

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA MIAMI DIVISION

ALYSE PERSON and other
similarly situated individuals,

Case No:

Plaintiff(s)

v.

PROPHET MANASSEH JORDAN
MINISTRIES and PROPHET
YAKIM MANASSEH
JORDAN, individually

Defendant,

_____ /

COMPLAINT

COMES NOW the Plaintiff ALYSE PERSON (“Person”) and other similarly situated individuals, by and through the undersigned counsel, and hereby sues Defendant, Prophet Manasseh Jordan Ministries (the “Ministry”) and Prophet Yakim Manasseh Jordan (“Prophet Jordan”) and alleges:

JURISDICTION, VENUE, AND PARTIES

1. This is an action to recover money damages for unpaid overtime wages under the laws of the United States. This Court has jurisdiction pursuant to the Fair Labor Standards Act, 29 U.S.C. Sec. 201-219 (Section 216 for jurisdictional placement) (the “Act”).
2. Plaintiff, ALYSE PERSON was a resident of Miami-Dade County at the time the allegations contained herein occurred; Plaintiff is a covered employee for purposes of the Act.
3. Defendant, Prophet Manasseh Jordan Ministries is a Florida corporation having its place of business in Miami-Dade County, Florida where Plaintiff worked for Defendant and at all times material hereto, defendant was engaged in interstate commerce.

4. The individual, Prophet Yakim Manasseh Jordan was and is now, the principal for the Ministry.
5. All actions raised in this Complaint took place in Miami Dade County, Florida within the jurisdiction of this Court.

GENERAL ALLEGATIONS

6. This CAUSE OF ACTION IS BROUGHT BY Plaintiff, ALYSE PERSON to recover from Defendants overtime compensation, retaliatory relief, liquidated damages, costs and reasonable attorney's fees under the provisions of the Fair Labor Standards Act, as amended, 29 U.S.C. Sec 201 et seq (the "ACT").
7. Defendant, the Ministry purports to be a religious and/or faith based ministry engaged in interstate commerce.
8. Defendants, the Ministry and Prophet Jordan employed Plaintiff, Person for approximately 130 weeks or from March 10, 2015 to September 15, 2017.
9. Plaintiff was hired to be a part of the Ministry's marketing and training department.
10. At all times relevant hereto, Plaintiff was employed by Defendants as a non-exempt employee to perform non-exempt work as a trainer and marketing professional on projects assigned to her by Defendants.
11. Plaintiff was paid an average of \$1346.15 weekly.
12. Plaintiff was paid via check.
13. Defendants misclassified Person as an Independent Contractor. However, Plaintiff was an employee of Defendants, protected by FLSA regulations.
14. Plaintiff was an employee under the Department of Labor and Internal Revenue Service regulations.

15. At all times relevant hereto: 1) Defendants hired Plaintiff; 2) Plaintiff worked for Defendants an average of 45 hours per week for a period of 130 weeks; 3) Defendants had absolute control over Plaintiff's hours of work. Defendants provided Plaintiff with her work schedule; and Plaintiff was obliged to comply with the schedule; 4) Plaintiff depended exclusively on her employment with Defendants and she did not have any other employment; 5) Defendants assigned Plaintiff her duties and tasks; 6) the work performed by Plaintiff was an integral part of Defendants' business; 7) Plaintiff did not have any discretion to refuse work tasks; 8) Plaintiff performed work using Defendants' equipment; and 9) Defendant directed and closely supervised Plaintiff's work.
16. By reason of the foregoing, there existed an employment relationship within the meaning of 29 U.S.C. Sec 203(e)(1) between Defendants and Plaintiff.
17. Defendants were the employers of Plaintiff within the meaning of 29 U.S.C. Sec. 203 (d), and they were required to comply with the mandates of the FLSA as it applied to Plaintiff and other similarly situated employees.
18. Plaintiff regularly worked overtime hours without being paid proper compensation.
19. Defendants failed to pay Plaintiff at the rate of one half her regular rate of time.
20. Plaintiff maintained a regular work schedule. During the period of March 10, 2015 to September 15, 2017 Plaintiff worked from 9:30AM to 6:30PM (9 hours daily) or 45 hours per week. Plaintiff received no bona fide lunch break.
21. Defendants did not keep any time keeping method and did not keep track of the hours worked by Plaintiff.
22. Plaintiff worked in excess of 40 hours per week period however did not receive any additional compensation for overtime hours.

