

**IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION**

**EVELYN SANTANA, on her own  
behalf and on behalf of those  
similarly situated,**

**Plaintiff,**

**Case No.:**

**-vs-**

**GARDA CL SOUTHEAST, INC., a  
Foreign Profit Corporation,**

**Defendant.**

\_\_\_\_\_ /

**COMPLAINT & DEMAND FOR JURY TRIAL**

Plaintiff, EVELYN SANTANA, on her own behalf and on behalf of others similarly situated, by and through undersigned counsel, files suit against the Defendant, GARDA CL SOUTHEAST, INC., a foreign for profit corporation, (“Defendant”), for unpaid overtime compensation, unlawful retaliation and other relief under the Fair Labor Standards Act, as amended, 29 U.S.C. § 216(b) (the “FLSA”) and Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, as amended by the Civil Rights Act of 1991, (collectively “Title VII”).

**JURISDICTION & VENUE**

1. Defendant, GARDA CL SOUTHEAST, INC., is a foreign for-profit corporation that operates and conducts business in, among others, Orlando, Florida (Orange County) and is therefore, within the jurisdiction of this Court.

2. This Court has jurisdiction over Plaintiff’s claims pursuant to 28 U.S.C. §1337 and the FLSA. This Court also has jurisdiction under 28 U.S.C. §§ 1331. Venue is proper under 28 U.S.C. § 1391. These claims arise under the laws of the United States.

3. The venue of this Court over this controversy is proper based upon the claim arising in Orange County, Florida.

4. Plaintiff has satisfied all administrative prerequisites to perfect her Title VII claim. Plaintiff filed a Charge of Discrimination with the Equal Employment Opportunity Commission (“EEOC”), incorporated herein, attached hereto and marked as **Exhibit A**, and the EEOC issued a notice of right to sue attached hereto and marked as **Exhibit B**. Plaintiff brings this suit within ninety (90) days of receipt of her notice of right to sue.

### **PARTIES**

5. Plaintiff, EVELYN SANTANA, was an employee of the Defendant within the last three (3) years for Defendant in Orlando, Florida (Orange County).

6. Defendant, GARDA CL SOUTHEAST, INC., is a private company which provides nationwide cash handling services to banks, financial institutions, and commercial and retail businesses.

7. Plaintiff brings a collective action to recover the unpaid wages owed to her and all other similarly situated employees, current and former, of Defendant’s who worked at GARDA CL SOUTHEAST, INC., at any time during the three-year period before this Complaint was filed up to the present (“Class Members”). These Class Members should be informed of the pendency of this action and apprised of their rights to join in the manner envisioned by *Hoffman-La Roche Inc. v. Sperling*, 493 U.S. 165 (1989) and its progeny.

### **FACTUAL ALLEGATIONS**

8. Plaintiff was a “vault worker” and performed related activities for Defendant in Orlando, Florida (Orange County).

9. In this capacity, Plaintiff earned a regular rate of pay of \$12.60 per hour.

10. Plaintiff worked for Defendant from approximately September 2013 to April 18, 2017.

11. During Plaintiff's employment, Plaintiff worked in excess of forty (40) per work week during one or more work weeks.

12. Specifically, Plaintiff would work over 50 hours per week.

13. However, Plaintiff was not paid overtime compensation of one and a half times her regular rate of pay per hour for overtime hours worked.

14. Plaintiff was paid a regular hourly rate of pay for all hours worked, including for all overtime hours worked ("straight pay").

15. As a result, Plaintiff should have received compensation at time and one half her regular rate of pay for all hours worked beyond the forty (40) hours per week.

16. Upon information and belief, the records, to the extent any exist, concerning the number of hours worked and amounts paid to Plaintiff are in the possession and custody of Defendant.

17. Defendant has violated Title 29 U.S.C. §215 in that they have discriminated and retaliated against Plaintiff for exercising her rights under the FLSA.

18. Defendant's failure and/or refusal to properly compensate Plaintiff at the rates and amounts required by the FLSA were willful.

