

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

MIAMI DIVISION

CASE NO.:

CARLOS ALBERTO PAVON;
ALEXANDER PINEYRO-PEREZ;
YUDIESKY SALGUEIRO QUINTANA;
YOSMIEL SALGUEIRO ACEBO; and
RANDY JAVIER FARINAS WONG
individually, and on behalf of
others similarly situated;

Plaintiffs,

v.

ON TIME MOVING SYSTEM, INC., a Florida
corporation, and DAVID MOR., individually

Defendants.

**COLLECTIVE ACTION AND COMPLAINT FOR
DAMAGES AND DEMAND FOR JURY TRIAL**

Plaintiffs CARLOS ALBERTO PAVON (“CARLOS”); ALEXANDER PINEYRO-PEREZ (“ALEXANDER”); YUDIESKY SALGUEIRO QUINTANA (“YUDIESKY”); YOSMIEL SALGUEIRO ACEBO (“YOSMIEL”); and RANDY JAVIER FARINAS WONG (“RANDY”) individually and on behalf of other similarly situated employees (collectively, “Plaintiffs”), bring this collective action and complaint for damages and demand for a jury trial against Defendants ON TIME MOVING SYSTEM, INC. (“Defendant OTMS”), and DAVID MOR (“Defendant MOR”) (collectively, “Defendants”), for back wages owed by Defendants in violation of §7 of the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. §201, *et seq.* (“the FLSA”), and in support thereof, alleges as follows:

SOCORRO LAW, P.A.

355 Alhambra Circle, Suite 801, Coral Gables, FL 33134 • Tel: 305-444-6628 • Fax: 305-444-6627

PARTIES, JURISDICTION AND VENUE

1. CARLOS was and is a resident of Miami-Dade County, Florida at all times material hereto and he is *sui juris*. He was an hourly non-exempt employee of Defendants, as the term “employee” is defined by 29 U.S.C. § 203(e), who earned, but did not receive, overtime wages calculated at time and one-half times his regular rate of pay of the time spent working over 40 hours per week from Defendants at all times material hereto. Plaintiff consents to participate in this lawsuit (See [DE 1-1]).

2. ALEXANDER was and is a resident of Miami-Dade County, Florida at all times material hereto and he is *sui juris*. He was an hourly non-exempt employee of Defendants, as the term “employee” is defined by 29 U.S.C. § 203(e), who earned, but did not receive, overtime wages calculated at time and one-half times his regular rate of pay of the time spent working over 40 hours per week from Defendants at all times material hereto. Plaintiff consents to participate in this lawsuit (See [DE 1-2]).

3. YUDIESKY was and is a resident of Miami-Dade County, Florida at all times material hereto and he is *sui juris*. He was an hourly non-exempt employee of Defendants, as the term “employee” is defined by 29 U.S.C. § 203(e), who earned, but did not receive, overtime wages calculated at time and one-half times his regular rate of pay of the time spent working over 40 hours per week from Defendants at all times material hereto. Plaintiff consents to participate in this lawsuit (See [DE 1-3]).

4. YOSMIEL was and is a resident of Miami-Dade County, Florida at all times material hereto and he is *sui juris*. He was an hourly non-exempt employee of Defendants, as the term “employee” is defined by 29 U.S.C. § 203(e), who earned, but did not receive, overtime wages calculated at time and one-half times his regular rate of pay of the time spent working over

40 hours per week from Defendants at all times material hereto. Plaintiff consents to participate in this lawsuit (See [DE 1-4]).

5. RANDY was and is a resident of Miami-Dade County, Florida at all times material hereto and he is *sui juris*. He was an hourly non-exempt employee of Defendants, as the term “employee” is defined by 29 U.S.C. § 203(e), who earned, but did not receive, overtime wages calculated at time and one-half times his regular rate of pay of the time spent working over 40 hours per week from Defendants at all times material hereto. Plaintiff consents to participate in this lawsuit (See [DE 1-5]).

6. Defendant OTMS is and was, at all times material hereto, a Florida Corporation that was authorized to and actually conducted its for-profit business in this district, and it is *sui juris*. It maintains its principal place of business in the district of Miami-Dade County, Florida.

7. Defendant MOR was and is the owner and operator of the corporate Defendant, Defendant OTMS, for the relevant time period. At all times material hereto, Defendant MOR ran Defendant OTMS’s day-to-day operations, had supervisory authority over Plaintiffs and was partially or totally responsible for paying Plaintiffs’ wages and is *sui juris*. He lives in Miami-Dade County, Florida.

