

FILED

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
OCALA DIVISION

2017 SEP -5 AM 11:00

CLERK, US DISTRICT COURT  
MIDDLE DISTRICT OF FL  
OCALA FLORIDA

ALANA HANSHAW, on behalf of  
herself and others similarly situated,

Plaintiff,

v.

CASE NO.: 5:17-cv-410-OC-41PRC

VETERANS & MEDICAID PLANNING  
GROUP, PLLC, a Florida professional  
limited liability company,  
and ERIC MILLHORN, individually,

Defendants.

\_\_\_\_\_ /

**WAGE THEFT COMPLAINT AND DEMAND FOR JURY TRIAL**

Plaintiff, ALANA HANSHAW ("Plaintiff"), on behalf of herself and others similarly situated, hereby sues the Defendants, VETERANS & MEDICAID PLANNING GROUP, PLLC, and ERIC MILLHORN (collectively, "Defendants") and alleges as follows:

**JURISDICTION, VENUE AND PARTIES**

1. This is an action brought under the Fair Labor Standards Act, as amended, 29 U.S.C. § 216(b) ("FLSA"). Accordingly, this Court has subject-matter jurisdiction.

2. Venue is proper within the Middle District of Florida because a substantial part of the events giving rise to this claim arose here.

3. At all times material, Plaintiff was/is a resident of Marion County, Florida.

4. At all times material, Defendant, VETERANS & MEDICAID PLANNING GROUP, PLLC, was/is a Florida Professional Limited Liability Company authorized to conduct business in the State of Florida, with its principal place of business at 11294 US Highway 301, Oxford, Sumter County, Florida 34484.

5. At all times material, Defendant, ERIC MILLHORN, was/is a resident of Sumter County, Florida.

#### **GENERAL ALLEGATIONS**

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

7. 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).

8. During at least one of the relevant years, Defendants had an annual dollar volume of sales or business of at least \$500,000.

9. Plaintiff was employed by Defendants from October 2013 through June 2017 as a paralegal.

10. At some point during her employment, Defendants informally changed Plaintiff's title to "Manager of Client Relations," but her primary job duties remained those of a non-exempt paralegal.

11. While employed by Defendants, Plaintiff engaged in commerce or in the production of goods for commerce.

12. Defendant MILLHORN is an owner of Defendant VETERANS &

MEDICAID PLANNING GROUP, PLLC and exercises significant control over the company's operations, including but not limited to possessing the power to hire and fire employees, the power to determine salaries, the responsibility to maintain employment records and other signs of operational control over significant aspects of the company's day-to-day functions.

13. 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 paralegals and not paid overtime compensation.

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

15. 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.

16. 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.

17. Defendants failed to keep accurate time records as required by the FLSA. Accordingly, Plaintiff, and all others similarly situated, are required to provide only a reasonable approximation of the number of overtime hours worked for which compensation is owed, which is presumed correct. The burden then shifts to the

Defendants to overcome this presumption. *Anderson v. Mt. Clemens Pottery Co.*, 328 U.S. 680, 687-88 (1946).

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

19. Plaintiff has been required to retain the undersigned counsel to represent her 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 herself 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), and awarding all such other relief as the Court deems just and appropriate.

**COUNT II**  
**WAGE THEFT/BREACH OF ORAL CONTRACT**  
**(Veterans & Medicaid Planning Group, PLLC)**

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

25. Plaintiff has earned unpaid wages which are owed and payable by Defendant pursuant to Florida Statute Chapter 448 and/or an agreement between the parties.

26. Specifically, pursuant to an oral agreement between the parties, Defendant Veterans & Medicaid Planning Group, PLLC promised to pay Plaintiff a quarterly bonus.

27. Plaintiff performed her duties under the oral agreement to qualify for the quarterly bonus, which Defendant owed to Plaintiff at the time of her termination.

28. Defendant, despite Plaintiff's reasonable attempts to obtain payment of these earned monies, has failed and refused to make payment to Plaintiff as required by Florida Statute Chapter 448 and/or the oral agreement between the parties, thereby engaging in unlawful Wage Theft.

29. As a result of Defendant's Wage Theft and failure to pay earned wages, Plaintiff has suffered damages, including wages, interest and attorneys' fees.

