

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION
CASE NO.:

ILSIA RODRIGUEZ
and other similarly-situated individuals,

Plaintiff(s),

v.

ADVANCED PHARMA CR, LLC,
SAMANTHA AMABA and
IVETTE LOPEZ, individually

Defendants,

COMPLAINT

(OPT-IN PURSUANT TO 29 U.S.C § 216(b))

COMES NOW the Plaintiff ILSIA RODRIGUEZ, and other similarly-situated individuals, by and through the undersigned counsel, and hereby sues Defendants ADVANCED PHARMA CR, LLC, SAMANTHA AMABA, and IVETTE LOPEZ individually and alleges:

JURISDICTION VENUES 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. § 201-219 (Section 216 for jurisdictional placement) (“the Act”).
2. Plaintiff ILSIA RODRIGUEZ (hereinafter ILSIA RODRIGUEZ, or Plaintiff) is a resident of Miami-Dade County. Plaintiff is a covered employee for purposes of the Act.
3. Defendant ADVANCED PHARMA CR, LLC (hereinafter, ADVANCED PHARMA, or Defendant) is a Florida corporation, having place of business in Dade County, Florida, where Plaintiff worked for Defendant, and at all times material hereto, Defendant was engaged in interstate commerce.

4. The individual Defendants SAMANTHA AMABA, and IVETTE LOPEZ, were and are now, the owners/partners and managers of Defendant Corporation ADVANCED PHARMA. These individual Defendants had control, directed operations of the corporations and they are Plaintiff's employer in the meaning of 29 U.S.C. § 203(d).
5. All the actions raised in this complaint took place in Dade County, County Florida, within the jurisdiction of this Court.

GENERAL ALLEGATIONS

6. This cause of action is brought by Plaintiff ILSIA RODRIGUEZ to recover from Defendants, overtime compensation, liquidated damages, costs and reasonably attorney's fees under the provisions of Fair Labor Standards Act, as amended, 29 U.S.C. § 201 *et seq* (the "FLA or the "ACT").
7. Corporate Defendant ADVANCED PHARMA is a medical research company located at 2950 NW 83rd ST, Miami FL 33147.
8. Defendant ADVANCED PHARMA, employed Plaintiff ILSIA RODRIGUEZ as a non-exempt, hourly, full-time housekeeping employee from approximately March 10, 2016, to January 23, 2018 or 97 weeks. However, for FLSA purposes the relevant employment period is from May 1, 2017 to January 23, 2018, or 38 weeks. In that relevant employment period, Plaintiff became a salaried employee.
9. Plaintiff had duties as a housekeeper, and cleaning employee. Plaintiff began her employment earning \$9.50 an hour, and she had wage increases to \$12.00, and to \$14.00 an hour. Plaintiff clocked in and out, and she does not have significant complaints for this period.

10. On or about May 1, 2017, Plaintiff's payment plan changed to a salary of approximately \$833.33 weekly or \$20.83 an hour.
11. Plaintiff was sent to work as a housekeeper to the private residence of SAMANTHA AMABA, and IVETTE LOPEZ, located at 8000 West Drive # 114, North Bay Village 33141. Plaintiff also took care of three dogs.
12. While working at Defendant's residence, Plaintiff had a regular schedule, she worked from Monday to Friday from 7:00 AM to 5:30 PM (10.5 hours daily), or 50 hours weekly. Plaintiff has deducted 30 minutes of 2.5 hours weekly of lunch time.
13. Plaintiff did not clock in and out, and she was paid bi-weekly with checks accompanied by paystubs that did not show the real number of hours worked.
14. Plaintiff regularly and consistently worked in excess of 40 hours every week period, however, she was not paid for overtime hours.
15. Therefore, Defendants willfully failed to pay Plaintiff overtime at the rate of time and a half her regular rate, for every hour that he worked in excess of forty (40), in violation of Section 7 (a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(a)(1)).
16. On or about January 23, 2018, Defendants fired Plaintiff, due to her complaints about excessive working hours.
17. Plaintiff ILSIA RODRIGUEZ intends to recover any regular hour, any overtime hour, liquidated damages, and any other relief as allowable by law.
18. 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 minimum or overtime wages at

the rate of time and one half of their regular rate of pay for all overtime hours worked in excess of forty.

