

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

CASE NO.:

AREVALO R. RODRIGUEZ,  
and other similarly-situated individuals,

Plaintiff,

v.

HOSPITALITY STAFFING TEAM LLC

Defendant.

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**COMPLAINT**

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

COMES NOW the Plaintiff AREVALO R. RODRIGUEZ, and other similarly-situated individuals, by and through the undersigned counsel, and hereby sues Defendants HOSPITALITY STAFFING TEAM LLC and alleges:

1. This is an action to recover money damages for unpaid wages under the laws of the United States. This Court has jurisdiction pursuant to Title 28 U.S.C. § 1337 and by Title 29 U.S.C. § 201-219, § 216(b), the Fair Labor Standards Act, “the Act”, (Section U.S.C. §216 for jurisdictional placement).
2. Plaintiff AREVALO R. RODRIGUEZ is a resident of Miami-Dade County, Florida, within the jurisdiction of this Honorable Court. Plaintiff’s complete name is Arevalo Rafael Rodriguez, but he is better known as Rafael Rodriguez, hereinafter Plaintiff will be called RAFAEL RODRIGUEZ. Plaintiff is a covered employee for purposes of the Act.
3. Defendant HOSPITALITY STAFFING TEAM LLC (hereinafter, HOSPITALITY TEAM) is a Florida corporation, which has business in Miami-Dade County, Florida. Defendant, is and was engaged in interstate commerce.

4. All the actions raised in this complaint took place in Miami/Dade County Florida, within the jurisdiction of this Court.

GENERAL ALLEGATIONS

5. Corporate Defendant HOSPITALITY TEAM is a provider of temporal, part-time and full-time staffing to the hospitality industry.
6. Defendants HOSPITALITY TEAM employed Plaintiff RAFAEL RODRIGUEZ from approximately July, 2017 to November 5, 2017. In the present complaint Plaintiff is claiming approximately 14 weeks of overtime wages.
7. Plaintiff was hired as non-exempt, hourly employee. Plaintiff had duties as a maintenance employee in the Berkeley Hotel, located at 1610 Collins Avenue, Miami Beach, Florida 33139. Plaintiff's regular wage rate was \$12.00 an hour. Plaintiff overtime rate should be \$18.00 an hour.
8. While employed by Defendants HOSPITALITY TEAM Plaintiff worked in excess of 40 hours in every week period, without receiving proper compensation. Plaintiff was paid for all his hours, but at his regular rate.
9. Plaintiff had an irregular schedule, but in many weeks he worked 7 days, from 45 to 112 hours, in a week period
10. Plaintiff signed a time-sheet, and Defendant was able to track the number of hours worked by Plaintiff, and other similarly situated.
11. Plaintiff was paid weekly for all his hours, but at the incorrect rate. Plaintiff was provided with paystubs showing the total hours worked, wage rate, and employment taxes withheld. However, Plaintiff was provided with a 1099 form, as an independent contractor.

12. Defendant voluntarily and willingly did not pay Plaintiff for overtime hours at the rate of time and one half his regular rate, as established by the Fair Labor Standards Act.
13. As per records in Plaintiff's possession, from July 21, 2017 to October 23, 2017, Plaintiff worked approximately 586 overtime hours that were paid at his regular rate of \$12.00 an hour.
14. Therefore, Defendant failed to pay Plaintiff for overtime hours at the rate of time and one-half his 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)).
15. Plaintiff RAFAEL RODRIGUEZ seeks to recover unpaid half-time overtime wages accumulated during all their time of employment, liquidated damages, the correction of his income tax return, and any other relief as allowable by law.
16. The additional persons who may become Plaintiffs in this action are weekly-paid employees and/or former employees of Defendant who are and who were subject to the unlawful payroll practices and procedures of Defendant and were not paid 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, AS TO ALL DEFENDANTS**

17. Plaintiff re-adopts each and every factual allegation as stated in paragraphs 1-16 above as if set out in full herein.
18. This action is brought by Plaintiff RAFAEL RODRIGUEZ and those similarly-situated employees, to recover from the Employer unpaid overtime compensation, as well as an additional amount as liquidated damages, costs, and reasonable attorney's fees under the

provisions of 29 U.S.C. § 201 et seq., and specifically under the provisions of 29 U.S.C. § 207.

19. 29 U.S.C. § 207 (a)(1) states, “No employer shall employ any of his employees... for a work week longer than 40 hours unless such employee receives compensation for his employment in excess of the hours above-specified at a rate not less than one and a half times the regular rate at which he is employed.”

20. The employer HOSPITALITY TEAM, was engaged in interstate commerce within the meaning of the Fair Labor Standards Act, as defined in §§ 3 (r) and 3(s) of the Act, 29 U.S.C. § 203(r) and 203(s)(1)(A). The defendant provides hospitality staffing. Defendant has more than two employees directly and recurrently engaged in interstate commerce. The Employer/Defendant obtains and solicits funds from non-Florida sources, accepts funds from non-Florida sources, uses telephonic transmissions going over state lines to do its business, transmits funds outside the State of Florida. Upon information and belief, the annual gross revenue of the Employers/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 enterprise coverage.

