

FILED

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA

2017 OCT -4 PM 12:00

CASE NO.

CITRUS COUNTY DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TALLAHASSEE, FLORIDA

CAROL VAUGHAN, on behalf of herself and other  
similarly situated employees,

Plaintiff,

S:17-CV-451.00-30.PRL

v.

T&A OF CITRUS COUNTY, INC., a Florida for profit  
corporation d/b/a OLIVE TREE RESTAURANT, and  
PAVLOS PARNOS, an individual,

Defendants.

**COMPLAINT FOR DAMAGES AND JURY TRIAL DEMANDED**

Plaintiff, CAROL VAUGHAN, (“VAUGHAN”), by and through her undersigned attorney, and on behalf of other similarly situated employees, files this, her Complaint for Damages against Defendants, T&A OF CITRUS COUNTY, INC., a Florida for-profit corporation d/b/a OLIVE TREE RESTAURANT, and PAVLOS PARNOS, an individual (hereinafter “PARNOS”), and states as follows:

**INTRODUCTION**

1. This is an action to recover unpaid overtime and minimum wage compensation under the Fair Labor Standards Act, as amended, 29 U.S.C. § 201 *et. seq.*, (hereinafter “FLSA”); and minimum wages under the Florida Minimum Wage Amendment, Article X, §24 of the Florida Constitution and Fla. Stat. §448.110.

### **JURISDICTION**

2. This Court has jurisdiction over this controversy pursuant to 29 U.S.C. §216(b) and 28 U.S.C. §1331. At all times pertinent to this Complaint, the corporate Defendant, OLIVE TREE RESTAURANT was an enterprise engaged in interstate commerce. At all times pertinent to this Complaint, the corporate Defendant regularly owned and operated a business engaged in commerce or in the production of goods for commerce as defined in §3(r) and 3(s) of the FLSA, 29 U.S.C. §203(r) and 203(s).

3. Defendants, OLIVE TREE RESTAURANT and PARNOS operated a restaurant. Plaintiff's work involved handling on a regular and recurrent basis "goods" or "materials," as defined by the FLSA, which were used commercially in Defendants' business, and moved in interstate commerce. Specifically, the Plaintiff handled food and drinks which were originally manufactured outside the State of Florida.

4. Upon information and belief, during the relevant time period, the Defendants had an annual gross volume of sales made or business done of not less than \$500,000.00.

5. The Defendants are subject to the jurisdiction of this Court because they engage in substantial and not isolated activity within the Middle District of Florida.

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

### **VENUE**

7. The venue of this Court over this controversy is based upon the following:

- a. The unlawful employment practices alleged below occurred and/or were committed in the Middle District of Florida and,

b. Defendants were and continue to be a corporation and an individual doing business within this judicial district.

**PARTIES**

8. At all times material hereto, Plaintiff, VAUGHAN was a resident of Crystal River, Citrus County, Florida, and was an “employee” of the Defendants within the meaning of the FLSA.

9. At all times material hereto, corporate Defendant, OLIVE TREE RESTAURANT, was conducting business in Crystal River, Citrus County, Florida, with its principal place of business in that city.

10. At all times material hereto, Defendants were the employers of Plaintiff, VAUGHAN.

11. At all times material hereto, Defendants were and continue to be “employer[s]” within the meaning of the FLSA, the Florida Minimum Wage Amendment, Article X, §24 of the Florida Constitution and Fla. Stat. §448.110.

12. At all times material hereto, Defendants knowingly and willfully failed to pay Plaintiff, VAUGHAN her lawfully earned wages in conformance with the FLSA.

13. Defendants committed a willful, malicious and unlawful violation of the FLSA and, therefore, are liable for monetary damages.

14. At all times material hereto, corporate Defendant, OLIVE TREE RESTAURANT was and continue to be an “enterprise engaged in commerce” within the meaning of the FLSA.

15. At all times material hereto, the work performed by Plaintiff was directly essential to the business performed by Defendants.

16. Plaintiff has fulfilled all conditions precedent to the institution of this action and/or such conditions have been waived.

**STATEMENT OF FACTS**

17. On or about February 2, 2017, Plaintiff, VAUGHAN was hired by the Defendants as a server at the Defendants' restaurant. Her employment terminated on or about June 18, 2017.

18. Plaintiff, VAUGHAN was paid any hourly wage of \$3.00 per hour, which was less than the minimum wage, for all her work hours. In addition, Plaintiff, VAUGHAN worked in excess of forty hours per week, but was not paid at the rate of time-and-one-half the minimum wage.

19. Defendants knowingly and willfully operated their business with a policy of not paying minimum and overtime wages, respectively, for each and every hour worked by Plaintiff in conformance with the applicable law. Specifically, Defendants paid its restaurant workers, including the Plaintiff, and other servers, dishwashers and cashiers, below the applicable state and federal minimum wage.