8. Defendants were Plaintiffs’ direct employers, joint employers and co-employers for purposes of the FLSA, as the term “employer” is defined by 29 U.S.C. § 203(d). All Defendants employed Plaintiffs.

9. This Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C. § 1331 because this suit is based on claims made under Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201, et seq. Jurisdiction is further conferred upon this Court by 28 U.S.C. § 1337.

10. Venue is proper in this Court under 28 U.S.C. § 1391(b)(ii) because “a substantial part of the events or omissions giving rise to the claim” occurred within the Southern District of Florida, because Defendants transact substantial, and not isolated, business within the Southern District of Florida, because Defendants maintain several offices and their principal place of business and/or live in this District, because Defendants’ paid Plaintiffs, and other similarly situated employees, in this District, and because Plaintiffs, and all other similarly situated employees, worked overtime in this District.

BACKGROUND AND STATEMENT OF FACTS

11. Defendants have been at all times material hereto engaged in interstate commerce in the course of their provision of national and international residential and commercial moving services, in South Florida which, traditionally, cannot be performed without using goods, materials, supplies and equipment that have all moved through interstate commerce. Furthermore, Defendants engage in interstate commerce in the course of their submission of billings and receipt of payment involving out-of-state payors. Defendants’ annual gross revenues derived from this interstate commerce are believed to be in excess of \$500,000.00 per annum during the relevant periods.

12. In particular, Defendants perform a full range of moving services, inter and intra state, that utilize tools, goods, equipment, machinery, computers, telephones, phone systems, and other materials and supplies to engage in interstate commerce.

13. Defendants regularly employed two or more employees for the relevant time period that handled goods or materials that travelled through interstate commerce, or used instrumentalities of interstate commerce, thus making Defendants’ business an enterprise covered under the Fair Labor Standards Act (“FLSA”).

14. Plaintiffs worked for Defendant from approximately August 2010 until April 7, 2017. To the extent that records exist regarding the exact dates of Plaintiff s employment exist, such records are in the exclusive custody of Defendants.

15. Plaintiffs' worked for Defendants, as well as, the work of other similarly situated employees of Defendants, was actually in or so closely related to the movement of commerce while they and other similarly situated employees worked for Defendants that the FLSA applies to Plaintiffs' work for Defendants in the course of their performing moving services and utilizing tools, machinery, and other moving goods and supplies that moved through interstate commerce. Plaintiffs would regularly work with tools, gloves, materials, equipment, and supplies that moved in interstate commerce prior to their use of same.

16. Plaintiffs sue on behalf of themselves and other similarly situated non-exempt employees who were employed or currently are employed by Defendants and who elect to opt in to this action.

17. Defendants have violated the wage and hour provisions of the FLSA by depriving Plaintiffs and other similarly situated employees of payment of overtime wages.

18. Throughout Plaintiffs' employment, Plaintiffs, and other similarly situated employees, regularly worked for Defendants in excess of forty (40) hours per week

A. CARLOS

19. Carlos was employed by Defendants as a non-exempt employee from approximately August 1, 2015 through August 25, 2017.

20. During his employment, Defendants scheduled CARLOS to work approximately 65 hours per week.

21. During his employment, Defendants paid Carlos an hourly rate of \$7 to \$8.50 per hour regardless of the hours that he worked.

B. ALEXANDER

22. ALEXANDER was employed by Defendants as a non-exempt employee from approximately June 23, 2016 through August 25, 2017.

23. During his employment, Defendants scheduled ALEXANDER to work approximately 65 hours per week.

24. During his employment, Defendants paid ALEXANDER an hourly rate of \$15 per hour regardless of the hours that he worked.

C. YUDIESKY

25. YUDIESKY was employed by Defendants as a non-exempt employee from approximately October 14, 2016 through August 25, 2017.

26. During his employment, Defendants scheduled YUDIESKY to work approximately 65 hours per week.

27. During his employment, Defendants paid YUDIESKY an hourly rate of \$12 per hour regardless of the hours that he worked.

D. YOSMIEL

28. YOSMIEL was employed by Defendants as a non-exempt employee from approximately February 17, 2017 through August 25, 2017.

29. During his employment, Defendants scheduled YOSMIEL to work approximately 65 hours per week.

30. During his employment, Defendants paid YOSMIEL an hourly rate of \$11 per hour regardless of the hours that he worked.

