

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO.:

JACKIE LARDIN, LACIE CARTER
and all others similarly situated,

Plaintiffs,

v.

ETW, LLC d/b/a WEST BOCA
VETERINARY CENTER,
and GREGG KUEHNEL,

Defendants.

PLAINTIFF'S COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiffs, JACKIE LARDIN and LACIE CARTER, by and through their undersigned counsel, hereby file this Complaint and Demand for Jury Trial against Defendants, ETW, LLC d/b/a WEST BOCA VETERINARY CENTER ("the Center"), and GREGG KUEHNEL ("Kuehnel"), and state the following:

NATURE OF ACTION

1. This is an action under the Fair Labor Standards Act ("FLSA"), 29 U.S.C. §201 et seq. Plaintiffs were formerly employed as technicians at Defendants' veterinary clinic. They were paid on an hourly basis and routinely worked more than 40 hours per week, but were never paid an overtime premium as required by the FLSA.

THE PARTIES

2. The Center is a veterinary clinic located in Boca Raton, Florida.

3. At all material times hereto, the Center had annual sales revenues in excess of \$500,000.00, and had two or more employees handling, selling or working on goods or materials that have moved in or were produced for commerce. The Center also used telephonic transmissions over state lines to do its business, transmitted funds outside the State of Florida, and accepted credit card payments and transfers and other forms of payment that were made or processed outside the State of Florida. Accordingly, the Center is an enterprise engaged in interstate commerce and subject to the FLSA.

4. At all times material hereto, Defendant Kuchnel was a manager of the Center (a limited liability company) and partial owner of the Center, exercised control over significant aspects of the Center's day-to-day functions, hired and fired employees, supervised employees and set their conditions of employment, established the methods and rules under which employees performed their jobs, and determined employees' rates, methods, and timing of compensation, and other matters in relation to employees, and therefore was an "employer" as defined by the FLSA.

JURISDICTION AND VENUE

5. Jurisdiction is conferred on this Court by 28 U.S.C. §§1331 (federal question jurisdiction).

6. Venue is appropriate in this Court, as the violations complained of occurred in Boca Raton, Florida, which is located in this judicial district.

FACTS OF CASE

7. Plaintiff Lardin was employed by Defendants as a technician from December 2015 to May 2017.

8. Plaintiff Carter was employed by Defendants as a technician from November 2014 to February 2017.

9. Plaintiffs routinely worked more than 40 hours per week but were never paid an overtime premium as required by the FLSA.

10. Plaintiffs' written consents to join this action are attached hereto as **Exhibits A and B.**

11. Plaintiffs have retained the undersigned counsel to represent them in this action.

COUNT I
FAILURE TO PAY OVERTIME COMPENSATION – FLSA VIOLATION
(AGAINST BOTH DEFENDANTS)

12. Plaintiffs adopt and reallege the allegations contained in paragraphs 1 through 11 as if fully set forth herein.

13. Defendants knowingly and willfully failed to pay Plaintiffs time and one-half of their regular rate of pay for all hours worked in excess of 40 per week.

14. By reason of the said intentional, willful and unlawful acts of Defendants, Plaintiffs have suffered monetary damages, which they are entitled to recover.

15. As a result of Defendants' willful violations of the FLSA, Plaintiffs are also entitled to recover liquidated damages.

16. Pursuant to 29 U.S.C. §216(b), Plaintiffs are also entitled to recover all reasonable attorney's fees and costs incurred in this action.

17. Upon information and belief, Defendants applied their unlawful pay practices policy to other employees. Accordingly, Plaintiffs intend to move to certify this case as a collective action pursuant to 29 U.S.C. §216(b).

WHEREFORE, Plaintiff demands judgment against Defendants for the payment of overtime wages, liquidated damages, reasonable attorney's fees and costs of suit, and for all proper relief including prejudgment interest.

JURY TRIAL DEMAND

Plaintiff demands a jury trial on the above claims.

Respectfully submitted,

/s/Richard Tuschman

Richard D. Tuschman, Esq.

Florida Bar No. 907480

E-mail: rtuschman@gtempoymentlawyers.com

2nd E-mail: assistant@gtempoymentlawyers.com

RICHARD D. TUSCHMAN, P.A.

8551 W. Sunrise Boulevard, Suite 303

Plantation, Florida 33322

Telephone: (954) 369-1050

Facsimile: (954) 380-8938

Attorney for Plaintiffs

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Defendants.

CONSENT TO JOIN COLLECTIVE ACTION

Fair Labor Standards Act of 1938
29 U.S.C. § 216(b)

I hereby consent to be a party plaintiff in a collective action brought against my current or former employers ETW, LLC d/b/a WEST BOCA VETERINARY CENTER, and GREGG KUEHNEL, to recover unpaid overtime wages owing to me and other similarly situated individuals under the FLSA, 29 U.S.C. § 201, et seq.

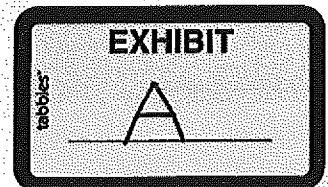
I hereby authorize RICHARD D. TUSCHMAN, P.A., to pursue any claims I may have, including such litigation as may be necessary, and I hereby consent, agree, and opt to become a party plaintiff herein and to be bound by any settlement of this action or adjudication by the Court.

If this case does not proceed collectively, then I also consent, agree, and option to become a party plaintiff in any subsequent action to assert FLSA claims against Defendant(s).

6/18/2017
Date

Jacqueline Lardin
Print Name

Jacqueline Lardin
Signature



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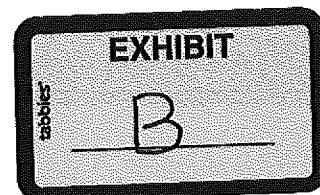
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06/13/2017

Date

Lacie L Carter

Signature



JS 44 (Rev. 08/16)

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

Jackie Lardin, Lacie Carter

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

(c) Attorneys (Firm Name, Address, and Telephone Number)

Richard D. Tuschman, P.A. 954-369-1050
8561 W. Sunrise Blvd. # 303
Plantation, FL 33322

DEFENDANTS

ETW, LLC d/b/a West Boca Veterinary Center and Gregg Kuehnel

County of Residence of First Listed Defendant Kuehnel
(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	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	<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 checked="" 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 IMMIGRATION <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 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			
<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			

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):

29 USC 201
Brief description of cause: FLSA

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

6-30-17

SIGNATURE OF ATTORNEY OF RECORD: _____

FOR OFFICE USE ONLY

RECEIPT # _____

AMOUNT _____

APPLYING IFR _____

JUDGE _____

MAG. JUDGE _____

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_____ /

SUMMONS IN A CIVIL ACTION

TO: ETW, LLC d/b/a WEST BOCA VETERINARY CENTER
c/o RAYMOND CAHILL, as Registered Agent
12555 ORANGE DRIVE
SUITE 123
DAVIE, FL 33330

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:

Richard D. Tuschman, Esq.
RICHARD D. TUSCHMAN, P.A.
8551 W. Sunrise Boulevard, Suite 303
Plantation, Florida 33322
Telephone: (954) 369-1050
Facsimile: (954) 380-8938
rtuschman@gemploymentlawyers.com

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

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_____ /

SUMMONS IN A CIVIL ACTION

TO: GREGG KUEHNEL
9908 YAMATO ROAD
SUITE 102
BOCA RATON, FL 33434

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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

ClassAction.org

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