21. Plaintiff was employed by an enterprise engage in interstate commerce. Plaintiff was a maintenance employee, working in a hotel, providing lodging services to the tourism industry. Through his daily activities, Plaintiff and other employees similarly situated, regularly and recurrently participated in interstate commerce, by maintaining facilities dedicated mostly to serve tourists, and by handling and working with goods and materials

that were moved across State lines at any time in the course of business. Therefore, there is individual coverage.

22. Plaintiff's wage rate during the relevant period of employment was \$12.00 an hour.

23. While employed by Defendant HOSPITALITY TEAM, Plaintiff worked up to Seven days per week, in excess of 40 hours every week period. Plaintiff worked from 45 hours, up to 112 hours weekly.

24. However, Plaintiff did not receive any additional compensation for overtime hours. Plaintiff was not paid for overtime hours at the rate of time and one-half his 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)).

25. Plaintiff signed a time-sheet in and out, and Defendant was able to track the hours worked by Plaintiff and other similarly situated individuals. Plaintiff was paid weekly for all his hours, but at the incorrect rate. Plaintiff was provided with paystubs showing the total hours worked, wage rate, and employment taxes withheld. However, Plaintiff was provided with a 1099 form, as an independent contractor.

26. Defendant never posted any notice, as required by the Fair Labor Standards Act and Federal Law, to inform employees of their federal rights to overtime and minimum wage payments. Defendants violated the Posting requirements of 29 U.S.C. § 516.4.

27. 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 accurate time records of hours worked by Plaintiff and other employees.

28. Defendant violated the record keeping requirements of FLSA, 29 CFR Part 516.

29. 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. Calculations have been made based on Plaintiff's records from 7/21/2017 to 10/15/2017. After proper discovery, these calculation will be adjusted.

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

Three Thousand Four Hundred Thirty-Eight Dollars and 00/100 (\$3,438.00)

b. Calculation of such wages:

Total weeks of employment: more than 15 weeks  
 Total relevant weeks of employment: 14 weeks (in this Complaint)  
 Total weeks with overtime hours: more than 15 weeks  
 Regular rate: \$12.00 an hour x 1.5=\$18.00 O/T rate  
 O/T rate: \$18.00-\$12.00 paid= \$6.00 half-time

#	Date	Tot. Hours	O/T hours	Half-Time	Total O/T
1	7/21/17	68	28	x \$6.00 =	\$168.00
2	8/27/17	66	26	x \$6.00 =	\$396.00
3	8/28/17	104	64	x \$6.00 =	\$384.00
4	8/28/17	101	61	x \$6.00 =	\$366.00
5	9/03/17	101	61	x \$6.00 =	\$366.00
6	9/10/17	45	5	x \$6.00 =	\$ 30.00
7	9/17/17	48.5	8.5	x \$6.00 =	\$ 51.00
8	9/18/17	58	18	x \$6.00 =	\$108.00
9	9/24/17	58	18	x \$6.00 =	\$108.00
10	9/25/17	64	24	x \$6.00 =	\$144.00
11	10/8/17	111.5	71.5	x \$6.00 =	\$429.00
12	10/09/17	103	63	x \$6.00 =	\$378.00
13	10/14/17	No O/T			
14	10/14/17	112	72	x \$6.00 =	\$432.00
15	10/23/17	53	13	x \$6.00 =	\$ 78.00
Total O/T hours:			586	Total unpaid half-time:	\$3,438.00

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

This amount represents unpaid half-time overtime wages.

30. The Employer/Defendant HOSPITALITY TEAM 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.
31. Defendant HOSPITALITY TEAM 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, as set forth above.
32. Defendant HOSPITALITY TEAM willfully and intentionally refused to pay Plaintiff overtime wages at the rate of time and one-half his regular rate, as required by the law of the United States and remains owing Plaintiff these overtime wages since the commencement of Plaintiff's employment with Defendants, and Plaintiff and those similarly-situated are entitled to recover double damages.
33. Plaintiff has retained the law offices of the undersigned attorney to represent him in this action and is obligated to pay a reasonable attorneys' fee.

PRAYER FOR RELIEF

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

- A. Enter judgment for Plaintiff RAFAEL RODRIGUEZ and other similarly-situated individuals and against the Defendant HOSPITALITY TEAM, on the basis of Defendant's willful violations of the Fair Labor Standards Act, 29 U.S.C. § 201 et seq.; and
- B. Award Plaintiff RAFAEL 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 RAFAEL RODRIGUEZ and those similarly-situated demand trial by jury of all issues triable as of right by jury.

DATED: December 29, 2017

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  
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*Attorney for Plaintiff*



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

I. (a) PLAINTIFFS

AREVALO R. 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

HOSPITALITY STAFFING TEAM LLC

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)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship and business incorporation status.

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

Large table with categories: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, SOCIAL SECURITY, BANKRUPTCY, FEDERAL TAX SUITS, OTHER 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:

[X] 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 December 29, 2017

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 California

AREVALO R. RODRIGUEZ

Plaintiff

v.

HOSPITALITY STAFFING TEAM LLC

Defendant

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) HOSPITALITY STAFFING TEAM LLC
Through Its registered Agent
SANDRA ZULUAGA
10727 s preserve way
306
MIRAMAR, FL 33025

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: [Hospitality Staffing Team Hit with Unpaid Overtime Case](#)

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