

FILED

UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF FLORIDA
Ocala Division

2018 JUN 22 PM 12: 38
CLERK, US DISTRICT COURT
MIDDLE DISTRICT OF FL
OCALA FLORIDA

DOMINIC ANTONACCIO, on behalf of
himself and others similarly situated,

Plaintiff,

vs.

Collective Action

PERFECT DEED HOMES, LLC, a Florida
Limited Liability Company,

Defendant.

_____ /

COMPLAINT

1. Plaintiff, DOMINIC ANTONACCIO (hereinafter referred to as “Plaintiff” and “ANTONACCIO”), is an individual residing in Marion County, Florida.

2. Defendant, PERFECT DEED HOMES, LLC (hereinafter referred to “PERFECT DEED HOMES”), is a Florida Limited Liability Company with an office based in Marion County, Florida, within the jurisdiction of this Court, whose primary business at all times material to this Complaint has been building and constructing residential homes throughout Marion County, Florida.

3. Plaintiff brings this action on behalf of himself and other current and former construction workers employed by PERFECT DEED HOMES, LLC, (“Defendant”) similarly situated to Plaintiff for overtime compensation and other relief under the Fair Labor Standards Act (“FLSA”), as amended, 29 U.S.C. §216(b).

4. More specifically, this action is brought to recover from Defendant unpaid overtime compensation, liquidated damages, and the costs and reasonable attorneys’ fees of this action under the provisions of the FLSA, 29 U.S.C. §216(b), for Plaintiff and the other similarly situated

construction workers employed by Defendant.

5. Plaintiff also brings this action, on his behalf only, to recover damages for unlawful retaliation pursuant to §215(a)(3).

6. Jurisdiction is conferred on this Court by 28 U.S.C. §216(b) and 29 U.S.C. §1337.

7. All of the events, or a substantial part of the events, giving rise to this action, occurred within the jurisdiction of the United States District Court for the Middle District of Florida, Ocala Division.

8. In or around approximately January 2016, Defendant hired Plaintiff as a construction worker on an hourly basis.

9. Throughout the course of Plaintiff's employment with Defendant, Defendant compensated Plaintiff on an hourly basis at regular rates between \$15.00 and \$19.00 per hour.

10. Plaintiff's primary duties for Defendants were non-exempt in nature, consisting of general construction labor for Defendant at various locations throughout Marion County.

11. At all times material to this Complaint, PERFECT DEED HOMES has had two (2) or more employees who have regularly sold, handled, or otherwise worked on goods and/or materials that had been moved in or produced for commerce.

12. Based upon information and belief, the annual gross sales volume of PERFECT DEED HOMES has been in excess of \$500,000.00 per annum at all times material to this Complaint.

13. At all times material to this Complaint, PERFECT DEED HOMES has been an enterprise engaged in interstate commerce or in the production of goods for commerce as defined by the FLSA, 29 U.S.C. §203(s).

14. The additional persons who may become Plaintiffs in this action are Defendant's

current and former non-exempt, hourly paid construction workers who have worked for Defendant in one or more weeks between January 2016 and the present without being paid time and one-half wages for all of their actual hours worked in excess of Forty (40) hours per week for Defendant.

15. Plaintiff regularly worked in excess of forty (40) hours per week in one or more work weeks during his employment with Defendant.

16. Likewise, the other non-exempt, hourly construction workers of Defendant who are similarly situated to Plaintiff have regularly worked in excess of Forty (40) hours in one or more work weeks during their employment with Defendant within the three (3) year statute of limitations period between January 2016 and the present.

17. However, Defendant has not paid time and one-half wages for all of the actual overtime hours worked by Plaintiff and the other similarly situated construction workers for all of their actual overtime hours worked for Defendants within the three (3) year statute of limitations period between January 2016 and the present.

18. Instead, in numerous work weeks between January 2016 and the present, Defendant has willfully failed to comply with the requirements of the FLSA by, paying its employees only the straight time rate for all hours, including overtime hours.

19. Based upon information and belief, records of at least some of the hours worked by Plaintiff and the other similarly situated construction workers of Defendant in one or more work weeks within the three (3) year statute of limitations period between January 2016 and the present are in the possession, custody, and/or control of Defendant.

20. The complete records concerning the compensation actually paid to Plaintiff and the other similarly situated construction workers of Defendant between January 2016 and the present are in the possession, custody, and/or control of Defendant.

COUNT I
OVERTIME VIOLATIONS OF THE FAIR LABOR STANDARDS ACT

21. Plaintiff, DOMINIC ANTONACCIO, readopts and realleges the allegations contained in Paragraphs 1 through 20 above.

22. Plaintiff is entitled to be paid time and one-half of his applicable regular rate of pay for each hour he worked for Defendant in excess of forty (40) hours per work week during the three (3) year statute of limitations period between approximately January 2016 and the present.

23. All similarly situated construction workers of Defendant are also entitled to be paid time and one-half of their applicable regular rates of pay for each and every overtime hour they worked for Defendant but were not properly compensated for working on Defendant's behalf during any work weeks within the three (3) year statute of limitations period between January 2016 and the present.

24. Defendant has knowingly and willfully failed to pay Plaintiff and the other construction workers similarly situated to him at time and one-half of their applicable regular rates of pay for all hours worked for Defendants in excess of forty (40) per week between January 2016 and the present.

