

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 17-CV-21666

EDMUNDO DA SILVA,  
For Himself and Others Similarly Situated

Plaintiff(s),

vs.

SOS FURNITURE COMPANY, INC. d/b/a  
MATTRESS 1 ONE,  
MATTRESS ONE, INC. d/b/a  
MATTRESS 1 ONE,  
MOHANED SALEM and  
JAMIL SALEM,

Defendants.

COLLECTIVE ACTION COMPLAINT

Plaintiff, Edmundo Da Silva, on behalf of himself and others similarly situated, sues Defendants, SOS Furniture Company, Inc., Mattress One, Inc., Mohaned Salem, and Jamil Salem, as follows:

*Parties, Jurisdiction, and Venue*

1. **Plaintiff, Edmundo Da Silva**, is a *sui juris* resident of Miami-Dade County, Florida, who is over 18 years old. He was an employee of Defendants as the term “employee” is defined under Florida law and consents to participate in this lawsuit. [ECF No. 1-1.]

2. Plaintiff is but one of a much larger class of similarly situated people entitled to recover additional overtime wages as a result of Defendants’ failure to properly calculate and pay overtime wages.

3. **Defendant, SOS Furniture Company, Inc.**, is a for profit Florida company that is *sui juris* and has operated its retail mattress sales business, in Miami-Dade County, Florida, at all times material. Defendant, SOS Furniture Company, Inc., operates multiple stores under the registered fictitious name of Mattress 1 One.

4. **Defendant, Mattress One, Inc.**, is a for profit Florida company that is *sui juris* and has operated its telemarketing/direct business here, in Miami-Dade County, Florida, at all times material. Defendant, Mattress One, Inc., operates multiple stores under the registered fictitious name of Mattress 1 One.

5. **Defendant, Mohaned Salem**, was and is an owner and operator of the corporate Defendants for the relevant time period. He ran their day-to-day operations, had supervisory authority over Plaintiff, and was partially or totally responsible for paying Plaintiff's wages.

6. **Defendant, Jamil Salem**, was and is an owner and operator of the corporate Defendants for the relevant time period. He ran their day-to-day operations, had supervisory authority over Plaintiff, and was partially or totally responsible for paying Plaintiff's wages.

7. Defendants were Plaintiff's direct employers, joint employers and co-employers, as that term "employer" is defined by 29 U.S.C. §203 (d). SOS Furniture Company, Inc., Mohaned Salem, and Jamil Salem employed Plaintiff until from July 2013 to August 2014, after which time Mattress One, Inc., Mohaned Salem, and Jamil Salem employed him from April 25, 2016 to February 17, 2017.

8. This Court has jurisdiction over Plaintiff's FLSA claims.

9. Venue is proper in this Court pursuant because Defendants transact business in Miami-Dade County, they maintain an office and multiple retail places of business in Miami-

Dade County, and also because Defendants employed Plaintiff in Miami-Dade County, with most of the actions complained of occurring within this County.

***Common Background Factual Allegations***

10. Defendants regularly employed two or more employees for the relevant time period that handled goods or materials that travelled through interstate commerce, or used instrumentalities of interstate commerce, thus making Defendants' business an enterprise covered under the Fair Labor Standards Act.

11. Defendants have been, at all times material, an enterprise engaged in interstate commerce in the course of their marketing, sales, and promotion of mattress and related items (box springs, frames, etc.) in interstate commerce. Defendants marketed, promoted, brokered, and transacted their retail mattress business by selling mattresses, box springs, and bed frames using machinery, appliances, telephones, computers, computer networking equipment, computer software, telephones, telephone equipment, goods and materials that also have moved through interstate commerce.

12. Furthermore, Defendants obtain, solicit, exchange and send funds to and from outside of the State of Florida, use telephonic transmissions going outside of the State of Florida to conduct business, and transmit electronic information through computers, the internet, via email, and otherwise outside of the State of Florida in the course of their business.

13. Defendants also sell financing and insurance of the mattresses they sell using financial institutions and insurers located outside of the State of Florida.

