

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
Case No.

LESLEY PUZA, on behalf of herself and all  
other similarly situated,

Plaintiff,

vs.

KAUFF'S, INC. (d/b/a KAUFF'S  
TRANSPORTATION, KAUFF'S  
TRANSPORTATION SYSTEMS, and  
KAUFF'S TOWING AND  
TRANSPORTATION), GUARDIAN  
FLEET SERVICES, INC. (d/b/a KAUFF'S  
TRANSPORTATION, KAUFF'S  
TRANSPORTATION SYSTEMS, and  
KAUFF'S TOWING AND  
TRANSPORTATION), and FRANCIS  
GEOFFREY RUSSELL a/k/a GEOFFREY  
RUSSELL, s/k/a GEOFF RUSSELL,  
individually,

Defendants.

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**COMPLAINT**

Plaintiff, Lesley Puza (“Ms. Puza” or “Plaintiff”) on her own behalf and on behalf of all those similarly situated, sues Defendants, Kauff’s, Inc. (d/b/a Kauff’s Transportation, Kauff’s Transportation Systems, and Kauff’s Towing and Transportation) (“Kauff’s”) and Guardian Fleet Services, Inc. (“Guardian”) (Kauff’s and Guardian are referred to as the “Corporate Defendants”) and Francis Geoffrey Russell a/k/a Geoffrey Russell s/k/a Geoff Russell (“Mr. Russell”), (the Corporate Defendants and Mr. Russell are collectively the “Defendants”), and states:

### **GENERAL ALLEGATIONS**

1. This is an action for declaratory judgment, to recover monetary damages in the form of unpaid overtime compensation, as well as an additional amount as liquidated damages, to redress the deprivation of rights secured to Plaintiff and other employees similarly situated by the Fair Labor Standards Act, as amended, 29 U.S.C. § 201 *et. seq.* (“FLSA”) and for an award of attorneys’ and paralegal fees and costs.

2. Ms. Puza was an office worker who worked for Kauff’s and then, later, Guardian, each a towing and transport company. Neither paid Ms. Puza (or other similarly situated employees) overtime, even though she was non-exempt (and so were they).

### **JURISDICTION**

3. This Court has subject jurisdiction over the FLSA claim pursuant to 29 U.S.C. § 216(b) and over the common law count pursuant to its supplemental jurisdiction set forth in 28 U.S.C. § 1367.

4. At all times material, Plaintiff was a non-exempt employee of Kauff’s and, after a business transaction believed to have been a merger in or around August, 2017, Guardian,<sup>1</sup> both of which will be referred to below, collectively, as the Corporate Defendants.

5. At all times material, the Corporate Defendants operated as business organizations which sell and/or market their services and/or goods to customers/clients to and from throughout the United States and elsewhere and also provide their services to and from across state lines of other states, and the Corporate Defendants obtain and solicit funds from non-Florida sources, accept funds from non-Florida sources, use electronic, digital and telephonic transmissions going over state lines to do their business, transmit funds outside the State of Florida, and otherwise regularly engage in interstate commerce, particularly with respect to their employees. As such, Corporate Defendants owned and operated

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<sup>1</sup> For all times material hereto, Plaintiff’s employment was with Kauff’s. When the transaction took place between Kauff’s and Guardian, Plaintiff’s employment continued with Guardian. These two entities are referred to herein as the “Corporate Defendants.”

businesses engaged in commerce or in the production of goods for commerce as defined in §3(r) and 3(s) of the FLSA, 29 U.S.C. §203(r) and 203(s).

6. Upon information and belief, at all times material hereto, Corporate Defendants' annual gross revenue exceeded \$500,000 per annum separately.

7. The Defendants are subject to the personal jurisdiction of this Court because they operate, conduct, engage in, and/or carry on business in the Southern District of Florida.

8. The Defendants are also subject to the personal jurisdiction of this Court because they engage in substantial and not isolated activity within the Southern District of Florida.

### **VENUE**

9. This Court is the appropriate venue based upon the following:

- (a) The unlawful employment practices alleged herein occurred and/or were committed in the Southern District of Florida and,
- (b) Defendants were and continue to be doing business within the Southern District of Florida.

