

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION  
CASE NO.:

NEREYDA CASTROS  
and other similarly-situated individuals,

Plaintiff (s),

v.

SIGNAL FINANCE COMPANY LLC  
MIAMI FUNERAL SERVICES & CREMATORIES, INC.  
d/b/a NATIONAL FUNERAL HOMES, AND  
AUXILIADORA FUNERARIA NACIONAL,  
FIRST CUBAN FINANCIAL INC  
HILBERT I. MOHABIR, DAYANA SOSA and  
ESTRELLA RODERO, individually,

Defendants,

\_\_\_\_\_ /

**COMPLAINT**

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

COME NOW the Plaintiff NEREYDA CASTROS, and other similarly-situated individuals, by and through the undersigned counsel, and hereby sue Defendants SIGNAL FINANCE COMPANY LLC, MIAMI FUNERAL SERVICES & CREMATORIES, INC., FIRST CUBAN FINANCIAL INC, HILBERT I. MOHABIR, DAYANA SOSA and ESTRELLA RODERO, individually and alleges:

**JURISDICTION VENUES AND PARTIES**

1. This is an action to recover money damages for unpaid overtime wages under the laws of the United States. This Court has jurisdiction pursuant to the Fair Labor Standards Act, 29 U.S.C. § 201-219 (Section 216 for jurisdictional placement) (“the Act”).

2. Plaintiff NEREYDA CASTROS is a resident of Miami-Dade County, Florida, within the jurisdiction of this Honorable Court. Plaintiff is a covered employee for purposes of the Act.
3. Defendants SIGNAL FINANCE COMPANY LLC, MIAMI FUNERAL SERVICES & CREMATORIES, INC., and FIRST CUBAN FINANCIAL INC, are Florida corporations which have their place of business, and performed business in Miami-Dade County within the jurisdiction of this Court. At all times, Defendants were engaged in interstate commerce.
4. The individual Defendant ESTRELLA RODERO was and is now general manager of SIGNAL FINANCE COMPANY LLC, MIAMI FUNERAL SERVICES & CREMATORIES, INC., and FIRST CUBAN FINANCIAL INC.
5. The individuals Defendants HILBERT I. MOHABIR, DAYANA SOSA and ESTRELLA RODERO are Plaintiff's employers in the meaning of 29 U.S.C. § 203(d).
6. All the action raised in this complaint took place in Dade County Florida, within the jurisdiction of this Court.

ALLEGATIONS COMMON TO ALL COUNTS

7. This cause of action is brought by Plaintiff as a collective action to recover from Defendants overtime compensation, liquidated damages, and the costs and reasonably attorney's fees under the provisions of Fair Labor Standards Act, as amended, 29 U.S.C. § 201 *et seq* (the "FLA or the "ACT") on behalf of Plaintiff, and all other current and former employees similarly situated to Plaintiff ("the asserted class") who worked in excess of forty (40) hours during one or more weeks on or after April 12, 2014 (the "material time") without being compensated minimum and overtime wages pursuant to the FLSA.

Corporate Defendants SIGNAL FINANCE COMPANY LLC, MIAMI FUNERAL SERVICES & CREMATORIES, INC., and FIRST CUBAN FINANCIAL INC, provided funeral home and crematory services in the areas of Miami-Dade County. Defendants operate National Funeral Homes located at 151 NW 37 Avenue, Miami, FL 33125, and Auxiliadora Funeraria Nacional, located at 6871 Bir Road, Miami, FL 33151.