14. Defendants' annual gross revenues derived from this interstate commerce are believed to be in excess of \$500,000.00 for the relevant time period.

15. To the extent that records exist regarding the exact dates of Plaintiff's employment exist, such records are in the exclusive custody of Defendants.

16. Plaintiff's work for Defendants was actually in or so closely related to the movement of commerce while she worked for Defendants that the Fair Labor Standards Act applies to Plaintiff's work for Defendant in the course of selling mattresses, box springs, bed frames, insurance, and finance services to persons while regularly and routinely making transactions utilizing computers, equipment, telephone lines, funds, and electronic transmissions that also traveled through interstate commerce.

17. Any/all conditions precedent to filing this lawsuit occurred and/or was satisfied by Plaintiff.

18. Plaintiff retained the undersigned counsel and agreed to pay a reasonable fee for all services rendered.

***Collective Action Allegations***

19. Plaintiff brings this action on behalf of himself and other similarly situated persons who work and who worked for Defendants in Miami-Dade and Broward Counties as hourly salespersons from the three years immediately preceding the filing of this Complaint and the date of the rendition of a final judgment in this action.

20. There are many similarly situated current and former employees of Defendants who have been underpaid in violation of the FLSA, deprived of the overtime pay they earned, and who would benefit from the issuance of notice of their rights, the present lawsuit, and their ability to join this lawsuit (without fear of retaliation for affected current employees of Defendants).

21. The class of similarly situated employees employed by Defendants who may

become Plaintiffs in this action are current and former employees of Defendants who were paid on an hourly basis, whose overtime pay did not include the non-discretionary 3% commission earned on sales, who were not paid for attending mandatory trainings, and who are and who were subject to the same payroll practices and procedures.

22. The class of similarly situated employees employed by Defendants are known to Defendants, readily identifiable from records maintained by Defendants, and necessarily will present legal and factual issues which are nearly the same, if not identical to Plaintiff's issues.

23. Defendants paid Plaintiff according to the same pay practice that it applied to its other employees who, like Plaintiffs, received a receive an overtime rate of pay that did not account for the commissions earned and that did not account for the mandatory trainings attended.

24. Plaintiff performed the same type of work under the same procedures, rules, and regulations, as a class of Defendants' other similarly situated employees.

25. The common issues in this case include the following:

- a. Whether one or more of the Defendants should be considered an "employer" under the FLSA;
- b. Whether one or more Defendants was at all times material an enterprise engaged in commerce under the FLSA;
- c. Whether Defendants were required to include the non-discretionary commissions in their hourly sales employees' regular rate(s) of pay when calculating their overtime pay rate(s);
- d. Whether Defendants failed to pay the proper overtime rate to their hourly sales employees;

- e. Whether Defendants' failure to properly pay Plaintiff and the class of similarly situated current and former hourly sales employees the proper overtime rate for all overtime hours worked was willful, reckless, or done with reckless disregard for purposes of determining the applicable limitations period;
- f. Whether Plaintiff and the members of the collective / class are entitled to recover liquidated damages from Defendants; and
- g. Whether Plaintiff and the members of the collective / class are entitled to recover their attorneys' fees and costs from Defendants upon prevailing in this action.

26. Plaintiff seeks the same relief for himself as for the other similarly situated current and former employees of Defendants.

### ***Liability Allegations***

27. Plaintiff worked for Defendants, SOS Furniture Company, Inc., Mohaned Salem, and Jamil Salem from July 2013 to August 2014 and then again for Defendants, SOS Furniture Company, Inc., Mattress One, Inc., Mohaned Salem, and Jamil Salem, from April 25, 2016 to February 17, 2017 as a non-exempt employee performing inside sales.

28. Defendants paid Plaintiff at a rate of \$8.05 per hour, plus a non-discretionary commission of 3% of his sales until on or about September 15, 2016, after which time Defendants paid Plaintiff on a commission-only basis.

29. Although Plaintiff worked overtime while working for Defendants, they failed to include the value of his commissions earned through approximately September 15, 2016 in the overtime paid to him.