### **PARTIES**

10. Plaintiff, Ms. Puza, was and continues to be a resident of St. Lucie County, Florida.

11. Individual Defendant, Mr. Russell, is a resident of Florida.

12. Corporate Defendants were and are located in Palm Beach County and other South Florida Counties, in the Southern District of Florida.

### **BACKGROUND**

13. Ms. Puza started working full time for Kauff's from August 2002. Kauff's paid Plaintiff as a non-exempt employee on an hourly basis and, on occasion, paid her overtime at time and a half up until about until July 2014.

14. In or around August 2014, Defendants hired a Controller, who incorrectly told Kauff's and Mr. Russell that they were "paying (their employees, including, but not limited to, Plaintiff) too much," and that they should switch Plaintiff and other non-exempt employees to exempt status so that they could save money by paying them a salary and not paying overtime.

15. Inexplicably, and unlawfully, before the period covered by the claim in this lawsuit, Kauff's and Mr. Russell arbitrarily decided to reclassify (and, therefore, misclassify) Plaintiff and many other similarly situated employees, as "exempt" so that they could reduce the total amount of compensation to which she was rightly entitled and so that they could require Plaintiff to work longer and harder without having to pay her more money, or pay her at an overtime rate. Mr. Russell sat down with each employee and told the employee he/she would be changed to a salaried employee such that overtime would no longer be paid when he/she worked more than 40 hours in a workweek.

16. Throughout her employment with Corporate Defendants, Ms. Puza performed her job in an exemplary manner as a dedicated, loyal, hard-working employee. Ms. Puza maintained an excellent relationship with her co-workers, superiors and supervisors, including, but not limited to, Mr. Russell, despite his management style of ruling with an iron fist, which made his employees fearful and as if they were constantly walking on egg shells. Mr. Russell piled on the work and imposed an unbearable work environment, filled with stress and antagonism; nevertheless, Ms. Puza persevered and performed her job duties successfully.

17. When Guardian became Plaintiff's employer after the transaction between Kauff's and Guardian in or around August, 2017, Guardian carried forward Plaintiff's improper mis-classification of Plaintiff.

18. Corporate Defendants were the direct employer of Plaintiff within the meaning of the FLSA.

19. At all times material, the individual defendant, Mr. Russell, was an owner, director, and officer of the Corporate Defendants, and otherwise exercised operational control of the businesses such that he was an employer of Plaintiff within the meaning of Section 3(d) of the “Fair Labor Standards Act” [29 U.S.C. § 203(d)], in that he acted directly in the interests of the Corporate Defendants in relation to their employees, including Plaintiff.

20. At all times material, Mr. Russell, operated the Corporate Defendants day-to-day and has operational control over both Corporate Defendants, deciding all financial decisions and having say over numerous employees and directing their work day-to-day, as the Individual Defendant had the power to hire and fire, managed the daily operations and was ultimately responsible for the profitability of the Corporate Defendants.

21. Despite being switched from hourly to salary, Defendants still required Ms. Puza and all employees to utilize the time-clock to punch in when arriving to work and punch out when leaving for the day.

22. Defendants have possession of the records evidencing most, if not all, of the time worked by Ms. Puza.

23. Ms. Puza substantially performed the same job duties and responsibilities both when she was paid hourly and received overtime and after she was misclassified as exempt.

24. Since her mis-re-clasification in August 2014, Ms. Puza has not been paid for hours she worked above 40 hours in any workweek despite having worked overtime in all or most of the time since then, until her summary termination.

25. Defendants knowingly and willfully failed to pay Ms. Puza her lawfully earned wages and overtime compensation in conformance with the FLSA; especially in light of the fact that Defendants previously paid Ms. Puza overtime for the prior twelve (12) years or so.

26. Guardian continued as Plaintiff's employer in connection with a transaction which occurred in or around August, 2017.

27. Guardian is liable for the time it became Plaintiff's employer until her termination.

28. Guardian is also liable for the period prior to its acquiring the business from Kauff's because it has successor liability under the FLSA. Guardian was aware of prior practices and of Plaintiff's misclassification and the misclassification of numerous other employees.

29. At no time was Ms. Puza or the other similarly-situated employees told not to work overtime. In fact, there was an expectation to get the work done, no matter how long it took. Defendants knew Ms. Puza and others similarly situated were continuing to work overtime, because they had to in order to get the work done.