19. Plaintiff is a female.

20. Mr. Angel Lozada was the Branch Manager in August 2014 when Plaintiff was transferred to Defendant's Orlando Branch.

21. Plaintiff accepted a night shift position.

22. Plaintiff agreed to give Plaintiff time to make new child care arrangements and occasionally report to work late during her transition to Orlando from New Jersey.

23. Plaintiff performed her duties, and the duties of other positions, to such an exception degree that she was given an increased hourly pay premium.

24. Mr. Lozada indicated to Plaintiff that she could keep the premium pay increase *only if* she would acquiesce to his romantic/sexual advances.

25. Mr. Lozada's advances consisted of sexually suggestive text messages and inappropriate behavior at work, such as staring at Plaintiff and making kissing sounds. Mr. Lozada also admitted to watching Plaintiff of the security cameras at work.

26. Plaintiff refused to engage in such a quid pro quo arrangement.

27. As a result of Plaintiff's refusal, Mr. Lozada became extra critical of Plaintiff's work performance.

28. Plaintiff reported her concerns of harassment to Alex Morales, Roberto Rodriguez, Anthony Bosworth and Lawrence Pontrelli.

29. Soon after, Plaintiff was fired.

30. Plaintiff was fired in direct retaliation to her complaint for harassment.

### **COVERAGE**

31. At all material times relevant to this action (2015-2018), Defendant was an enterprise covered by the FLSA, and as defined by 29 U.S.C. § 203(r) and 203 (s).

32. At all material times relevant to this action (2015-2018), Defendant made gross earnings of at least \$500,000 annually.

33. At all material times relevant to this action (2015-2018), Defendant accepted payments from customers based on credit cards issued by out of state banks.

34. At all material times relevant to this action (2015-2018), Defendant routinely ordered materials or supplies from out of state.

35. At all material times relevant to this action (2015-2018), Defendant had two (2) or more employees, including Plaintiff, engaged in interstate commerce, handling or otherwise working on materials that have been moved in or produced for interstate commerce.

36. At all material times relevant to this action (2015-2018), Defendant used U.S. mail to send and receive letters to and from other states.

37. At all times relevant to this action (2015-2018), Defendant failed to comply with 29 U.S.C. §§ 201-209, because Plaintiff performed services for Defendant for which no provisions were made by Defendant to properly pay Plaintiff for those hours worked in excess of forty (40) within a work week.

**COUNT I - RECOVERY OF OVERTIME COMPENSATION**

38. Plaintiff reincorporates and readopts all allegations contained within Paragraphs 1 through 37 above.

39. Plaintiff is/was entitled to be paid time and one-half her regular rate of pay for each hour worked in excess of forty (40) per work week.

40. During her employment with Defendant, Plaintiff regularly worked overtime hours but was not paid time and one half compensation for the same.

41. Defendant has been sued prior to this lawsuit for similar violations.

42. However, Defendant refused to make any changes to their pay practices.

43. As a result of Defendant's intentional, willful, and unlawful acts in refusing to pay Plaintiff, time and one half her regular rate of pay for each hour worked in excess of forty (40) per

work week in one or more work weeks, Plaintiff has suffered damages plus incurring reasonable attorneys' fees and costs.

44. As a result of Defendant's willful violation of the FLSA, Plaintiff is entitled to liquidated damages.

45. Plaintiff demands a trial by jury.

WHEREFORE, Plaintiff demands judgment against Defendant for the payment of all overtime hours at one and one-half the regular rate of pay for the hours worked by her for which Defendant did not properly compensate her, liquidated damages, reasonable attorneys' fees and costs incurred in this action, and any and all further relief that this Court determines to be just and appropriate.

**COLLECTIVE ACTION ALLEGATIONS**  
**REGARDING RECOVERY OF OVERTIME COMPENSATION**

46. As part of their regular business practices, Defendants have intentionally, willfully and repeatedly harmed Plaintiff and Class Members by engaging in a pattern, practice, or policy of violating the FLSA on a class wide basis, as described above.

47. Although Defendants permitted and/or required Class Members to work in excess of forty (40) hours per workweek, Defendants have denied them full compensation for their hours worked over forty. Defendants have also denied them full compensation at the federally mandated minimum wage rate.