23. Defendants willfully failed to pay Plaintiff overtime hours at the rate of time and a half her regular rate, in violation of the Fair Labor Standards Act.
24. On or about September 15, 2016, Plaintiff received a phone call from a personal friend of Prophet Jordan whom advised that he was considering a suicide attempt because of a lover's quarrel with Prophet Jordan.
25. On or about the same time period Plaintiff complained to Defendants about her overtime hours.
26. Within a few days after Plaintiff brought the matter to Defendants' attention, Plaintiff was advised that her employment was terminated.
27. Plaintiff seeks to recover unpaid regular and overtime wages, retaliatory damages, and for any other relief allowable by law.
28. The additional persons who may become Plaintiffs in this action are employees and/or former employees of defendants who are and who were subject to the unlawful payroll practices and procedures of Defendants and were not paid overtime wages at the rate required by federal law.

COUNT I: WAGE AND HOUR FEDERAL STATUTORY VIOLATION; FAILURE TO PAY OVERTIME, AGAINST ALL DEFENDANTS

29. Plaintiff, Person re-adopts and re-alleges each and every factual allegation as stated in paragraphs 1-28 above as if fully set forth herein.
30. This cause of action is brought by Plaintiff as a collective action to recover from Defendants overtime compensation, liquidated damages, costs and reasonable attorney's fees under the provisions of the Fair Labor Standards Act, as amended, 29 U.S.C. § 201 et seq (the "FLA or the "ACT"), on behalf of Plaintiff and all other current and former employees similarly situated to Plaintiff ("the asserted class") and who worked in excess of forty (40) hours

during one or more weeks on or after March, 2015, (the “material time”) without being compensated “at a rate not less than one and a half times the regular rate at which he is employed.”

31. Defendant, the Ministry was and is engaged in interstate commerce as defined in §§ 3 (r) and 3(s) of the Act, 29 U.S.C. § 203(r) and 203(s)(1)(A). The Defendant is engaged in interstate commerce. Defendant uses the instrumentalities of interstate commerce. Defendant had more than two employees recurrently engaged in commerce by regularly and recurrently using the instrumentalities of interstate commerce to accept and solicit funds from non-Florida sources, by using electronic devices to authorize credit card transactions.
32. Upon information and belief, the annual gross revenue of the Employer/Defendant was at all times material hereto more than \$500,000 per annum.
33. By reason of the foregoing, Defendant’s business activities involve those to which the Fair Labor Standards Act applies. Therefore, there is FLSA enterprise coverage.
34. Plaintiff and those similarly-situated were employed by an enterprise engage in interstate commerce. Plaintiff and those similarly-situated through their daily activities were regularly engaged in interstate commerce. Therefore, there is FLSA individual coverage.
35. During their employment period with Defendants, Plaintiff, and the other employees in the asserted class regularly worked overtime hours (hour worked in excess of 40 per workweek, referred to herein as “overtime hours”) without being paid proper compensation. Defendants failed to pay Plaintiff at the rate of time and one-half their regular rate for every overtime hour, in violation of FLSA provisions.
36. Plaintiff maintained a regular schedule and worked 45 hours weekly.
37. The time records, if any, concerning the number of hours actually worked by Plaintiff and those similarly situated, and the compensation actually paid to such employees should be in

the possession and custody of Defendant. However, upon information and belief, Defendant did not maintain accurate time records of hours worked by Plaintiff and other employees.

38. Defendant violated the record keeping requirements of FLSA, 29 CFR Part 516.
39. Prior to the completion of discovery and to the best of Plaintiff's knowledge, at the time of the filing of this complaint, Plaintiff's good faith estimate of unpaid overtime wages is as follows: Please note that these amounts are based on a preliminary calculation and that these figures could be subject to modifications as discovery could dictate.
 - a. Total amount of alleged unpaid O/T wages:
 - b. Calculation of such wages:
40. At all times material hereto, the Employer/Defendant failed to comply with Title 29 U.S.C. §207 (a) (1), in that Plaintiff and those similarly-situated performed services and worked in excess of the maximum hours provided by the Act but no provision was made by the Defendant to properly pay them at the rate of time and one half for all hours worked in excess of forty hours (40) per workweek as provided in said Act.
41. Defendant knew and/or showed reckless disregard of the provisions of the Act concerning the payment of overtime wages as required by the Fair Labor Standards Act and remain owing Plaintiff and those similarly-situated these overtime wages since the commencement of Plaintiff's and those similarly-situated employee's employment with Defendant as set forth above, and Plaintiff and those similarly-situated are entitled to recover double damages.