30. Plaintiff was originally classified as non-exempt and paid at least \$16.25/hour and paid overtime at time and one half of her hourly rate, yielding total compensation of around \$47,0000 annually. When she was mis-re-classified, her salary was set at \$42,000, with no opportunity for overtime.

31. From the time Ms. Puza was paid hourly, her typical schedule was Monday through Friday, 8:00 AM to 5:00 PM.

32. Nevertheless, Ms. Puza often worked until 6:30-8:00 PM.

33. When she tried to eat lunch, she was interrupted repeatedly for her to do work, including, but not limited to, answering the phones, assisting customers, processing cars, preparing certified letters and for auctions, responding to requests from others in the office or communications with customers, vendors, or third parties.

34. A review and analysis of time records indicates that Ms. Puza worked an average in excess of ten (10) hours per week on the clock.

35. Ms. Puza also worked off the clock.

36. Ms. Puza routinely took Defendants' mail to the post office after she clocked out at the end of the work day at least two days per week, sometimes more. Ms. Puza estimates that such time averaged about one (1) hour or more per week.

37. In addition, Ms. Puza worked additional time when away from the office, at night and on the weekend, including, but not limited to, when she was using her personal phone to answer/respond to work-related phone calls, texts and emails concerning work-related demands or otherwise. Ms. Puza estimates that such time averaged about (1) hour per week.

38. In addition, on occasion, Ms. Puza also worked from home for about six (6) hours on a Saturday one or more times per month for some months out of the year.

39. All in all, Plaintiff averaged at least about 11 hours per week for about 145 weeks prior to the filing of this lawsuit, or about 1,595 hours of overtime.

40. Plaintiff's weekly base pay was \$42,000 divided by 52 weeks or \$808/week.

41. Plaintiff's weekly pay of \$808 divided by 40 hours yields a regular hourly rate of \$20.20.

42. Therefore, Plaintiff's overtime hourly rate was \$30.30.

43. Overtime should have been paid for an average of at least eleven (11) overtime hours per week at \$30.30 hour or \$333.30/week for the 145 weeks worked (from August, 2014 to July 24, 2018) or \$48,328 in compensatory damages and an additional statutory amount of \$48,328 in liquidated damages for a total of \$96,656.<sup>2,3</sup>

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<sup>2</sup> That amount applies just for the Plaintiff; it is believed that she is not the only current and former employee entitled to overtime for work performed over the last three years (who, ultimately, should be notified by court order and given a chance to join this collective action. Note also it is believed that the Defendants failed to post the notice required by the FLSA and, therefore, there should be an equitable tolling of the Statute of Limitations all others similarly situated.

<sup>3</sup> This information constitutes:

- A. An initial estimate of the total amount of alleged unpaid wages;
- B. A preliminary calculation of such wages;
- C. The approximate period during which the alleged FLSA violations occurred; and
- D. The nature of the wages (e.g., overtime or straight time).

44. Defendants, exercising reasonable diligence, would have gained knowledge that Plaintiff was not being compensated at the rate of one and a half times the regular rate for those hours that were worked in excess of forty (40) per week, as required by the FLSA. Defendants knew the amount of time Plaintiff spent performing work or, with the exercise of reasonable care, could have and should have known of the existence of all of the time worked by Plaintiff.

45. The Defendants were informed and knowledgeable about their obligation to pay overtime and were indifferent or outright refused to pay overtime, so as to justify the extension of the statute of limitations to three years.

46. Defendants knowingly and willfully operated their towing and transport companies with a policy of not paying overtime compensation to Ms. Puza, to which they knew she was entitled, which was in violation of the FLSA.

47. When Ms. Puza worked more than 40 hours in various weeks within three (3) years of the filing of the lawsuit for which overtime Defendants did not pay Ms. Puza any form of additional compensation.