48. Class Members perform or have performed the same or similar work as Plaintiff. In particular, Plaintiff and Class Members all worked as vault workers under the same conditions and subject to the same violations of the FLSA.

49. Many Class Members regularly work or have worked in excess of forty (40) hours during a workweek.

50. Class Members were paid by the hour.

51. Class Members are not exempt from receiving overtime pay and/or minimum wage at the federally mandated minimum wage rate under the FLSA.

52. As such, Class Members are similar to Plaintiff in terms of job duties, pay structure, and/or the denial of overtime and minimum wage.

53. Defendants' failure to pay overtime compensation and hours worked at the minimum wage rate required by the FLSA results from generally applicable policies or practices and does not depend on the personal circumstances of the Class Members.

54. The experiences of Plaintiff, with respect to their pay, are typical of the experiences of Class Members.

55. The experiences of Plaintiff, with respect to their job duties, are typical of the experiences of Class Members.

56. The specific job titles or precise job responsibilities of each Class Member does not prevent collective treatment.

57. All Class Members, irrespective of their particular job requirements, are entitled to overtime compensation for hours worked in excess of forty during a workweek.

58. All Class Members, irrespective of their particular job requirements, are entitled to compensation for hours worked at the federally mandated minimum wage rate.

59. Although the exact amount of damages may vary among Class Members, the damages for Class Members can be easily calculated by a formula. The claims of all Class Members arise from a common nucleus of facts. Liability is based on a systematic course of wrongful conduct by Defendants that caused harm to all Class Members.

60. The Plaintiff and the Class Members held the same job title: vault workers.

61. As such, the class of similarly situated Plaintiff is properly defined as follows:

**The Class Members are all of Defendants' current and former vault workers who worked for Defendant nationwide at any time during the three (3) years before this Complaint was filed up to the present.**

**COUNT II – RELIGIOUS DISCRIMINATION IN VIOLATION OF TITLE VII**

62. Plaintiff restates and incorporates herein the foregoing paragraphs 1 through 37.

63. Based on the conduct described in this Complaint, Defendant is liable for gender-based discrimination in violation of Title VII.

64. Defendant's conduct constitutes unlawful disregard and indifference to Plaintiff.

65. Defendant's conduct harmed and caused damage to Plaintiff.

**DEMAND FOR JURY TRIAL**

66. Plaintiff demands a jury trial on all issues so triable against Defendant.

**RELIEF REQUESTED**

Plaintiff respectfully requests:

- i. That the Court declare that Defendant violated the aforementioned causes of action;
- ii. A jury trial and entry of judgment in Plaintiff's favor;
- iii. Back pay;
- iv. Front pay;
- v. Compensatory damages;
- vi. Back overtime pay;
- vii. Liquidated damages;
- viii. Attorney's fees and expenses;
- ix. Prejudgment interests, and, if applicable, post-judgment interest;
- x. Conditional certification of a collective action;



xi. Any such other and further permanent injunctive, declaratory, legal or equitable relief in any combination to which she may be entitled; and

xii. Plaintiffs ask for in excess of \$250,000 in economic, compensatory, and punitive damages (subject to amendment based on discovery) or such amount awarded by a jury for the aforementioned harms to Plaintiff.

Dated this 16th day of October, 2018.

Respectfully submitted by,

**s/ Carlos Leach**

Carlos Leach, Esq.

FBN 0540021

Trial Counsel for Plaintiff

The Leach Firm, P.A.