E. RANDY

31. RANDY was employed by Defendants as a non-exempt employee from approximately June 16, 2016 through August 10, 2017.

32. During his employment, Defendants scheduled RANDY to work approximately 65 hours per week.

33. During his employment, Defendants paid RANDY an hourly rate of \$14 to \$15 per hour regardless of the hours that he worked.

34. As to all Plaintiffs, Defendants willfully refused to pay Plaintiffs the overtime amount owed for each and every hour worked by Plaintiffs over forty hours a week.

35. Plaintiffs retained the law offices of the undersigned attorneys to represent them in this action and are obligated to pay a reasonable attorneys' fee for all services rendered.

36. All conditions precedent have been satisfied by Plaintiffs or waived by Defendants.

COUNT I – VIOLATION OF THE FLSA OVERTIME PROVISIONS

(By CARLOS as to All Defendants)

37. CARLOS realleges and incorporates herein all of the allegations set forth in paragraphs 1 through 36, above as if set forth herein.

38. Defendants willfully and intentionally refused to pay CARLOS, and other similar situated employees, overtime wages calculated at a rate of time and one-half times his regular rate of pay for all hours worked over 40 hours in a given workweek.

39. Defendants either recklessly failed to investigate whether their failure to pay CARLOS an overtime wage for the hours he worked during the relevant time period violated the Federal Wage Laws of the United States, they intentionally misled CARLOS to believe that

Defendants were not required to pay him overtime, and/or Defendants concocted a scheme pursuant to which they deprived CARLOS of the overtime pay he earned.

40. Defendants have not made a good faith effort to comply with the FLSA with respect to its compensation of CARLOS and other similarly situated employees.

41. As a result of Defendants violations of the FLSA, CARLOS, and other similarly situated employees, suffered damages because they were denied overtime wages in accordance with sections 206 and 207 of the FLSA.

42. CARLOS is entitled to a back-pay award of overtime wages for all overtime hours worked, plus an equal amount as a penalty, plus all attorneys' fees and costs.

COUNT II – VIOLATION OF THE FLSA OVERTIME PROVISIONS

(By ALEXANDER as to All Defendants)

43. ALEXANDER realleges and incorporates herein all of the allegations set forth in paragraphs 1 through 36, above as if set forth herein.

44. Defendants willfully and intentionally refused to pay ALEXANDER, and other similar situated employees, overtime wages calculated at a rate of time and one-half times his regular rate of pay for all hours worked over 40 hours in a given workweek.

45. Defendants either recklessly failed to investigate whether their failure to pay ALEXANDER an overtime wage for the hours he worked during the relevant time period violated the Federal Wage Laws of the United States, they intentionally misled ALEXANDER to believe that Defendants were not required to pay him overtime, and/or Defendants concocted a scheme pursuant to which they deprived ALEXANDER of the overtime pay he earned.

46. Defendants have not made a good faith effort to comply with the FLSA with respect to its compensation of ALEXANDER and other similarly situated employees.

47. As a result of Defendants violations of the FLSA, ALEXANDER, and other similarly situated employees, suffered damages because they were denied overtime wages in accordance with sections 206 and 207 of the FLSA.

48. ALEXANDER is entitled to a back-pay award of overtime wages for all overtime hours worked, plus an equal amount as a penalty, plus all attorneys' fees and costs.

COUNT III – VIOLATION OF THE FLSA OVERTIME PROVISIONS

(By YUDIESKY as to All Defendants)

49. YUDIESKY realleges and incorporates herein all of the allegations set forth in paragraphs 1 through 36, above as if set forth herein.

50. Defendants willfully and intentionally refused to pay YUDIESKY, and other similar situated employees, overtime wages calculated at a rate of time and one-half times his regular rate of pay for all hours worked over 40 hours in a given workweek.

51. Defendants either recklessly failed to investigate whether their failure to pay YUDIESKY an overtime wage for the hours he worked during the relevant time period violated the Federal Wage Laws of the United States, they intentionally misled YUDIESKY to believe that Defendants were not required to pay him overtime, and/or Defendants concocted a scheme pursuant to which they deprived YUDIESKY of the overtime pay he earned.

52. Defendants have not made a good faith effort to comply with the FLSA with respect to its compensation of YUDIESKY and other similarly situated employees.

53. As a result of Defendants violations of the FLSA, YUDIESKY, and other similarly situated employees, suffered damages because they were denied overtime wages in accordance with sections 206 and 207 of the FLSA.