42. At times mentioned, individual Defendant Prophet Jordan is the principal of the ministry and was the employer of Plaintiff and others similarly situated within the meaning of Section 3(d) of the "Fair Labor Standards Act" [29 U.S.C. § 203(d)], in that this individual Defendant acted directly in the interests of the Ministry in relation to its employees, including Plaintiff and others similarly situated. Defendant Prophet Jordan had absolute financial and operational control of the Corporation, determined terms and working conditions of Plaintiff and other similarly situated employees, and he is jointly liable for Plaintiffs damages.
43. Defendants The Ministry and Prophet Jordan willfully and intentionally refused to pay Plaintiff overtime wages at the rate of time and one-half her regular rate, as required by the law of the United States and remain owing Plaintiff these overtime wages since the commencement of Plaintiffs employment with Defendants as set forth above.
44. Plaintiff has retained the law offices of the undersigned attorney to represent her in this action and is obligated to pay a reasonable attorneys' fee.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff and those similarly-situated respectfully requests that this Honorable Court:

- A. Enter judgment for Plaintiff and other similarly-situated individuals and against the Defendants on the basis of Defendants' willful violations of the Fair Labor Standards Act, 29 U.S.C. § 201 et seq.; and
- B. Award Plaintiff actual damages in the amount shown to be due for unpaid overtime compensation for hours worked in excess of forty weekly, with

interest; and

- C. Award Plaintiff an equal amount in double damages/liquidated damages; and
- D. Award Plaintiff reasonable attorneys' fees and costs of suit; and
- E. Grant such other and further relief as this Court deems equitable and just and/or available pursuant to Federal Law.

JURY DEMAND

Plaintiff demands trial by jury of all issues triable as of right by jury.

COUNT II:

Violation of the Whistle-blower's Act Fla. Stat. 448.102

45. Plaintiff re-adopts each and every factual allegation as stated in paragraphs 1-28 of this Complaint as if set out in full herein.

46. The FWA states in relevant part at Fla. Stat. 448.102:

An Employer may not take any retaliatory personnel action against an employee because the employee has:

(3) Objected to, or refused to participate in, any activity, policy or practice of the employer which is in violation of a law, rule, or regulation.

47. Defendants The Ministry and Prophet Jordan pressured Plaintiff, while working in the training department, to utilize anabolic steroids on clients she was physical training.

48. Plaintiff objected to and refused to offer or use the anabolic steroids on her clients as it would affect her credibility in the physical training community and the track and field community.

49. Plaintiff at all times knew the activities, policies, and/or practices referenced above violated, or had they been acted upon would have violated, laws at the state and federal level and that Defendant participated in such violations or that it condoned and/or ratified

such violations.

50. Plaintiff, furthermore, objected to and refused to participate in the foregoing violations.

51. The laws, rules and regulations, the violation of which Plaintiff opposed include, but are not limited to:

- a. Fla. Stat. 893.13 (6)(a) – Possession of a controlled substance without a prescription
- b. Fla. Stat. 893 (1)(1) – Possession of a controlled substance with intent to sell, manufacture or deliver.
- c. Federal Anabolic Steroid Control Acts of 1990
- d. 21 U.S. Code § 331

52. Because of Plaintiff's objections and refusals to participate in any such violations, Defendants The Ministry and Prophet Jordan retaliated against Plaintiff by terminating her employment.

53. Because of Defendants' conduct, and willful and malicious discharge of Plaintiff's employment for objecting to and/or refusing to participate in violations of law, rule and regulation, Plaintiff has experienced and will continue to experience significant financial and economic loss, lost wages, back pay, front pay, and the value and/or economic impact of lost benefits. Plaintiff has also experienced and will continue to experience emotional anguish, pain and suffering and loss of dignity damages. Plaintiff accordingly demands lost economic damages, lost wages, back pay, interest, front pay, the value and/or economic impact of lost benefits, as well as compensatory damages.

54. Plaintiff also demands his attorney's fees and costs as provided by Fla. Stat. § 448.104.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Honorable Court:

- a. For the entry of a judgment against Defendant and an award of economic damages, lost wages, back pay, interest, front pay, the value and/or economic impact of lost benefits, compensatory damages,
- b. attorney's fees and costs as a result of Defendant's retaliatory conduct in violation of § 448.102(3), Florida Statutes.
- c. Plaintiff further prays for such additional relief as the interests of justice may require.

JURY DEMAND

Plaintiff demands trial by a jury of all issues triable as of right by jury.

Respectfully submitted,
EPGD ATTORNEYS AT LAW, P.A.
2701 Ponce de Leon Blvd., Ste. 202
Coral Gables, Florida 33134
T: (786) 837-6787 | F: (305) 718-0687
oscar@epgdlaw.com

BY: /s/ Oscar A. Gomez

Oscar Andres Gomez, Esq.
Florida Bar No.: 58680

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Prophet Manasseh Jordan Ministries Facing Employee Misclassification Lawsuit](#)