1950 Lee Rd., Suite 213


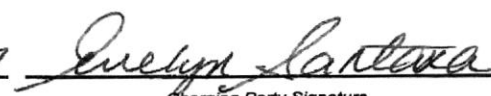
Winter Park, FL 32789

Telephone: (407) 574-4999

Facsimile: (833) 423-5864

Email: [CLEach@theleachfirm.com](mailto:CLEach@theleachfirm.com)

EEOC Form 5 (11/09)

<b>CHARGE OF DISCRIMINATION</b>		Charge Presented To: _____ Agency(ies) Charge No(s): _____	
This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		<input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC	
<b>Florida Commission On Human Relations</b> and EEOC			
State or local Agency, if any			
Name (Indicate Mr., Ms., Mrs.) <b>Mrs. Evelyn Santana</b>		Home Phone (Incl. Area Code) <b>(862) 368-6741</b>	Date of Birth
Street Address <b>11302 Isle of Waterbridge, Apt. 205, Orlando, Florida, 32837</b>			
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name <b>GARDAWORLD CASH SERVICES</b>		No. Employees, Members <b>15 - 100</b>	Phone No. (Include Area Code) <b>(407) 857-3334</b>
Street Address <b>9820 A-Satellite Boulevard, Orlando, Florida 32837</b>			
DISCRIMINATION BASED ON (Check appropriate box(es))  <input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify) _____		DATE(S) DISCRIMINATION TOOK PLACE Earliest                      Latest <b>January 2015</b>  <input checked="" type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): <p>Starting in January 2015, my branch manager Mr. Lozada and a fellow coworker Mr. Reyes began to make sexually suggestive remarks in my presence and when I expressed discomfort at this, he stated that I "wouldn't last long because I was a woman".</p> <p>In February 2016, I went to vacation with my family in New Jersey (where I am originally from) and I received text messages from a phone number with a Puerto Rican area code. The text messages were cryptic and unusual. I was worried because I thought something happened to my family back in Puerto Rico, but it turns out that the text messages were from Mr. Lozada attempting to explain to me that he had romantic interest in me. He knew that I am happily married and he refused to stop and this also made me very uncomfortable because these were text messages that were sent late at night and suggestive in nature.</p> <p>As the months began to pass, Mr. Lozada continued to flirt with me over text messages despite my insistence that he please stop because I did not want to get into any trouble at work or at home. My husband works for GardaWorld as well and I felt that any appearance of inappropriate behavior could lend itself to trouble for me both professionally and personally.</p> <p>Later on, Mr. Lozada would purposely leave his office door open in such a way as to allow him to view me from his desk. Whenever I would look in his direction, he would make kissing sounds and attempt to get my attention, despite the fact that I had rejected his previous advances. Some of my fellow co-workers saw this and began to suspect the worst. The very same day, Mr. Lozada stated that he needed a co-worker to accompany him to Walmart to make purchases for the office and nominated me to go with him. I politely declined because I did not feel comfortable going with him alone.</p> <p>In August 2016, Mr. Lozada told me that he would watch me from our worksite's security cameras from home when I was asked to work the graveyard shift. In the same conversation, Mr. Lozada also explained to me that he dreamt of me constantly and again expressed his desire to go out on a date with me. Again, I refused. Later that week, Mr. Lozada made physical contact with me and pushed me (I'm not sure if it was on accident or on purpose). I calmly told him that he had pushed me and he responded, "I haven't pushed you yet", which I interrupted to be a sexually suggestive remark that he wanted to be physical with me. He then laughed in my face and I retreated from the situation.</p> <p>Throughout this entire ordeal, I would make it known to Mr. Lozada that I was going to complain about him to Human Resources.</p>			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.  I declare under penalty of perjury that the above is true and correct.		NOTARY - When Notary Public Seal is Present, Notary Public Requirements <b>STATE OF FLORIDA</b> <b>Comm# GG20875</b> <b>Expire 7/13/2018</b>	
I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT  SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year) <b>02/02/2017</b>		Date: <u>2/2/2017</u> Charging Party Signature: 	

EEOC Form 5 (11/09)

<p style="text-align: center;"><b>CHARGE OF DISCRIMINATION</b></p> <p style="font-size: small;">This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</p>	<p>Charge Presented To: _____ Agency(ies) Charge No(s): _____</p> <p><input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC</p>
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**Florida Commission On Human Relations**

and EEOC

*State or local Agency, if any*

He would explain to me that it wouldn't make any difference because he "has them all in his pocket". I felt scared and isolated and didn't want to make any sudden moves for fear of me or my husband losing our jobs.