54. YUDIESKY is entitled to a back-pay award of overtime wages for all overtime hours worked, plus an equal amount as a penalty, plus all attorneys' fees and costs.

COUNT IV – VIOLATION OF THE FLSA OVERTIME PROVISIONS

(By YOSMIEL as to All Defendants)

55. YOSMIEL realleges and incorporates herein all of the allegations set forth in paragraphs 1 through 36, above as if set forth herein.

56. Defendants willfully and intentionally refused to pay YOSMIEL, and other similar situated employees, overtime wages calculated at a rate of time and one-half times his regular rate of pay for all hours worked over 40 hours in a given workweek.

57. Defendants either recklessly failed to investigate whether their failure to pay YOSMIEL an overtime wage for the hours he worked during the relevant time period violated the Federal Wage Laws of the United States, they intentionally misled YOSMIEL to believe that Defendants were not required to pay him overtime, and/or Defendants concocted a scheme pursuant to which they deprived YOSMIEL of the overtime pay he earned.

58. Defendants have not made a good faith effort to comply with the FLSA with respect to its compensation of YOSMIEL and other similarly situated employees.

59. As a result of Defendants violations of the FLSA, YOSMIEL, and other similarly situated employees, suffered damages because they were denied overtime wages in accordance with sections 206 and 207 of the FLSA.

60. YOSMIEL is entitled to a back-pay award of overtime wages for all overtime hours worked, plus an equal amount as a penalty, plus all attorneys' fees and costs.

COUNT V – VIOLATION OF THE FLSA OVERTIME PROVISIONS

(By RANDY as to All Defendants)

61. RANDY realleges and incorporates herein all of the allegations set forth in paragraphs 1 through 36, above as if set forth herein.

62. Defendants willfully and intentionally refused to pay RANDY, and other similar situated employees, overtime wages calculated at a rate of time and one-half times his regular rate of pay for all hours worked over 40 hours in a given workweek.

63. Defendants either recklessly failed to investigate whether their failure to pay RANDY an overtime wage for the hours he worked during the relevant time period violated the Federal Wage Laws of the United States, they intentionally misled RANDY to believe that Defendants were not required to pay him overtime, and/or Defendants concocted a scheme pursuant to which they deprived RANDY of the overtime pay he earned.

64. Defendants have not made a good faith effort to comply with the FLSA with respect to its compensation of RANDY and other similarly situated employees.

65. As a result of Defendants violations of the FLSA, RANDY, and other similarly situated employees, suffered damages because they were denied overtime wages in accordance with sections 206 and 207 of the FLSA.

66. RANDY is entitled to a back-pay award of overtime wages for all overtime hours worked, plus an equal amount as a penalty, plus all attorneys' fees and costs.

WHEREFORE, CARLOS ALBERTO PAVON; ALEXANDER PINEYRO-PEREZ; YUDIESKY SALGUEIRO QUINTANA; YOSMIEL SALQUEIRO ACEBO; RANDY JAVIER FARINAS WONG individually and on behalf of other similarly situated employees, demand the

entry of a judgment in each Plaintiffs' favor and against Defendants ON TIME MOVING SYSTEM, INC. and DAVID MOR, after trial by jury and as follows:

- i. That Plaintiffs each recover compensatory damages and an equal amount of liquidated damages for the past three (3) years as provided under the law and in 29 U.S.C. §216(b), 29 U.S.C. § 201, et seq. and any supporting U.S. Department of Labor Regulations;
- ii. Because Defendants willfully violated the FLSA, a three (3) year statute of limitations applies to such violations pursuant to 29 U.S.C. § 255;
- iii. That Plaintiffs each recover an award of reasonable attorney's fees, costs, expenses and all other compensation available to them pursuant to 29 U.S.C. § 216(b);
- iv. That Defendants be Ordered to make Plaintiff, and all similar situated employees, whole by providing appropriate overtime pay and other benefits to each wrongly denied in an amount to be shown at trial; and
- v. Any other relief the Court deems just and proper.

REQUEST FOR TRIAL BY JURY

67. Plaintiffs hereby requests trial by jury on all matters so triable.

Dated this 30th day of October, 2017.

Respectfully submitted,

SOCORRO LAW, PA
Counsel for Plaintiffs
355 Alhambra Circle
Suite 801
Coral Gables, Florida 33134
Telephone: (305) 444-6628

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Facsimile: (305) 444-6627

Email: jose@socorrolaw.com

By: /s/ José A. Socorro

JOSÉ A. SOCORRO

Florida Bar No.: 011675

SOCORRO LAW, P.A.