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

19. Plaintiff ILSIA RODRIGUEZ re-adopts each and every factual allegation as stated in paragraphs 1-18 above as if set out in full herein.
20. This cause of action is brought by Plaintiff ILSIA RODRIGUEZ as a collective action to recover from Defendants overtime compensation, liquidated damages, costs and reasonably 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 September 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."
21. Defendant ADVANCED PHARMA 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). Defendant had more than two employees recurrently engaged in commerce or in the production of goods for commerce, by regularly and recurrently using the instrumentalities of interstate commerce. Defendant uses the instrumentalities of interstate commerce. to accept and solicit funds from non-Florida sources, by using electronic devices to authorize credit card transactions. Upon information and belief, the annual gross revenue of the Employer/Defendant was at all times material hereto in excess of \$500,000 per annum. 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.

22. Plaintiff and those similarly-situated were employed by an enterprise engage in interstate commerce. Plaintiff and those similarly-situated through their daily activities regularly participated in interstate commerce. Plaintiff regularly handled and worked on goods and materials that were moved across State lines at any time in the course of business, Therefore, there is FLSA individual coverage.

23. Defendant ADVANCED PHARMA, employed Plaintiff ILSIA RODRIGUEZ as a non-exempt, hourly, full-time housekeeping employee from approximately March 10, 2016, to January 23, 2018 or 97 weeks. However, for FLSA purposes the relevant employment period is from May 1, 2017 to January 23, 2018, or 38 weeks. In that period, Plaintiff became a salaried employee.

24. Plaintiff had duties as a housekeeper, and cleaning employee. Plaintiff began her employment earning \$9.50 an hour, and the she had wage increases to \$12.00, and to \$14.00 an hour. Plaintiff clocked in and out, and she does not have significant complaints for this period.

25. On or about May 1, 2017, Plaintiff's payment plan changed to a salary of approximately \$833.33 weekly or \$20.83 an hour.

26. On that date, Plaintiff was sent to work as a housekeeper to the private residence of SAMANTHA AMABA, and IVETTE LOPEZ, located at 8000 West Drive # 114, North Bay Village 3314.

27. While working at Defendant's residence, Plaintiff had a regular schedule, she worked from Monday to Friday from 7:00 AM to 5:30 PM (10.5 hours daily), or 50 hours weekly. Plaintiff has deducted 30 minutes of 2.5 hours weekly of lunch time.
28. Plaintiff did not clock in and out, and she was paid bi-weekly. She continued receiving checks from ADVANCED PHARMA accompanied by paystubs that did not show the real number of hours worked.
29. Plaintiff regularly and consistently worked in excess of 40 hours every week period, however, she was not paid for overtime hours.
30. Therefore, Defendants willfully failed to pay Plaintiff overtime at the rate of time and a half her regular rate, for every hour that she worked in excess of forty (40), in violation of Section 7 (a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(a)(1)).
31. The 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 time accurate records of hours worked by Plaintiff and other employees.
32. Defendant violated the record keeping requirements of FLSA, 29 CFR Part 516.
33. 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 are subjected to modifications as discovery could dictate.

a. Total amount of alleged unpaid O/T wages:

Three Thousand One Hundred Sixty-Five Dollars and 40/100 (\$3,165.40)

b. Calculation of such wages:

Total weeks of employment: 98 weeks
Total relevant weeks of employment: 38 weeks
Total hours worked: 50 weekly
Total O/T hours: 10 O/T hours
Paid Weekly: $\$833.33:50 \text{ hours}=\16.67
Regular rate: $\$16.67 \times 1.5= \25.00 O/T rate - $\$16.67$ paid= $\$8.33$ Half-time

Half-time $\$8.33 \times 10 \text{ O/T hours}=\83.30 weekly $\times 38 \text{ weeks}=\$3,165.40$

Nature of wages (e.g. overtime or straight time):

This amount represents unpaid overtime wages.