After it became clear to Mr. Lozada that I wasn't going to abide by his request, he would go out of his way to manipulate my schedule and give me shifts that I was not assigned to for the express purpose of allowing him to see me more frequently. He also attempted to change my job description to force me to do a job that I was neither qualified for nor had any interest in doing. This is the point that I feel that Mr. Lozada had made his mind up to begin retaliating against me for my refusal to do as he asked.

On October 4<sup>th</sup>, 2016, I put in a formal request with human resources to have take off on November 21, 2016 for the purposes of traveling for the holidays. My request was approved by the timekeeper in human resources. Mr. Lozada called me into his office and explained to me "things would be a lot of easier if you were just by my side", again insinuating that if I would just date him that things would be a lot smoother for me at work.

On November 18<sup>th</sup>, the day that that week's schedule was released, I noted that Mr. Lozada (who makes the schedule) had me working on the 21<sup>st</sup>, the date that I requested off. I attempted to call him and text him to tell him that human resources had already approved my personal time off for that day. He didn't respond at first, but when he did, he explained that I needed to work that day because we were "short staffed".

On November 23<sup>rd</sup>, I asked my immediate supervisor if I could leave early on the upcoming Friday because I was also scheduled to work on Saturday. He had no issue with this, but Mr. Lozada interfered and explained that I was not allowed to do this because I arrived late on the prior Saturday. I pleaded with Mr. Lozada and explained that I was sick and was in no condition to argue with him over this small accommodation. Mr. Lozada then callously responded that if I felt that ill that I should just "go home, punch out, and not get paid for the day". This made me feel marginalized and very small.

The following Monday, on November 28<sup>th</sup>, a couple of bags of money went missing and there was a search initiated for the bags. The bags held approximately \$24,000 and \$20,000, respectively. Mr. Lozada stated that no one was permitted to leave until we found the two missing bags. Several of my co-workers were permitted to leave, without having their cars checked. Additionally, Mr. Lozada specifically singled me out for further scrutiny and even suggested that the bag went missing after my husband stopped by to visit me. This is despite the fact that he has a camera pinned on me at all times. That night my shift was supposed to end at 1AM, and Mr. Lozada kept me captive until 2 hours after the end of my shift before I was permitted to leave the premises.

Four days after the aforementioned incident, without notifying the rest of the team whether or not the bags had been recovered, Mr. Lozada explained to the team that the issue was resolved without any further comment. Shortly thereafter, Mr. Lozada took away my bonus pay for being the "crew leader" and explained away the decision by stating that I wasn't going to work the day that he scheduled me to work when I specifically requested it off.

After this demotion, he brought a new young lady, Maria, who had no discernable qualifications to do the job that he tasked her with (working in the vault with the rest of my team). She received a position that I sought and it is my belief that she was given this position because she was willing to do as Mr. Lozada requested when I had no interest in doing so. Even if I didn't earn the position, it seems highly questionable to me to hire someone externally with no qualifications above numerous of my co-workers who were very capable at doing the job. I believe the relationship between Maria and Mr. Lozada is an inappropriate one.

On December 7, 2016, Mr. Lozada and Mr. Medina (Disney liaison), began to use very crude and sexually suggestive language once again. This has been an ongoing occurrence since my time at GardaWorld Orlando. I approached Mr. Rodriguez (the vault supervisor) to explain how uncomfortable their language was making me. I told Mr. Rodriguez that I would be clocking out because I could not handle the situation anymore. Mr. Rodriguez told me, in no uncertain terms, that I was overreacting.

I felt like all three men, Rodriguez, Medina, and Lozada, are in collusion with one another and will refuse to act upon any of my requests because of the potential prejudice to Mr. Lozada. I have been working for GardaWorld for the last two years and nothing has changed and nothing has improved. I am finally at my wits end and wish to escalate this to the EEOC and make these men responsible for their actions in creating such a hostile work environment. I truly believe this is a boys' club and as a woman, I have no say or no power to make a difference.

