’ unlawful pay practices which were violative of the FLSA, Plaintiff engaged in an activity protected by the FLSA.

27. By being discharged, Plaintiff suffered an adverse action by Defendants immediately subsequent to his protected activity.

28. Plaintiff’s termination and other adverse employment actions were directly caused by, and was a result of, his protected activity.

29. By discharging Plaintiff and otherwise imposing adverse employment actions upon him because of his statutorily protected activity, Defendants engaged in unlawful retaliation in violation of 29 U.S.C. § 215(a).

30. Plaintiff has suffered damages including lost wages, lost benefits, emotional distress, anguish, interest and attorney’s fees and costs.

WHEREFORE, Plaintiff demands judgment against Defendants and relief in the form of:

- (i) Economic damages, including lost wages, benefits, and other remuneration;
- (ii) Reinstatement of full fringe benefits;
- (iii) Front and back pay;
- (iv) Liquidated damages;
- (v) Any other compensatory damages allowable under the law;
- (vi) Attorneys’ fees and costs pursuant to the FLSA;

- (vii) Emotional distress damages;
- (viii) Punitive damages;
- (ix) Prejudgment and post-judgment interest; and
- (x) Any other relief the Court deems appropriate.

JURY TRIAL DEMAND

Plaintiff demands trial by jury as to all issues.

DATED this 1ST day of March, 2018.

Respectfully submitted,
WHITTEL & MELTON, LLC
/s/ Jay P. Lechner
Jay P. Lechner, Esq.
Florida Bar No.: 0504351
One Progress Plaza
200 Central Avenue, #400
St. Petersburg, Florida 33701
Telephone: (727) 822-1111
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sonia@theFLlawfirm.com
Attorneys for Plaintiff

Filing # 69131788 E-Filed 03/12/2018 02:53:09 PM

**IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT IN
AND FOR SEMINOLE COUNTY, FLORIDA
CIVIL DIVISION**

**PEDRO GONZALEZ, on behalf of
Himself and others similarly situated,,**

Plaintiff,

v.

Case No.: 2018-CA-000559-16-L

**CAR WASH HEADQUARTERS, INC.,
d/b/a MISTER CARWASH, a Foreign
Profit Corporation and JEFFREY BURR,**

Defendants.

NOTICE OF APPEARANCE

NANCY A. JOHNSON, Esquire, of the law firm of LITTLER MENDELSON, P.C., hereby enters her appearance as counsel in this case on behalf of Defendant CAR WASH HEADQUARTERS, INC., d/b/a MISTER CARWASH, a Foreign Profit Corporation (“Defendant”). All notices given or required to be given in this case, and all papers served or required to be served in this case, shall be given to and served upon:

Nancy A. Johnson, Esquire
Littler Mendelson, P.C.
111 North Magnolia Avenue, Suite 1250
Orlando, Florida 32801-2366
Telephone: 407.393.2944
Facsimile: 407.393.2929
Email primary addresses: najohnson@littler.com
Email secondary addresses: yking@littler.com
ssarber@littler.com
mfilmore@littler.com

Dated this 12th day of March, 2018.

Respectfully submitted,

LITTLER MENDELSON, P.C.
111 North Magnolia Avenue, Suite 1250
Orlando, Florida 32801
Telephone: (407) 393-2900
Facsimile: (407) 393-2929

By: /s/ Nancy A. Johnson
Kimberly Doud
Florida Bar No.: 0523771
Email: kdoud@littler.com

Nancy A. Johnson
Florida Bar No.: 0597562
Email: najohnson@littler.com

Attorneys for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of March, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send a copy via email to the following: Jay P. Lechner, Esq., Whittel & Melton, LLC, One Progress Plaza, 200 Central Avenue, #400, St. Petersburg, FL 33701, pleadings@FLlawfirm.com; lechneri@theFLlawfirm.com; Sonia@theFLlawfirm.com.

/s/ Nancy A. Johnson
Nancy A. Johnson

EXHIBIT C

**IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT IN
AND FOR SEMINOLE COUNTY, FLORIDA
CIVIL DIVISION**

**PEDRO GONZALEZ, on behalf of
Himself and others similarly situated,,**

Plaintiff,

v.