8. Pursuant to 29 U.S.C. § 203 (r)(1), Defendants SIGNAL FINANCE COMPANY LLC, MIAMI FUNERAL SERVICES & CREMATORIES, INC., and FIRST CUBAN FINANCIAL INC were a joint enterprise because: 1) the three companies have the same or related business activities; 2) the three companies operated out of the same locations; 3) the three companies shared centralized funeral home, facilities, equipment and supplies; 4) SIGNAL FINANCE COMPANY LLC, MIAMI FUNERAL SERVICES & CREMATORIES, INC., and FIRST CUBAN FINANCIAL INC operate as a single unit for a common business purpose; 5) Between SIGNAL FINANCE COMPANY LLC, MIAMI FUNERAL SERVICES & CREMATORIES, INC., and FIRST CUBAN FINANCIAL INC existed unified operation and common control because individual Defendants HILBERT I. MOHABIR, DAYANA SOSA and ESTRELLA RODERO controlled the day to day operations of the funeral homes, and they operated as a single unit for a common business purpose; 6) SIGNAL FINANCE COMPANY LLC, MIAMI FUNERAL SERVICES & CREMATORIES, INC., and FIRST CUBAN FINANCIAL INC shared a common business purpose, the profitable operation of the funeral homes; 7) the three corporations had interdependent financial interest, because there is common ownership. **See composite Exhibit "A"**

9. Pursuant 29 C.F.R. §791.2. SIGNAL FINANCE COMPANY LLC, MIAMI FUNERAL SERVICES & CREMATORIES, INC., and FIRST CUBAN FINANCIAL INC, were joint employers because: 1) SIGNAL FINANCE COMPANY LLC, MIAMI FUNERAL SERVICES & CREMATORIES, INC., and FIRST CUBAN FINANCIAL INC, through its owners/managers HILBERT I. MOHABIR, DAYANA SOSA and ESTRELLA RODERO had equal and absolute control over the Plaintiff and other employees similarly situated; 2) HILBERT I. MOHABIR, DAYANA SOSA and ESTRELLA RODERO assigned duties to Plaintiff and other employees similarly situated; 3) SIGNAL FINANCE COMPANY LLC, MIAMI FUNERAL SERVICES & CREMATORIES, INC., and FIRST CUBAN FINANCIAL INC through its managers, jointly and equally determined terms and employment conditions of Plaintiff and other employees similarly situated; 5) SIGNAL FINANCE COMPANY LLC, MIAMI FUNERAL SERVICES & CREMATORIES, INC., and FIRST CUBAN FINANCIAL INC operated out of the same facilities where Plaintiff and the other similarly situated employees worked; 6) The work performed by Plaintiff and other similarly situated individuals were an integral part of the business operation of SIGNAL FINANCE COMPANY LLC, MIAMI FUNERAL SERVICES & CREMATORIES, INC., FIRST CUBAN FINANCIAL INC.

10. Therefore, because the work performed by Plaintiff and other similarly-situated individuals, simultaneously benefited all Defendants and directly or indirectly furthered their joint interest, Defendants SIGNAL FINANCE COMPANY LLC, MIAMI FUNERAL SERVICES & CREMATORIES, INC., and FIRST CUBAN FINANCIAL INC, are a joint enterprise as defined in 29 U.S.C. § 203 (r)(1), and they are also joint employers as defined in 29 C.F.R. §791.2.

11. Defendants SIGNAL FINANCE COMPANY LLC, MIAMI FUNERAL SERVICES & CREMATORIES, INC., and FIRST CUBAN FINANCIAL INC are the joint employers of Plaintiff and other similarly situated employees under the FLSA' broad definition of "employer", (29 U.S.C. §203 (d)), and are jointly liable for Plaintiff's damages.
12. Defendants SIGNAL FINANCE COMPANY LLC, MIAMI FUNERAL SERVICES & CREMATORIES, INC., and FIRST CUBAN FINANCIAL INC, hereinafter will be called collectively MIAMI FUNERAL SERVICES or corporate Defendant.
13. Defendant MIAMI FUNERAL SERVICES employed Plaintiff NEREYDA CASTROS as non-exempt funeral home employee, from approximately 2010 through April 5, 2017, or more than 6 years. However, for FLSA purposes the relevant weeks of employment is 156 weeks.
14. Plaintiff's duties included those corresponding to a receptionist, and office attendant. Plaintiff worked at National Funeral Homes, and Auxiliadora Funeraria Nacional.
15. While employed by Defendants, Plaintiff worked more than 40 hours every week period. Plaintiff had a regular schedule of 5 days of work per week. Plaintiff worked from Monday to Friday, from 8:00 AM to 5:00 (9 hours each day) or a total of 45 (Forty-five) hours weekly. Plaintiff did not take lunch periods. Plaintiff punched in and out.
16. During her employment with Defendant, Plaintiff had different wage rates, she was paid at \$12.00, \$13.00, and \$15.00 an hour. Plaintiff always was paid weekly 40 regular hours with a company check and for the remaining 5 overtime hours, she was paid at her regular rate, with a separate check, and from a different company.
17. Defendant failed to pay Plaintiff for overtime hours at the rate of time and a half her regular rate as established by the Fair Labor Standards Act.