30. The FLSA requires, at §778.118, that “ When the commission is paid on a weekly basis, it is added to the employee’s other earnings for that workweek . . . and the total is divided by the total number of hours worked in the workweek to obtain the employee’s regular hourly rate for the particular workweek.”

31. Defendants thus failed to properly calculate the overtime rate of pay when they failed and refused to pay Plaintiff and the class of similarly situated hourly sales employees at the rate of time and one-half of their regular rate of pay (including non-discretionary commissions earned) for all hours worked over 40 hours in a workweek until Defendants changed to a commission-only pay structure.

32. Defendants likewise failed to pay Plaintiff and the class of similarly situated current and former hourly sales associates any overtime wages for the 3 to 4 hours of time they spent every two months attending mandatory sales trainings.

33. The class of similarly situated sales employees employed by Defendants are readily identifiable from records maintained by Defendants and necessarily will present legal and factual issues which are nearly the same, if not identical to those presented by Plaintiff.

34. Upon information and belief, Defendants failed to pay overtime and failed to comply with the FLSA to minimize their labor costs and to maximize their profits.

35. Defendants maintained records or were required to maintain records of the times that Plaintiffs and the class of similarly situated commissioned health insurance agent employees started and stopped working each day.

36. Defendants paid Plaintiff according to the same pay practice that it applied to its other employees who, like Plaintiff, received an hourly wage plus commissions – but who did not receive overtime pay that took into account the non-discretionary commission income and

who did not receive overtime pay for attending mandatory training classes.

37. Plaintiff performed the same type of work under the same procedures, rules, and regulations, as a class of Defendants' other similarly situated employees who were paid hourly with a non-discretionary commission on their sales.

38. Defendants failed and refused to pay Plaintiff and the class of their similarly situated current and former employees overtime wages calculated at time and one-half of their regular hourly rate for all hours worked over 40 hours in a given workweek.

39. Defendants willfully and intentionally refused to pay Plaintiff and the class of their similarly situated current and former employees wages at a rate of time and one-half times their regular rate of pay for each of the overtime hours they worked during the relevant time period.

40. Defendants either recklessly failed to investigate whether their failure to pay Plaintiff and the class of similarly situated employees the correct overtime wage for all hours worked during the relevant time period violated the Federal Wage Laws of the United States, they intentionally misled Plaintiff and the class of similarly situated employees to believe that Defendants were not required to pay an overtime that included commission as part of their calculations and were not required to pay them for the trainings attended, and/or Defendants concocted a scheme pursuant to which they deprived Plaintiff and the class of similarly situated employees the overtime pay earned.

41. Plaintiff and the class of similarly situated employees are entitled to a back pay award of overtime wages for all overtime hours worked, plus an equal amount as a penalty, plus all attorneys' fees and costs.



WHEREFORE Plaintiffs, Edmundo Da Silva, on behalf of himself and all others similarly situated, demands the entry of a judgment in favor of Plaintiff and the class and against Defendants, SOS Furniture Company, Inc., Mattress One, Inc., Mohaned Salem, and Jamil Salem, jointly and severally, after trial by jury and as follows:

- a. That the Court certify the instant suit as an opt-in class action under 29 U.S.C. § 216(b) for all similarly situated employees who elect to join these proceedings at the earliest opportunity so that Plaintiff can send notice to all similarly situated current and former employees of Defendants during the past three years;
- b. That the Court appoint Plaintiff as a the representative of the collective/class;
- c. That the Court appoint the undersigned as the counsel for the collective/class;
- d. That the named Plaintiff and all class members who opt in recover compensatory overtime wage damages and an equal amount of liquidated damages as provided under the law and in 29 U.S.C. § 216(b) – or interest on the unpaid wages if no liquidated damages are awarded;
- e. That Plaintiff and the class recover an award of reasonable attorneys fees, costs, and expenses pursuant to the FLSA;
- f. That the Defendants be Ordered to make the Plaintiff and all class members who opt in whole by providing appropriate overtime pay and other benefits wrongly denied in an amount to be shown at trial and other affirmative relief;
- g. That Plaintiff and all class members recover a judgment for all interest allowed by law; and
- h. Such other and further relief as the Court deems just and proper.