20. Defendant, PARNOS was a supervisor and manager/owner who was involved in the day-to-day operations and/or was directly responsible for the supervision of Plaintiff and other employees. Therefore, he is personally liable for the FLSA violations.

21. Defendant, PARNOS was directly involved in decisions affecting employee compensation and/or hours worked by Plaintiff.

22. Plaintiff has retained Bober & Bober, P.A. to represent her in this litigation and has agreed to pay the firm a reasonable fee for its services.

**STATEMENT OF CLAIM:**

**COUNT I**

**VIOLATION OF 29 U.S.C. § 207 (UNPAID OVERTIME)**

23. Plaintiff, VAUGHAN realleges Paragraphs 1 through 22 as if fully stated herein.

24. Since Plaintiff's date of hire with Defendants, in addition to Plaintiff's normal regular work week, the Plaintiff worked additional hours in excess of forty (40) per week for which she was not compensated at the statutory rate of time and one-half.

25. Plaintiff was entitled to be paid at the rate of time and one-half for her hours worked in excess of the maximum hours provided for in the FLSA.

26. Defendants failed to pay Plaintiff overtime compensation in the lawful amount for hours worked by Plaintiff in excess of the maximum hours provided for in the FLSA.

27. Records, if any, concerning the number of hours worked by Plaintiff and the actual compensation paid to Plaintiff are in the possession and custody of the Defendants. Plaintiff intends to obtain these records by appropriate discovery proceedings to be taken promptly in this case and, if necessary, she will then seek leave of Court to amend her Complaint for Damages to set forth the precise amount due her.

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

29. Defendants failed to properly disclose or apprise Plaintiff of her rights under the FLSA.

30. As a direct and proximate result of Defendants' willful disregard of the FLSA, Plaintiff is entitled to liquidated damages pursuant to the FLSA.

31. Due to the intentional, willful and unlawful acts of Defendants, Plaintiff has suffered damages in the amount not presently ascertainable of unpaid overtime wages, plus an equal amount as liquidated damages.

32. Plaintiff is entitled to an award of her reasonable attorney's fees and costs pursuant to 29 U.S.C. § 216(b).

WHEREFORE, Plaintiff respectfully requests that judgment be entered in her favor against the Defendants:

- a. Declaring that the Defendants have violated the maximum hour provisions of 29 U.S.C. § 207;
- b. Awarding Plaintiff overtime compensation in the amount calculated;
- c. Awarding Plaintiff liquidated damages in the amount calculated;
- d. Awarding Plaintiff reasonable attorney's fees and costs and expenses of this litigation pursuant to 29 U.S.C. § 216(b);
- e. Awarding Plaintiff post-judgment interest; and
- f. Ordering any other and further relief this Court deems to be just.

## **COUNT II**

### **VIOLATION OF 29 U.S.C. § 206 (UNPAID MINIMUM WAGES)**

33. Plaintiff, VAUGHAN realleges Paragraphs 1 through 22 of this Complaint as if fully set forth herein.

34. Plaintiff, VAUGHAN's employment with Defendants was to consist of a normal workweek for which she was to be compensated at or above the FLSA minimum wage.

35. 29 U.S.C. § 206 and requires that any employee covered by the FLSA be paid their minimum wages.

36. Plaintiff received an hourly wage of \$3.00 per hour.

37. Plaintiff received less than the applicable minimum wage for all of her work hours.

38. The Defendants acted willfully.

39. As a direct and proximate result of Defendants' willful violation of the FLSA, Plaintiff is entitled to liquidated damages pursuant to the FLSA.

WHEREFORE, Plaintiff respectfully requests:

- a. judgment in her favor for all unpaid minimum wages due or payable;
- b. liquidated damages;
- c. attorney's fees and costs pursuant to the FLSA;
- d. post-judgment interest; and
- e. all other and further relief this Court deems to be just and proper.

### **COUNT III**

#### **COLLECTIVE ACTION FOR OTHER EMPLOYEES SIMILARLY SITUATED**

#### **PURSUANT TO 29 U.S.C. §216**

40. Plaintiff realleges Paragraphs 1 through 22 as if fully stated herein.

41. Pursuant to 29 U.S.C. § 216, Plaintiff is provided a statutory right to bring this action on behalf of herself and other employees similarly situated.

42. It is the policy of the Defendants not to pay its servers, dishwashers and cashiers in conformance with the FLSA.

43. Defendants' servers, dishwashers and cashiers who reside at the Defendants' restaurant were not paid proper minimum wages. Instead, the Defendants paid those workers, including Plaintiff, at a rate less than the statutorily permitted minimum wage.