48. Furthermore, the poster employers are required to post to inform employees of their rights under the FLSA was not posted and/or kept current and, therefore the applicable statute of limitation should be equitably tolled. See, e.g., *Cruz v. Maypa*, 773 F.3d 138, 147 (4th Cir. 2014) (extending failure-to-post tolling in the ADEA context to the FLSA); *Yu G. Ke v. Saigon Grill, Inc.*, 595 F. Supp. 2d 240, 259 (S.D.N.Y. 2008) (“Failure to provide required notice of the governing legal requirements may be a sufficient basis for tolling.”); *Kamens v. Summit Stainless, Inc.*, 586 F. Supp. 324, 328 (E.D. Pa. 1984) (“An employer's failure to post a statutorily required notice of this type tolls the running of any period of limitations.”).

49. Defendants may be liable for more than the three year limitations period.

50. Under the FLSA, it was Defendants' obligation to record and keep records of the hours worked by Ms. Puza and Defendants failed to comply with that obligation.

51. Defendants have violated Title 29 U.S.C. §206 and/or §207 in that, among other reasons:

(a) Ms. Puza was not paid overtime to which she was entitled; and

(b) Defendants have failed to maintain proper time records as mandated by the FLSA.

52. Ms. Puza's duties included doing whatever task the Defendants instructed her to perform, which varied depending upon the position at the time, but all positions involved her communicating with members of management as to how they wanted to handle certain situations.

53. Ms. Puza did not have the ability to hire or fire anyone (nor did she hire or fire anyone), and she did not regularly and customarily direct the work of any employees, much less two or more full-time workers.

54. Ms. Puza was only given tasks that were designed to facilitate production of work of the Defendants, such as the tasks described above, all of which consisted of regular, recurrent, and routine work that did not involve her exercising independent judgment and discretion on matters of significance.

55. Ms. Puza's duties were not managerial.

56. Ms. Puza did not have any authority to interview, select, and/or train employees. Ms. Puza did not have any authority to set and adjust the rates of pay and hours of work for any employees. Ms. Puza had no authority to direct the work of employees. Ms. Puza did not maintain production or sales records at all when she worked for the Defendant, nor did she use any such records to supervise or control any employee. In fact, Ms. Puza does not even know anything about the business's financing or financial success or failure. It was not her responsibility. Ms. Puza knows nothing about the sales numbers or figures, as that was not her responsibility, but rather the responsibility of someone else in higher management. Ms. Puza did not supervise any staff. Ms. Puza had absolutely no say concerning any of the costs. For example, concerning wages paid to employees, Ms. Puza had no say concerning

what any particular employee would be paid, how many employees could work in the offices, when, what hours they could work, whether their pay should be increased or decreased, as all of that was determined by the Defendants. Ms. Puza had no authority to spend any of the Defendants' money at all, and had no authority to authorize the payment of bills. Ms. Puza never opened up any mail that came to the building for purposes of making any decision concerning the business with respect to that mail.

57. While Ms. Puza worked for the Defendants, she never appraised employees' productivity and/or efficiency for the purpose of recommending promotions or other changes in status. While Ms. Puza worked for the Defendants, she never handled employee complaints and grievances, as that was for the Defendants to do. Also, Ms. Puza never disciplined employees, nor did she have the power or authority to do that. Ms. Puza did not plan any work for any employee, as there was no work to plan. Ms. Puza never determined any techniques to be used by employees to do their job, as she could not tell another employee what responsibilities to take on. Ms. Puza was not allowed to apportion work among any employees, as there were no employees who reported to her to whom she could apportion work. Ms. Puza never determined the type of materials, supplies, machinery, equipment, or tools to be used by any employees, as the Defendants or the employees themselves decided all of that. Ms. Puza had no involvement in controlling the flow and distribution of materials or merchandise and supplies. Ms. Puza had nothing whatsoever to do with materials, merchandise, or supplies or their distribution. Ms. Puza had no involvement with respect to budgeting. Ms. Puza was not involved in reviewing any sort of financial documents or statements of the business operations, and she did not review any such documents, nor was Ms. Puza supposed to. Ms. Puza had no involvement in monitoring or implementing legal compliance measures. There were no legal issues that Ms. Puza had anything to do with in terms of deciding how they would be handled or dealt with while she worked for Defendant, nor did she have anything to do with paperwork concerning new employees or hires. Ms. Puza simply

followed the well-established techniques and procedures with respect to her duties, all of which were repetitive, routine, and recurrent work.