34. 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 her 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.
35. 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.
36. At the times mentioned, individual Defendants SAMANTHA AMABA, and IVETTE LOPEZ, were and are now owners/partners and managers of Defendant Corporation ADVANCED PHARMA. Defendants SAMANTHA AMABA, and IVETTE LOPEZ were the employers of Plaintiff and others similarly situated individuals within the meaning of Section 3(d) of the "Fair Labor Standards Act" [29 U.S.C. § 203(d)]. These individual Defendants acted directly in the interests of ADVANCED PHARMA in relation to its

employees, including Plaintiff and others similarly situated. Defendants SAMANTHA AMABA, and IVETTE LOPEZ had financial and operational control of the business, determined Plaintiff's terms and conditions of employment, and they are jointly liable for Plaintiff's damages.

37. Defendants ADVANCED PHARMA, SAMANTHA AMABA, and IVETTE LOPEZ 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 Plaintiff's employment with Defendants as set forth above.

38. 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 ILSIA RODRIGUEZ and those similarly-situated respectfully requests that this Honorable Court:

- A. Enter judgment for Plaintiff ILSIA RODRIGUEZ and other similarly-situated individuals and against the Defendants ADVANCED PHARMA, SAMANTHA AMABA, and IVETTE LOPEZ, on the basis of Defendants' willful violations of the Fair Labor Standards Act, 29 U.S.C. § 201 et seq.; and
- B. Award Plaintiff ILSIA RODRIGUEZ 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 ILSIA RODRIGUEZ demands trial by jury of all issues triable as of right by jury.

Dated: March 2, 2018.

Respectfully submitted,

By: /s/ Zandro E. Palma
ZANDRO E. PALMA, P.A.
Florida Bar No.: 0024031
9100 S. Dadeland Blvd.
Suite 1500
Miami, FL 33156
Telephone: (305) 446-1500
Facsimile: (305) 446-1502
zep@thepalmlawgroup.com
Attorney for Plaintiff

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 THE REVERSE OF THE FORM.) NOTICE: Attorneys MUST Indicate All Re-filed Cases Below.

I. (a) PLAINTIFFS
ILSIA RODRIGUEZ
(b) County of Residence of First Listed Plaintiff (EXCEPT IN U.S. PLAINTIFF CASES)
(c) Attorney's (Firm Name, Address, and Telephone Number)
The Law Office of Zandro E. Palma, P.A.
9100 South Dadeland Blvd., Suite 1500, Miami, FL 33156
Tel: (305) 446-1500

DEFENDANTS
ADVANCED PHARMA CR, LLC, ET AL.
County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT LAND INVOLVED.
Attorneys (If Known)