**DEMAND FOR JURY TRIAL**

Plaintiffs demand a trial by jury of all issues so triable.

Dated this 4th day of May, 2017.

Respectfully Submitted,

FAIRLAW FIRM  
*Counsel for Plaintiff*  
7300 N. Kendall Drive  
Suite 450  
Miami, FL 33156  
Tel: 305.230.4884  
Fax: 305.230.4844

*s/Brian H. Pollock, Esq.*

Brian H. Pollock, Esq.

Fla. Bar No. 174742

[brian@fairlawattorney.com](mailto:brian@fairlawattorney.com)

**DECLARATION AND NOTICE OF CONSENT TO JOIN**

Pursuant to 28 U.S.C. §1746, I hereby make the following declaration:

1. I am over 18 years of age and am capable of making this declaration. This declaration is made on my own personal knowledge.
2. Pursuant to 29 U.S.C. §216(b), I consent to serve as a plaintiff in the above-referenced FLSA action.
3. I was employed by SOS FURNITURE COMPANY, INC. d/b/a MATTRESS 1 ONE, MOHANED SALEM and JAMIL SALEM from July 2013 to August 2014 and then again for SOS FURNITURE COMPANY, INC. d/b/a MATTRESS 1 ONE, MATTRESS ONE, INC. d/b/a MATTRESS 1 ONE MOHANED SALEM and JAMIL SALEM from April 25, 2016 to February 17, 2017.
4. I was not paid at least a minimum wage and/or overtime wages for all of the time that I worked.
5. I agree to be bound by any decision in this case.

Dated

05/04/17 

Printed Name:

Edwardo A. Soto

**DECLARACIÓN Y AVISO**

De conformidad con 28 USC § 1746, por la presente hacer la siguiente declaración:

1. Soy mayor de 18 años de edad y soy capaz que hacer esta declaracion. Esta declaracion es basada en mis conocimientos personales.

2. De conformidad con 29 U.S.C. §216(b), doy mi consentimiento para ejercer como demandante en esta accion bajo FLSA.

3. Estuve empleado por SOS FURNITURE COMPANY, INC. d/b/a MATTRESS 1 ONE, MOHANED SALEM y JAMIL SALEM desde julio 2013 hasta agosto 2014 ye despues por SOS FURNITURE COMPANY, INC. d/b/a MATTRESS 1 ONE, MATTRESS ONE, INC. d/b/a MATTRESS 1 ONE MOHANED SALEM y JAMIL SALEM desde el 25 de abril 2016 hast el 17 de febrero 2017.

4. No se pagó por lo menos un salario mínimo y/o pago de horas extras para todo el tiempo que trabajé.

5. Estoy de acuerdo con estar vinculado a cualquier decisión en este caso.

Fecha 05/04/17

Firma: 

Nombre: Edwado de Silva

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

EDMUNDO DA SILVA, For Himself And Others Similarly Situated.

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

(c) Attorneys (Firm Name, Address, and Telephone Number) Brian H. Pollock, Esq. / FairLaw Firm 7300 N. Kendall Drive, Suite 450 Miami, FL 33156 Tel: (305) 230-4884

DEFENDANTS

SOS FURNITURE COMPANY, INC. d/b/a MATTRESS 1 ONE, MATTRESS ONE, INC. d/b/a MATTRESS 1 ONE, MOHANED SALEM and JAMIL SALEM, County of Residence of First Listed Defendant MIAMI-DADE

(IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

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): 29 USC §216(b) Brief description of cause: Violations of Fair Labor Standards Act

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 Covington (M.D. Fla - Tampa) DOCKET NUMBER 8:17-cv-00627

DATE 5/4/2017 SIGNATURE OF ATTORNEY OF RECORD s/Brian H. Pollock, Esq.

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

## 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.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 17-CV-21666

EDMUNDO DA SILVA,  
For Himself and Others Similarly Situated

Plaintiff(s),

vs.

SOS FURNITURE COMPANY, INC. d/b/a  
MATTRESS 1 ONE,  
MATTRESS ONE, INC. d/b/a  
MATTRESS 1 ONE,  
MOHANED SALEM and  
JAMIL SALEM,

Defendants.