58. Ms. Puza did not do anything that could have resulted in financial losses for the Defendants. Ms. Puza did not perform work that was directly related to management or general business operations of Defendants or their customers, because Ms. Puza did not perform work directly related to assisting with the running or servicing of the business, but rather was engaging in production work (data process to keep books and other manual tasks). Ms. Puza also did not perform work directly related to the management or general business operations of the Defendants because Ms. Puza did not work in a functional area such as tax; finance; accounting; budgeting; auditing; insurance; quality control; purchasing; procurement; advertising; marketing; research; safety and health; personnel management; human resources; employee benefits; labor relations; public relations, government relations; computer network, internet and database administration; legal and regulatory compliance; and similar activities. Rather, Ms. Puza was one more person looking to perform production work the Defendants rely on so heavily.

59. In fact, as an example, on one occasion, Ms. Puza asked if she could send some of her overflow work to the Miami tax collector to get caught up and was informed that Mr. Russell decided that he didn't want to spend the \$400 or so. When Ms. Puza decided to send that work to the Miami tax collector, she was summarily fired even though she offered to pay the \$400 out of her own pocket.

60. On one or more occasions, over the last 2 or 3 years, Ms. Puza questioned why she was no longer receiving overtime pay, and why her overtime pay wasn't being restored. She communicated to the Corporate Defendants that she felt she was entitled to be paid overtime as recently as this year. Ms. Puza was rebuffed.

61. Ms. Puza has retained Schwarzberg & Associates, P.L. to represent her in the litigation and have agreed to pay the Firm reasonable attorneys' and paralegal fees for its services.

62. Ms. Puza has fulfilled all conditions precedent to the filing of this lawsuit and/or such conditions have been waived.

**COUNT I**  
**UNPAID OVERTIME COMPENSATION – DECLARATION—**  
**VIOLATION of 29 U.S.C. § 207**

63. Ms. Puza re-alleges and re-avers the General Allegations as if fully set forth herein.

64. During Ms. Puza's employment with the Defendants, she worked hours in excess of forty (40) per week for which she was not compensated at the statutory rate of time and one-half.

65. Defendants failed to pay Ms. Puza overtime compensation in the lawful amount for hours worked in excess of the maximum hours provided for in the FLSA.

66. Records, if any, concerning the number of hours worked by Ms. Puza and the actual compensation paid to her are in the possession and custody of the Defendants. Ms. Puza intends to obtain these records by appropriate discovery proceedings to be taken promptly in this case to determine the amount due to her.

67. Defendants knew of and/or showed a willful disregard for the provisions of the FLSA, as evidenced by their failure to compensate Ms. Puza at the statutory rate of time and one-half for the hours worked in excess of forty (40) hours per week when they knew or should have known such was due.

68. Defendants failed to properly disclose or apprise Ms. Puza of her rights under the FLSA.

69. Ms. Puza has suffered damages in the amount not presently ascertainable of unpaid overtime wages, plus an equal amount as liquidated damages.

70. Ms. Puza is owed overtime of \$48,328.

71. Ms. Puza is entitled to liquidated damages of \$48,328.

72. Ms. Puza is entitled to be paid a total of \$96,656 plus interest.<sup>4</sup>

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<sup>4</sup> That amount applies just for the Ms. Puza; it is believed that she is not the only current and former employee entitled to overtime for work performed over the last three years (who, ultimately, should be notified by court order and given a chance to join this collective action. Note also it is believed that the Defendants failed to post the notice required by the FLSA and, therefore, there should be an equitable tolling of the Statute of Limitations all others similarly situated.

73. Ms. Puza is entitled to an award of her reasonable attorneys' fees and costs pursuant to 29 U.S.C. § 216(b).

WHEREFORE, Plaintiff, Ms. Puza, respectfully requests that judgment be entered in her favor and for all others similarly situated who join in the action against the Defendants jointly and severally:

- a. Declaring that Defendants have violated the overtime provisions of 29 U.S.C. § 207;
- b. As to Ms. Puza and all others similarly situated:
  - i. Awarding overtime compensation in the amounts to be calculated;
  - ii. Awarding liquidated damages in the amounts calculated;
  - iii. Declaring that the statute of limitations should be extended to three years and/or that the statute of limitation be tolled;
  - iv. Awarding reasonable attorneys' and paralegal fees and costs and expenses of this litigation pursuant to 29 U.S.C. § 216(b);
  - v. Awarding post-judgment interest; and
- c. Ordering any other and further relief this Court deems to be just and proper.