Case No.: 2018-CA-000559-16-L

**CAR WASH HEADQUARTERS, INC.,
d/b/a MISTER CARWASH¹, a Foreign
Profit Corporation and JEFFREY BURR,**

Defendants.

NOTICE OF FILING NOTICE OF REMOVAL

Defendants CAR WASH HEADQUARTERS, INC., d/b/a MISTER CARWASH, a Foreign Profit Corporation (“Mister Car Wash” or “Defendant”), and JEFFREY BURR (“Burr”) (collectively “Defendants”), pursuant to 28 U.S.C. § 1446(d), hereby file this Notice of Filing Notice of Removal. Defendants have removed the above-captioned matter from the Court of the Eighteenth Judicial Circuit, in and for Seminole County, Florida, to the United States District Court for the Middle District of Florida, Orlando Division. A copy of the Notice of Removal is attached as Exhibit A.

Dated this 3rd day of April, 2018.

Respectfully submitted,

LITTLER MENDELSON, P.C.
111 North Magnolia Avenue, Suite 1250
Orlando, Florida 32801

¹ The d/b/a of Defendant Car Wash Headquarters, Inc., was improperly named as “Mister Carwash” instead of “Mister Car Wash” and will work with counsel for Plaintiff to have this corrected.

Telephone: (407) 393-2900

Facsimile: (407) 393-2929

By: /s/ Nancy A. Johnson
Kimberly Doud
Florida Bar No.: 0523771
Email: kdoud@littler.com

Nancy A. Johnson
Florida Bar No.: 0597562
Email: najohnson@littler.com

Attorneys for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of April, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send a copy via email to the following: Jay P. Lechner, Esq., Whittel & Melton, LLC, One Progress Plaza, 200 Central Avenue, #400, St. Petersburg, FL 33701, pleadings@FLlawfirm.com; lechneri@theFLlawfirm.com; Sonia@theFLlawfirm.com.

/s/ Nancy A. Johnson
Nancy A. Johnson

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 THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS
PEDRO GONZALEZ, on behalf of himself and others similarly situated,
(b) County of Residence of First Listed Plaintiff
(EXCEPT IN U.S. PLAINTIFF CASES)
(c) Attorney's (Firm Name, Address, and Telephone Number)
Jay P. Lechner, Esq., One Progress Plaza, 200 Central Ave., #400, St. Petersburg, FL 33701, 727-811-1111

DEFENDANTS
CAR WASH HEADQUARTERS, INC., d/b/a MISTER CARWASH, a Foreign Profit Corporation and JEFFREY BURR,
County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.
Attorneys (If Known)
Nancy A. Johnson, Esq., Kimberly J. Doud, Esq., c/o Littler Mendelson, P.C., 111 N. Magnolia Avenue, Suite 1250, Orlando, FL

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)
1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
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)
(PDF DEF)
Citizen of This State 1 1
Citizen of Another State 2 2
Citizen or Subject of a Foreign Country 3 3
Incorporated or Principal Place of Business In This State 4 4
Incorporated and Principal Place of Business In Another State 5 5
Foreign Nation 6 6

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

Table with 5 columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, SOCIAL SECURITY, FEDERAL TAX SUITS, BANKRUPTCY, OTHER STATUTES. Contains various legal categories and checkboxes.

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
7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
29 U.S.C. §§ 207 and 216(b) et. seq. (FLSA)
Brief description of cause:
Plaintiff is alleging that Defendants failed to pay overtime compensation due and owing

VII. REQUESTED IN COMPLAINT:
CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23
DEMAND \$
CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY
(See instructions): JUDGE DOCKET NUMBER

DATE 04/03/2018
SIGNATURE OF ATTORNEY OF RECORD /s/ Nancy A. Johnson Bar #0597562

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.C.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; 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 clerks 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. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

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 dollar amount (in thousands of dollars) 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.

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Lawsuit Against Mister Car Wash Seeking Allegedly Unpaid OT Wages](#)