\_\_\_\_\_ /

**SUMMONS IN A CIVIL ACTION**

TO: SOS FURNITURE COMPANY, INC.  
c/o PAUL M. KADE, ESQ., its Registered Agent  
9200 SOUTH DADELAND BLVD., SUITE 400  
MIAMI, FL 33156

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:

Brian H. Pollock, Esq.  
FairLaw Firm  
7300 N. Kendall Drive, Suite 450  
Miami, FL 33156  
Tel: (305) 230-4884  
[brian@fairlawattorney.com](mailto:brian@fairlawattorney.com)

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.

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

CLERK OF COURT

\_\_\_\_\_  
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)* \_\_\_\_\_ 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 \$ \_\_\_\_\_

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:



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 17-CV-21666

EDMUNDO DA SILVA,  
For Himself and Others Similarly Situated

Plaintiff(s),

vs.

SOS FURNITURE COMPANY, INC. d/b/a  
MATTRESS 1 ONE,  
MATTRESS ONE, INC. d/b/a  
MATTRESS 1 ONE,  
MOHANED SALEM and  
JAMIL SALEM,

Defendants.

\_\_\_\_\_ /

**SUMMONS IN A CIVIL ACTION**

TO: MATTRESS ONE, INC.  
c/o MOHANED SALEM, its Registered Agent  
2555 NW 107th AVENUE  
DORAL, FL 33172

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:

Brian H. Pollock, Esq.  
FairLaw Firm  
7300 N. Kendall Drive, Suite 450  
Miami, FL 33156  
Tel: (305) 230-4884  
[brian@fairlawattorney.com](mailto:brian@fairlawattorney.com)

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.

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

CLERK OF COURT

\_\_\_\_\_  
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)* \_\_\_\_\_ 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 \$ \_\_\_\_\_

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:

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 17-CV-21666

EDMUNDO DA SILVA,  
For Himself and Others Similarly Situated

Plaintiff(s),

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SOS FURNITURE COMPANY, INC. d/b/a  
MATTRESS 1 ONE,  
MATTRESS ONE, INC. d/b/a  
MATTRESS 1 ONE,  
MOHANED SALEM and  
JAMIL SALEM,

Defendants.

\_\_\_\_\_ /

**SUMMONS IN A CIVIL ACTION**

TO: MOHANED SALEM  
11601 Lakeside Drive, Apt. 8302  
Doral, FL 33178

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:

Brian H. Pollock, Esq.  
FairLaw Firm  
7300 N. Kendall Drive, Suite 450  
Miami, FL 33156  
Tel: (305) 230-4884  
Fax: (305) 230-4844  
[brian@fairlawattorney.com](mailto:brian@fairlawattorney.com)

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.

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

CLERK OF COURT

\_\_\_\_\_  
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)* \_\_\_\_\_ 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 \$ \_\_\_\_\_

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:

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 17-CV-21666

EDMUNDO DA SILVA,  
For Himself and Others Similarly Situated

Plaintiff(s),

vs.

SOS FURNITURE COMPANY, INC. d/b/a  
MATTRESS 1 ONE,  
MATTRESS ONE, INC. d/b/a  
MATTRESS 1 ONE,  
MOHANED SALEM and  
JAMIL SALEM,

Defendants.

\_\_\_\_\_ /

**SUMMONS IN A CIVIL ACTION**

TO: JAMIL SALEM  
11601 Lakeside Drive, Apt. 8302  
Doral, FL 33178

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:

Brian H. Pollock, Esq.  
FairLaw Firm  
7300 N. Kendall Drive, Suite 450  
Miami, FL 33156  
Tel: (305) 230-4884  
Fax: (305) 230-4844  
[brian@fairlawattorney.com](mailto:brian@fairlawattorney.com)

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.

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

CLERK OF COURT

\_\_\_\_\_  
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)* \_\_\_\_\_ 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 \$ \_\_\_\_\_

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:

# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [SOS Furniture, Mattress One Hit with Another Wage and Hour Lawsuit](#)

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