**JURY DEMAND**

**PLAINTIFF DEMANDS A TRIAL BY JURY ON ALL ISSUES SO TRIABLE**

SCHWARZBERG & ASSOCIATES  
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JS 44 (Rev. 06/17) FLSD Revised 06/01/2017

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

**I. (a) PLAINTIFFS** LESLIE PUZA, on behalf of herself and all others similarly situated,

**DEFENDANTS** KAUFF'S, INC., et. al.,

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

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

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

**(c)** Attorneys (Firm Name, Address, and Telephone Number)  
Steven L. Schwarzberg, Esq., Schwarzberg & Associates, 2751 South Dixie Highway, Suite 400, West Palm Beach, FL 33405

Attorneys (If Known)

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

**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)

<b>CONTRACT</b>	<b>TORTS</b>	<b>FORFEITURE/PENALTY</b>	<b>BANKRUPTCY</b>	<b>OTHER STATUTES</b>
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 376 Qui Tam (31 USC 3729 (a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander			<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Federal Employers' Liability			<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine			<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability			<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 350 Motor Vehicle			<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability			<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury			<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice			<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 195 Contract Product Liability				<input type="checkbox"/> 850 Securities/Commodities/Exchange
<input type="checkbox"/> 196 Franchise				<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
<b>REAL PROPERTY</b>	<b>CIVIL RIGHTS</b>	<b>PRISONER PETITIONS</b>	<b>LABOR</b>	<b>FEDERAL TAX SUITS</b>
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights	<b>Habeas Corpus:</b>	<input checked="" type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 740 Railway Labor Act	
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/Accommodations	<b>Other:</b>	<input type="checkbox"/> 751 Family and Medical Leave Act	
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 530 General	<input type="checkbox"/> 790 Other Labor Litigation	
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 540 Mandamus & Other		
		<input type="checkbox"/> 550 Civil Rights	<b>IMMIGRATION</b>	
		<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 462 Naturalization Application	
		<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 465 Other Immigration Actions	

**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  NO

b) Related Cases  YES  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):  
29 U.S.C. 201 et. seq. FLSA - unpaid overtime and wages

LENGTH OF TRIAL via 4 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 \$

CHECK YES only if demanded in complaint:

JURY DEMAND:  Yes  No

ABOVE INFORMATION IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE

DATE October 1, 2018

SIGNATURE OF ATTORNEY OF RECORD

*Steve Schwarzberg*

FOR OFFICE USE ONLY  
RECEIPT #

AMOUNT

IFP

JUDGE

MAG JUDGE

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

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

LESLEY PUZA, on behalf of herself and all others
similarly situated,

Plaintiff(s)

v.

KAUFF'S, INC. (d/b/a KAUFF'S TRANSPORTATION,
KAUFF'S TRANSPORTATION SYSTEMS, and
KAUFF'S TOWING AND TRANSPORTATION),
GUARDIAN FLEET SERVICES, INC., et. al.,

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) KAUFF'S INC. (d/b/a KAUFF'S TRANSPORTATION, KAUFF'S TRANSPORTATION
SYSTEMS, and KAUFF'S TOWING AND TRANSPORTATION)
by serving its Registered Agent:
Jones Foster Service, LLC
505 South Flagler Drive, Suite 1100
West Palm Beach, FL 33401

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: Steven L. Schwarzberg, Esq.
SCHWARZBERG & ASSOCIATES
2751 South Dixie Highway, Suite 400
West Palm Beach, FL 33405

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

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

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:

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Defendant(s)

Civil Action No.

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SCHWARZBERG & ASSOCIATES
2751 South Dixie Highway, Suite 400
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Date: \_\_\_\_\_

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*Server's signature*

\_\_\_\_\_  
*Printed name and title*

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*Server's address*

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Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Kauff's Transportation Systems Facing Wage and Hour Suit Over Alleged Misclassification of Employees as OT-Exempt](#)

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