(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)
[] 1 U.S. Government Plaintiff
[X] 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
Citizen of This State [] 1 [] 1
Citizen of Another State [] 2 [] 2
Citizen or Subject of a Foreign Country [] 3 [] 3
Incorporated or Principal Place of Business In This State [] 4 [] 4
Incorporated and Principal Place of Business In Another State [] 5 [] 5
Foreign Nation [] 6 [] 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)
CONTRACT: [] 110 Insurance, [] 120 Marine, [] 130 Miller Act, [] 140 Negotiable Instrument, [] 150 Recovery of Overpayment & Enforcement of Judgment, [] 151 Medicare Act, [] 152 Recovery of Defaulted Student Loans (Excl. Veterans), [] 153 Recovery of Overpayment of Veteran's Benefits, [] 160 Stockholders' Suits, [] 190 Other Contract, [] 195 Contract Product Liability, [] 196 Franchise
REAL PROPERTY: [] 210 Land Condemnation, [] 220 Foreclosure, [] 230 Rent Lease & Ejectment, [] 240 Torts to Land, [] 245 Tort Product Liability, [] 290 All Other Real Property
TORTS: PERSONAL INJURY: [] 310 Airplane, [] 315 Airplane Product Liability, [] 320 Assault, Libel & Slander, [] 330 Federal Employers' Liability, [] 340 Marine, [] 345 Marine Product Liability, [] 350 Motor Vehicle, [] 355 Motor Vehicle Product Liability, [] 360 Other Personal Injury
PERSONAL INJURY: [] 362 Personal Injury - Med. Malpractice, [] 365 Personal Injury - Product Liability, [] 368 Asbestos Personal Injury Product Liability
PERSONAL PROPERTY: [] 370 Other Fraud, [] 371 Truth in Lending, [] 380 Other Personal Property Damage, [] 385 Property Damage Product Liability
PRISONER PETITIONS: [] 510 Motions to Vacate Sentence, Habes Corpus: [] 530 General, [] 535 Death Penalty, [] 540 Mandamus & Other, [] 550 Civil Rights, [] 555 Prison Condition
FORFEITURE/PENALTY: [] 610 Agriculture, [] 620 Other Food & Drug, [] 625 Drug Related Seizure of Property 21 USC 881, [] 630 Liquor Laws, [] 640 R.R. & Truck, [] 650 Airline Regs., [] 660 Occupational Safety/Health, [] 690 Other
LABOR: [X] 710 Fair Labor Standards Act, [] 720 Labor/Mgmt. Relations, [] 730 Labor/Mgmt. Reporting & Disclosure Act, [] 740 Railway Labor Act, [] 790 Other Labor Litigation, [] 791 Empl. Ret. Inc. Security Act
BANKRUPTCY: [] 422 Appeal 28 USC 158, [] 423 Withdrawal 28 USC 157
PROPERTY RIGHTS: [] 820 Copyrights, [] 830 Patent, [] 840 Trademark
SOCIAL SECURITY: [] 861 HIA (1395ff), [] 862 Black Lung (923), [] 863 DIWC/DIWW (405(g)), [] 864 SSID Title XVI, [] 865 RSI (405(g))
FEDERAL TAX SUITS: [] 870 Taxes (U.S. Plaintiff or Defendant), [] 871 IRS—Third Party 26 USC 7609
OTHER STATUTES: [] 400 State Reapportionment, [] 410 Antitrust, [] 430 Banks and Banking, [] 450 Commerce, [] 460 Deportation, [] 470 Racketeer Influenced and Corrupt Organizations, [] 480 Consumer Credit, [] 490 Cable/Sat TV, [] 810 Selective Service, [] 850 Securities/Commodities/Exchange, [] 875 Customer Challenge 12 USC 3410, [] 890 Other Statutory Actions, [] 891 Agricultural Acts, [] 892 Economic Stabilization Act, [] 893 Environmental Matters, [] 894 Energy Allocation Act, [] 895 Freedom of Information Act, [] 900 Appeal of Fee Determination Under Equal Access to Justice, [] 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)
[X] 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
[] 7 Appeal to District Judge from Magistrate Judgment

VI. RELATED/RE-FILED CASE(S).
a) Re-filed Case [] YES [X] NO
b) Related Cases [] YES [X] NO
(See instructions second page): 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.
LENGTH OF TRIAL via 3 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: [X] Yes [] No

ABOVE INFORMATION IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE
SIGNATURE OF ATTORNEY OF RECORD /s/ Zandro E. Palma, Esq.
DATE March 2, 2018

FOR OFFICE USE ONLY

AMOUNT RECEIPT # IFP

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

ILSIA RODRIGUEZ

Plaintiff

v.

ADVANCED PHARMA CR, LLC,
ET. AL.

Defendant

)
)
)
)
)
)
)
)
)
)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

SAMANTHA AMABA
2950 NW 83rd Street
MIAMI, FL 33147

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:

The Law Office of Zandro E. Palma, P.A.
9100 South Dadeland Boulevard
Suite 1500
Miami, FL 33156

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: [Former Housekeeper Claims Advanced Pharma CR Owes Unpaid Overtime Wages](#)