25. At all times material to this Complaint, PERFECT DEED HOMES had actual notice and personal knowledge that their compensation practices did not provide Plaintiff and Defendant's other non-exempt construction workers with time and one-half wages for all of their actual overtime hours worked between January 2016 and the present based upon, *inter alia*: (a) it facilitating the creation, oversight, and administration of Defendant's unlawful compensation practices that intentionally did not compensate Plaintiff and other non-exempt construction workers for the full extent of their actual overtime hours worked for the benefit of Defendant; and (b) Plaintiff's and other employees' complaints to PERFECT DEED HOMES about its failure to

pay time and one-half wages for all of the actual hours worked in excess of forty (40) hours per week for Defendant;

26. By reason of the said intentional, willful and unlawful acts of Defendant, all Plaintiffs (the named Plaintiff and those construction workers similarly situated to him) have suffered damages plus incurring costs and reasonable attorneys' fees.

27. Defendant did not have a good faith basis for its failure to pay time and one-half wages for all of the actual hours worked by Plaintiff and the other similarly situated construction workers for Defendant, as a result of which Plaintiff and those construction workers similarly situated to him are entitled to the recovery of liquidated damages from Defendant pursuant to 29 U.S.C. §216(b).

28. Plaintiff has retained the undersigned counsel to represent him in this action, and pursuant to 29 U.S.C. §216(b), Plaintiff is entitled to recover from Defendant all reasonable attorneys' fees and costs incurred as a result of Defendant's violations of the FLSA.

WHEREFORE, Plaintiff, DOMINIC ANTONACCIO, and any current or former employees similarly situated to him who join this action as Opt-In Plaintiffs, demand judgment, against Defendant, PERFECT DEED HOMES, LLC, for the payment of all unpaid overtime compensation, liquidated damages, reasonable attorneys' fees and costs of suit, and for all proper relief including prejudgment interest.

COUNT II
Retaliation (as to ANTONACCIO Only)

28. The allegations in paragraphs 1-28 are incorporated by reference herein.

29. On June 19, 2018, Plaintiff advised Defendant through one of its managing members, Bradley Steiner that he wanted to be paid overtime compensation for his past overtime hours worked.

30. In response, Mr. Steiner terminated Plaintiff's employment immediately on the spot.

31. As a direct result of Plaintiff's protected conduct in advising Mr. Steiner that he wanted to be compensated for his past overtime, Defendant subsequently terminated the Plaintiff.

32. Defendant's actions as more particularly described above were directly related to and in response to Plaintiff's complaint about not receiving overtime pay.

33. Plaintiff's complaint about his pay constitutes statutorily protected conduct under Section 15(a)(3) of the FLSA.

34. Defendant's adverse treatment of Plaintiff was a direct result of Plaintiff's opposition to Defendant's pay practices.

35. The conduct more specifically alleged above violated Plaintiff's rights against retaliation for opposing unlawful employment actions, which retaliation is proscribed by the FLSA.

36. Plaintiff is entitled pursuant to 29 U.S.C. § 216(b), to recover from PERFECT DEED HOMES, LLC:

- a. All lost wages that are due, including pre-judgment interest;
- b. As liquidated damages, an amount equal to lost wages
- c. The costs of this action, and;
- d. A reasonable attorney's fee.

WHEREFORE, Plaintiff, DOMINIC ANTONACCIO prays that this court will grant judgment against PERFECT DEED HOMES, LLC:

- a. awarding Plaintiff all lost wages found by the court to be due to him, including pre-judgment interest;

- b. awarding Plaintiff payment of liquidated damages in an amount equal to the lost wages due to him;
- c. awarding Plaintiff his costs, including a reasonable attorney's fee; and
- d. granting such other and further relief as is just.

JURY TRIAL DEMAND

Plaintiff demands trial by jury on all issues so triable.

Dated: June 20, 2018
Plantation, Florida

Respectfully submitted,


s/Robert S. Norell

Robert S. Norell, Esq. (Fla. Bar No. 996777)

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Counsel for DOMINIC ANTONACCIO

5:18-cv-3130C-30PRL

JS 44 (Rev. 06/17)

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
 Dominic Antonaccio

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

(c) Attorneys (Firm Name, Address, and Telephone Number)
 Robert S. Norell, P.A. 300 NW 70th Avenue Suite 305, Plantation, FL 33317, (954) 617-6017

DEFENDANTS
 Perfect Deed Homes, LLC

County of Residence of First Listed Defendant **Marion**
 (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

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) Click here for: Nature of Suit Code Descriptions.

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 (Excludes 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	PERSONAL INJURY <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 <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <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"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input checked="" type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <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)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <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"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS			
<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	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

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 - Transfer 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
 29 U.S. sec 207 & 215
 Brief description of cause:
 Unpaid Overtime & Retaliation

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: 6.20.2018 SIGNATURE OF ATTORNEY OF RECORD: s/Robert S. Norell

FOR OFFICE USE ONLY
 RECEIPT #OCA - AMOUNT 400 - APPLYING IFP JUDGE MAG. JUDGE
 9326

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Perfect Deed Homes Hit with Wage and Hour, Retaliation Lawsuit in Florida](#)