355 Alhambra Circle, Suite 801, Coral Gables, FL 33134 • Tel: 305-444-6628 • Fax: 305-444-6627

DECLARATION AND NOTICE OF CONSENT TO JOIN

Pursuant to 28 U.S.C. §1746, I, CARLOS ALBERTO PAVON, hereby make the following declaration:

1. I am over 18 years of age and am capable of making this declaration.

This declaration is made on my own personal knowledge.

2. Pursuant to 29 U.S.C. §216(b), I consent to serve as a party Plaintiff in the above- referenced FLSA opt-in collective action.

3. I was employed by ON TIME MOVING SYSTEM, INC and DAVID MOR, Jr. from August 1, 2015 through August 25, 2017.

4. I was not paid at least a minimum wage and/or overtime wages for all of the time that I worked.

5. I agree to be bound by any decision in this case.

Dated this 27th day of October, 2017

 (signature)

Carlos A. Pavon (print)

DECLARATION AND NOTICE OF CONSENT TO JOIN

Pursuant to 28 U.S.C. §1746, I, ALEXANDER PINEYRO-PEREZ, hereby make the following declaration:

1. I am over 18 years of age and am capable of making this declaration.

This declaration is made on my own personal knowledge.

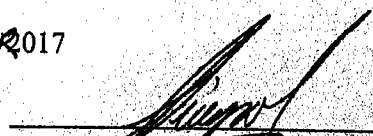
2. Pursuant to 29 U.S.C. §216(b), I consent to serve as a party Plaintiff in the above- referenced FLSA opt-in collective action.

3. I was employed by ON TIME MOVING SYSTEM, INC and DAVID MOR, Jr. from June 23, 2016 through August 25, 2017.

4. I was not paid at least a minimum wage and/or overtime wages for all of the time that I worked.

5. I agree to be bound by any decision in this case.

Dated this 27 day of October 2017



Alexander Pineyro (print)

(signature)

(print)

DECLARATION AND NOTICE OF CONSENT TO JOIN

Pursuant to 28 U.S.C. §1746, I, YUDIESKY SALGUEIRO QUINTANA, hereby make the following declaration:

1. I am over 18 years of age and am capable of making this declaration.

This declaration is made on my own personal knowledge.

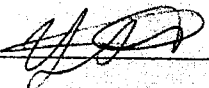
2. Pursuant to 29 U.S.C. §216(b), I consent to serve as a party Plaintiff in the above- referenced FLSA opt-in collective action.

3. I was employed by ON TIME MOVING SYSTEM, INC and DAVID MOR, Jr. from October 14, 2016 through August 25, 2017.

4. I was not paid at least a minimum wage and/or overtime wages for all of the time that I worked.

5. I agree to be bound by any decision in this case.

Dated this ~~27th~~ day of October, 2017

 (signature)

yudiesky salgueiro quintana(print)

DECLARATION AND NOTICE OF CONSENT TO JOIN

Pursuant to 28 U.S.C. §1746, I, YOSMIEL SALQUEIRO ACEBO, hereby make the following declaration:

1. I am over 18 years of age and am capable of making this declaration.

This declaration is made on my own personal knowledge.

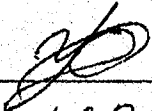
2. Pursuant to 29 U.S.C. §216(b), I consent to serve as a party Plaintiff in the above- referenced FLSA opt-in collective action.

3. I was employed by ON TIME MOVING SYSTEM, INC and DAVID MOR, Jr. from February 17, 2017 through August 25, 2017.

4. I was not paid at least a minimum wage and/or overtime wages for all of the time that I worked.

5. I agree to be bound by any decision in this case.

Dated this 27th day of October, 2017



YOSMIEL SALQUEIRO (print)

DECLARATION AND NOTICE OF CONSENT TO JOIN

Pursuant to 28 U.S.C. §1746, I, RANDY JAVIER FARINAS WONG, hereby make the following declaration:

1. I am over 18 years of age and am capable of making this declaration.

This declaration is made on my own personal knowledge.

2. Pursuant to 29 U.S.C. §216(b), I consent to serve as a party Plaintiff in the above- referenced FLSA opt-in collective action.