WHEREFORE, Plaintiff prays for the following relief: (i) Declaratory judgment

finding that Defendant has engaged in unlawful Wage Theft; (ii) Awarding damages in the amount of the unpaid wages owed, plus attorneys' fees and costs pursuant to Fla. Stat. § 448.08; (iii) Injunctive relief prohibiting Defendant from further engaging in Wage Theft; and (iv) awarding all such other relief as the Court deems just and appropriate.

**JURY TRIAL DEMAND**

Plaintiff demands trial by jury as to all issues.

DATED this 1<sup>st</sup> day of September, 2017.

Respectfully submitted,  
**WHITTEL & MELTON, LLC**  
/s/ Jay P. Lechner  
Jay P. Lechner, Esq.  
Florida Bar No.: 0504351  
Jason M. Melton, Esq.  
Florida Bar No.: 605034  
One Progress Plaza  
200 Central Avenue, #400  
St. Petersburg, Florida 33701  
Telephone: (727) 822-1111  
Facsimile: (727) 898-2001  
Service Email:  
[Pleadings@theFLlawfirm.com](mailto:Pleadings@theFLlawfirm.com)  
[lechnerj@theFLlawfirm.com](mailto:lechnerj@theFLlawfirm.com)  
[sonia@theFLlawfirm.com](mailto:sonia@theFLlawfirm.com)  
*Attorneys for Plaintiff*

### CIVIL COVER SHEET

JS 44 (Rev. 11/15)

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**

ALANA HANSHAW, on behalf of herself and others similarly situated.

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

(c) Attorneys (Firm Name, Address, and Telephone Number)  
WHITTEL & MELTON, LLC, Jay P. Lechner, Esq., One Progress Plaza,  
200 Central Avenue, #400, St. Petersburg, Florida 33701  
(727) 822-1111

**DEFENDANTS**  
VETERANS & MEDICAID PLANNING GROUP, PLLC, and ERIC MILLHORN

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

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

Attorneys (If Known)  
TROW, DOBBINS & PISANI, P.A., Linda G. Pisani, Esq., 1301 NE  
14th Street, Ocala, FL 34470-4641, (352)369-8830