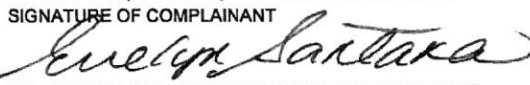
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

2/2/2017 Evelyn Santana  
Date Charging Party Signature

NOTARY - When used for State and Local Agency Requirements  
  
 Frank Edel Bianco  
 NOTARY PUBLIC  
 STATE OF FLORIDA  
 Comm# GG20875

I swear or affirm that I have read this charge and that it is true to the best of my knowledge, information and belief.  
 Expires 7/13/2019

SIGNATURE OF COMPLAINANT  


SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
 (month, day, year)

02/02/2017

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

**DISMISSAL AND NOTICE OF RIGHTS**

To: **Evelyn Santana**  
 11302 Isle of Waterbridge  
 Apt. # 205  
 Orlando, FL 32837

From: **Miami District Office**  
 Miami Tower, 100 S E 2nd Street  
 Suite 1500  
 Miami, FL 33131

On behalf of person(s) aggrieved whose identity is  
 CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No	EEOC Representative	Telephone No.
<b>510-2017-01088</b>	<b>BLONDEL VINCENT, Investigator</b>	<b>(305) 808-1810</b>

**THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**

- The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- Your allegations did not involve a disability as defined by the Americans With Disabilities Act.
- The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge
- The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- Other (briefly state)

**- NOTICE OF SUIT RIGHTS -**

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

*Niza Santa Wright*

**JUL 24 2018**

Enclosures(s)

**MICHAEL J. FARRELL,**  
 District Director

(Date Mailed)

cc: **Respondent Representative**  
**LITTLER MENDELSON, P.C.**  
 Scott A. Forman  
 Shareholder  
 2301 McGee Street, 8th Floor  
 Kansas City, MO 64108

**Charging Party Representative**  
**THE LEACH FIRM, P.A.**  
 Carlos Leach  
 Esq.  
 1950 Lee Road, Suite 213  
 Winter Park, FL 32789

Enclosure with EEOC  
Form 101 (1/1/16)

**INFORMATION RELATED TO FILING SUIT  
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.  
If you also plan to sue claiming violations of State law, please be aware that time limits and other  
provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),  
the Genetic Information Nondiscrimination Act (GINA), or the Age  
Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was mailed to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Courts often require that a copy of your charge must be attached to the complaint you file in court. If so, you should remove your birth date from the charge. Some courts will not accept your complaint where the charge includes a date of birth. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

**PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):**

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10** -- not 12/1/10 -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

**ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:**

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

**ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:**

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

**IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.**

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.)

I. (a) PLAINTIFFS
EVELYN SANTANA

DEFENDANTS
GARDA CL SOUTHEAST, INC.

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

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

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

Attorneys (If Known)

(c) Attorneys (Firm Name, Address, and Telephone Number)
CARLOS LEACH, ESQUIRE
THE LEACH FIRM, P.A., 1950 LEE RD., SUITE 213, WINTER PARK, FL 32789 407-574-4999

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
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: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation.

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, 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 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from Another District
6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Fair Labor Standards Act (the "FLSA") and Title VII of the Civil Rights Act of 1964 ("Title VII")
Brief description of cause:
Unpaid wages and Gender discrimination

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE 10/16/2018 SIGNATURE OF ATTORNEY OF RECORD s/ Carlos Leach

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE
Print Save As... Reset

## 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.Cv.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; **NOTE: 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 clerk(s) 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 six 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.  
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.  
 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.
- VI. 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
- VII. 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 actual dollar amount 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.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**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

Middle District of Florida

EVELYN SANTANA, on her own behalf and on behalf of those similarly situated,

Plaintiff(s)

v.

GARDA CL SOUTHEAST, INC., a Foreign Profit Corporation,

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) CORPORATE CREATIONS NETWORK, INC., registered agent for Defendant GARDA CL SOUTHEAST, INC. 11380 PROSPERITY FARMS ROAD 221E PALM BEACH GARDENS, FL 33410

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: Carlos Leach, Esquire The Leach Firm, P.A. 1950 Lee Rd., Suite 213 Winter Park, FL 32789

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**

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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: [Garda Employee Sues Over Allegedly Unpaid Wages, Retaliation](#)

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