3. I was employed by ON TIME MOVING SYSTEM, INC and DAVID MOR, Jr. from June 16, 2016 through August 10, 2017.

4. I was not paid at least a minimum wage and/or overtime wages for all of the time that I worked.

5. I agree to be bound by any decision in this case.

Dated this 27th day of October, 2017



(signature)

Randy Javier Farinas Wong (print)

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.) NOTICE: Attorneys MUST Indicate All Re-filed Cases Below.

I. (a) PLAINTIFFS CARLOS ALBERTO PAVON; ALEXANDER PINEYRO-PEREZ; VINDESKY SALCUIEDO QUINTANA. DEFENDANTS ON TIME MOVING SYSTEM, INC., a Florida corporation, and DAVID MOR., individually

(b) County of Residence of First Listed Plaintiff Miami Dade (EXCEPT IN U.S. PLAINTIFF CASES) County of Residence of First Listed Defendant Miami Dade (IN U.S. PLAINTIFF CASES ONLY)

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

Jose A. Socorro, Esq., Socorro Law, PA, 355 Alhambra Circle, Ste. 801, Coral Gables, FL 33134

(d) Check County Where Action Arose: [X] MIAMI-DADE [] MONROE [] BROWARD [] PALM BEACH [] MARTIN [] ST. LUCIE [] INDIAN RIVER [] OKEECHOBEE [] HIGHLANDS

II. BASIS OF JURISDICTION (Place an "X" in One Box Only) III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Form with checkboxes for Basis of Jurisdiction (U.S. Government Plaintiff/Defendant, Federal Question, Diversity) and Citizenship of Principal Parties (Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country).

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

Large grid of checkboxes for Nature of Suit categories: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

V. ORIGIN (Place an "X" in One Box Only) 1 Original Proceeding [] 2 Removed from State Court [] 3 Re-filed (See VI below) [] 4 Reinstated or Reopened [] 5 Transferred from another district (specify) [] 6 Multidistrict Litigation Transfer [] 7 Appeal to District Judge from Magistrate Judgment [] 8 Multidistrict Litigation - Direct File [] 9 Remanded from Appellate Court []

VI. RELATED/ RE-FILED CASE(S) (See instructions): a) Re-filed Case [] YES [X] NO b) Related Cases [] YES [X] NO JUDGE: DOCKET NUMBER:

VII. CAUSE OF ACTION Cite the U.S. Civil Statute under which you are filing and Write a Brief Statement of Cause (Do not cite jurisdictional statutes unless diversity): violation of §7 of the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. §201, et seq. LENGTH OF TRIAL via days estimated (for both sides to try entire case)

VIII. REQUESTED IN COMPLAINT: [] CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ 100,000.00 CHECK YES only if demanded in complaint: JURY DEMAND: [X] Yes [] No

ABOVE INFORMATION IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE DATE November 1, 2017 SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY RECEIPT #

AMOUNT 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.

Refiled (3) Attach copy of Order for Dismissal of Previous case. Also complete VI.

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.

Remanded from Appellate Court. (8) Check this box if remanded from Appellate Court.

VI. Related/Refiled Cases. This section of the JS 44 is used to reference related pending cases or re-filed cases. Insert the docket numbers and the corresponding judges name for such cases.

VII. 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

VIII. 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.

Date and Attorney Signature. Date and sign the civil cover sheet.

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

CARLOS ALBERTO PAVON, et. al.

Plaintiff(s)

v.

ON TIME MOVING SYSTEM, INC., a Florida corporation, and DAVID MOR., individually

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) On Time Moving System, Inc. by Serving its Registered Agent, David Mor 1000 S.E. 8th Street Hialeah, FL 33010

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: Jose A. Socorro, Esq. SOCORRO LAW, PA 355 Alhambra Circle, Suite 801 Coral Gables, Florida 33134 Telephone: (305) 444-6628

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

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify):* _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____ .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Print

Save As...

Reset

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

CARLOS ALBERTO PAVON, et. al.

Plaintiff(s)

v.

ON TIME MOVING SYSTEM, INC., a Florida corporation, and DAVID MOR., individually

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) David Mor, individually and as President of On Time Moving System, Inc. 1000 S.E. 8th Street Hialeah, FL 33010

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:

Jose A. Socorro, Esq. SOCORRO LAW, PA 355 Alhambra Circle, Suite 801 Coral Gables, Florida 33134 Telephone: (305) 444-6628

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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_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
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Server's signature

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Additional information regarding attempted service, etc:

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Reset

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [On Time, Not Overtime: FL Moving Company Employees' Lawsuit Seeks Unpaid Wages](#)