**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)**

<p><b>CONTRACT</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> 110 Insurance</li> <li><input type="checkbox"/> 120 Marine</li> <li><input type="checkbox"/> 130 Miller Act</li> <li><input type="checkbox"/> 140 Negotiable Instrument</li> <li><input type="checkbox"/> 150 Recovery of Overpayment &amp; Enforcement of Judgment</li> <li><input type="checkbox"/> 151 Medicare Act</li> <li><input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)</li> <li><input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits</li> <li><input type="checkbox"/> 160 Stockholders' Suits</li> <li><input type="checkbox"/> 190 Other Contract</li> <li><input type="checkbox"/> 195 Contract Product Liability</li> <li><input type="checkbox"/> 196 Franchise</li> </ul>	<p><b>PERSONAL INJURY</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> 310 Airplane</li> <li><input type="checkbox"/> 315 Airplane Product Liability</li> <li><input type="checkbox"/> 320 Assault, Libel &amp; Slander</li> <li><input type="checkbox"/> 330 Federal Employers' Liability</li> <li><input type="checkbox"/> 340 Marine</li> <li><input type="checkbox"/> 345 Marine Product Liability</li> <li><input type="checkbox"/> 350 Motor Vehicle</li> <li><input type="checkbox"/> 355 Motor Vehicle Product Liability</li> <li><input type="checkbox"/> 360 Other Personal Injury</li> <li><input type="checkbox"/> 362 Personal Injury - Medical Malpractice</li> </ul>	<p><b>PERSONAL INJURY</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> 365 Personal Injury - Product Liability</li> <li><input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability</li> <li><input type="checkbox"/> 368 Asbestos Personal Injury Product Liability</li> </ul> <p><b>PERSONAL PROPERTY</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> 370 Other Fraud</li> <li><input type="checkbox"/> 371 Truth in Lending</li> <li><input type="checkbox"/> 380 Other Personal Property Damage</li> <li><input type="checkbox"/> 385 Property Damage Product Liability</li> </ul>	<p><b>FORFEITURE/PENALTY</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881</li> <li><input type="checkbox"/> 690 Other</li> </ul>	<p><b>BANKRUPTCY</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> 422 Appeal 28 USC 158</li> <li><input type="checkbox"/> 423 Withdrawal 28 USC 157</li> </ul>	<p><b>OTHER STATUTES</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> 375 False Claims Act</li> <li><input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))</li> <li><input type="checkbox"/> 400 State Reapportionment</li> <li><input type="checkbox"/> 410 Antitrust</li> <li><input type="checkbox"/> 430 Banks and Banking</li> <li><input type="checkbox"/> 450 Commerce</li> <li><input type="checkbox"/> 460 Deportation</li> <li><input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations</li> <li><input type="checkbox"/> 480 Consumer Credit</li> <li><input type="checkbox"/> 490 Cable/Sat TV</li> <li><input type="checkbox"/> 850 Securities/Commodities/Exchange</li> <li><input type="checkbox"/> 890 Other Statutory Actions</li> <li><input type="checkbox"/> 891 Agricultural Acts</li> <li><input type="checkbox"/> 893 Environmental Matters</li> <li><input type="checkbox"/> 895 Freedom of Information Act</li> <li><input type="checkbox"/> 896 Arbitration</li> <li><input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision</li> <li><input type="checkbox"/> 950 Constitutionality of State Statutes</li> </ul>	
<p><b>REAL PROPERTY</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> 210 Land Condemnation</li> <li><input type="checkbox"/> 220 Foreclosure</li> <li><input type="checkbox"/> 230 Rent Lease &amp; Ejectment</li> <li><input type="checkbox"/> 240 Torts to Land</li> <li><input type="checkbox"/> 245 Tort Product Liability</li> <li><input type="checkbox"/> 290 All Other Real Property</li> </ul>	<p><b>CIVIL RIGHTS</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> 440 Other Civil Rights</li> <li><input type="checkbox"/> 441 Voting</li> <li><input type="checkbox"/> 442 Employment</li> <li><input type="checkbox"/> 443 Housing/Accommodations</li> <li><input type="checkbox"/> 445 Amer. w/Disabilities - Employment</li> <li><input type="checkbox"/> 446 Amer. w/Disabilities - Other</li> <li><input type="checkbox"/> 448 Education</li> </ul>	<p><b>PRISONER PETITIONS</b></p> <p>Habens Corpus:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> 463 Alien Detainee</li> <li><input type="checkbox"/> 510 Motions to Vacate Sentence</li> <li><input type="checkbox"/> 530 General</li> <li><input type="checkbox"/> 535 Death Penalty</li> </ul> <p>Other:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> 540 Mandamus &amp; Other</li> <li><input type="checkbox"/> 550 Civil Rights</li> <li><input type="checkbox"/> 555 Prison Condition</li> <li><input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement</li> </ul>	<p><b>LABOR</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> 710 Fair Labor Standards Act</li> <li><input type="checkbox"/> 720 Labor/Management Relations</li> <li><input type="checkbox"/> 740 Railway Labor Act</li> <li><input type="checkbox"/> 751 Family and Medical Leave Act</li> <li><input checked="" type="checkbox"/> 790 Other Labor Litigation</li> <li><input type="checkbox"/> 791 Employee Retirement Income Security Act</li> </ul>	<p><b>PROPERTY RIGHTS</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> 820 Copyrights</li> <li><input type="checkbox"/> 830 Patent</li> <li><input type="checkbox"/> 840 Trademark</li> </ul>	<p><b>SOCIAL SECURITY</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> 861 HIA (1395ff)</li> <li><input type="checkbox"/> 862 Black Lung (923)</li> <li><input type="checkbox"/> 863 DIWC/DIWW (405(g))</li> <li><input type="checkbox"/> 864 SSID Title XVI</li> <li><input type="checkbox"/> 865 RSI (405(g))</li> </ul>	<p><b>FEDERAL TAX SUITS</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)</li> <li><input type="checkbox"/> 871 IRS—Third Party 26 USC 7609</li> </ul>
<p><b>IMMIGRATION</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> 462 Naturalization Application</li> <li><input type="checkbox"/> 465 Other Immigration Actions</li> </ul>						

**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 U.S.C. § 216(b)

Brief description of cause:  
Fair Labor Standards Act

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMANDS CHECK YES only if demanded in complaint:  
JURY DEMAND:  Yes  No

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

(See Instructions): JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

DATE: 09/01/2017 SIGNATURE OF ATTORNEY OF RECORD: /s/ Jay P. Lechner, Esq.

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT: \$400 APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

Doc 8433

# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Paralegal Seeks Unpaid Wages in Proposed Class Action](#)

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