44. Defendants' scheme of requiring paying servers, dishwashers and cashiers was designed to avoid compliance with state and federal wage and hour laws.

WHEREFORE, Plaintiff respectfully requests on behalf of other employees similarly situated as aforesaid, that judgment be entered in their favor against the Defendants:

- a. Declaring that Defendants, jointly and severally, violated the minimum wage provisions of 29 U.S.C. § 206;
- b. Awarding other employees similarly situated minimum wage compensation; the recoupment of any monies the Plaintiff or similarly situated employees had to pay to the Defendants to work for the Defendants; and, other benefits in the amount calculated;
- c. Awarding other employees similarly situated, liquidated damages in the amount calculated;
- d. Awarding said employees similarly situated attorney's fees and costs and expenses of this litigation pursuant to 29 U.S.C. § 216(b);
- e. Awarding said employees similarly situated post-judgment interest; and
- f. Awarding such other and further relief as this Court deems just and proper.



**COUNT IV**

**VIOLATION OF ARTICLE X, § 24, FLORIDA CONSTITUTION AND SECTION  
448.110 FLORIDA STATUTES**

45. Plaintiff, VAUGHAN realleges Paragraphs 1 through 22 as if fully stated herein.

46. Pursuant to Article X, Section 24 of the Florida Constitution and Section 448.110 Florida Statutes, Defendants were required to pay Plaintiff at least the applicable Florida minimum wage.

47. During Plaintiff's employment, Defendants paid her less than the statutory minimum wage for all of her work hours.

48. The Defendants acted willfully.

WHEREFORE, Plaintiff respectfully requests that judgment be entered in her favor against the Defendants:

- a. Declaring that Defendants violated Article X of the Florida Constitution, insofar as failing to pay Plaintiff at or above the minimum wage;
- b. Awarding Plaintiff all back wages due and owing;
- c. Awarding Plaintiff liquidated damages in the amount equal to her back wages;
- d. Awarding Plaintiff reasonable attorney's fees and costs and expenses of this litigation pursuant to Article X, Sec. 24, Fla. Const.;
- e. Awarding Plaintiff prejudgment and post-judgment interest;
- f. Finding that Defendants willfully violated Article X Fla. Const., and ordering Defendants to pay a \$1,000.00 fine to the State of Florida for *each* such willful violation;

g. declaratory relief pursuant to the Florida Constitution and Florida Statutes finding that employees, including Plaintiff, who worked for the Defendants within the last five years were not paid minimum wage for all hours worked as required; and

h. Awarding such other and further relief this Court deems to be just and proper.

**JURY DEMAND**

Plaintiff demands trial by jury on all issues so triable as of right by jury.

Date: September 29, 2017.

Respectfully submitted,

BOBER & BOBER, P.A.  
Attorneys for Plaintiff  
1930 Tyler Street  
Hollywood, FL 33020  
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PETER BOBER  
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SAMARA ROBBINS BOBER  
FBN: 0156248

JS 44 (Rev. 11/04)

**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.)

**I. (a) PLAINTIFFS**  
**CAROL VAUGHAN,**

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

**(c) Attorney's (Firm Name, Address, and Telephone Number)**  
 Bober & Bober, P.A., 1930 Tyler Street,  
 Hollywood, Florida 33020 (954) 922-2298

**DEFENDANTS** T&A OF CITRUS COUNTY, INC., a Florida for-profit corporation d/b/a OLIVE TREE RESTAURANT, and PAVLOS PARNOS, an individual.

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

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

**Attorneys (If Known)**

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

1 U.S. Government Plaintiff

3 Federal Question (U.S. Government Not a Party)

2 U.S. Government Defendant

4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

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

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition			

**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 (specify)

6 Multidistrict Litigation

7 Appeal to District Judge from Magistrate Judgment

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

**VI. CAUSE OF ACTION**

Brief description of cause:  
 Fair Labor Standards Act, 29, U.S.C. 201 et seq., FMWA, Art. X, 24 of the Fla. Constitution and Fla. Stat.

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMANDS: \_\_\_\_\_

CHECK YES only if demanded in complaint:  
 JURY DEMAND:  Yes  No

**VIII. RELATED CASE(S) IF ANY** (See instructions):

JUDGE: \_\_\_\_\_ DOCKET NUMBER: \_\_\_\_\_

DATE: 9/29/17

SIGNATURE OF ATTORNEY OF RECORD:

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT: \$2100.00 APPLYING IFP: \_\_\_\_\_ JUDGE: \_\_\_\_\_ MAG. JUDGE: \_\_\_\_\_

OCA 8505

# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Former Olive Tree Restaurant Server Seeks Unpaid Wages](#)

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