18. Plaintiff was not in agreement with the rate paid to her for overtime hours.
19. On or about April 5, 2017, Plaintiff complained to the accountant Roberto Cano, who did not provide an answer. Then, Plaintiff complained to the owner of the business DAYANA SOSA, Plaintiff requested to be paid at the correct rate of time and a half her regular rate. DAYANA SOSA refused to pay the correct rate for overtime hours and fired Plaintiff immediately.
20. Up to the filing of this complaint, Plaintiff has not being paid for her last week of employment.
21. Plaintiff NEREYDA CASTROS seeks to recover any unpaid regular wages, half-time overtime hours, retaliatory damages, and any other relief as allowable by law. Plaintiff also intends to recover \$86.75 plus \$12.00 of bank charges, corresponding to a bad check given to her in payment for 5.78 overtime hours.
22. The additional persons who may become Plaintiffs in this action are employees and/or former employees of Defendants who are and who were subject to the unlawful payroll practices and procedures of Defendant and were not paid overtime wages at the rate of time and one half of their regular rate of pay for all overtime hours worked in excess of forty.

**COUNT I:**  
**WAGE AND HOUR FEDERAL STATUTORY VIOLATION;**  
**FAILURE TO PAY OVERTIME, AGAINST ALL DEFENDANTS**

23. Plaintiff NEREYDA CASTROS re-adopts each and every factual allegation as stated in paragraphs 1-22 above as if set out in full herein.
24. This cause of action is brought by Plaintiff NEREYDA CASTROS as a collective action to recover from Defendant overtime compensation, liquidated damages, costs and reasonably attorney's fees under the provisions of the Fair Labor Standards Act, as

amended, 29 U.S.C. § 201 *et seq* (the “FLA or the “ACT”), on behalf of Plaintiff and all other current and former employees similarly situated to Plaintiff (“the asserted class”) and who worked in excess of forty (40) hours during one or more weeks on or after April 2014, (the “material time”) without being compensated “at a rate not less than one and a half times the regular rate at which he is employed.”

25. Defendants SIGNAL FINANCE COMPANY LLC, MIAMI FUNERAL SERVICES & CREMATORIES, INC., and FIRST CUBAN FINANCIAL INC (collectively called MIAMI FUNERAL SERVICES or Defendant) are a joint enterprise as defined in 29 U.S.C. § 203 (r)(1), and they are also joint employers as defined in 29 C.F.R. §791.2, as such they are jointly liable for Plaintiff’s damages.

26. Defendant MIAMI FUNERAL SERVICES was and is engaged in interstate commerce as defined in §§ 3 (r) and 3(s) of the Act, 29 U.S.C. § 203(r) and 203(s) (1)(A). Defendant is a funeral home business. Defendant has more than two employees recurrently engaged in commerce or in the production of goods for commerce by regularly ordering goods and materials produced out of state, by recurrently using the instrumentalities of interstate commerce to accept and solicit funds from non-Florida sources; by using electronic devices to authorize credit card transactions. Upon information and belief, the annual gross revenue of the Employer/Defendant was at all time material hereto in excess of \$500,000 per annum. Therefore, there is FLSA enterprise coverage.

27. Plaintiff and those similarly-situated were employed by an enterprise engage in interstate commerce. Particularly, Plaintiff was a receptionist and office attendant, and through her daily activities, Plaintiff used the instrumentalities of interstate commerce to perform her work. Therefore, there is individual coverage.

28. Defendants MIAMI FUNERAL SERVICES employed Plaintiff NEREYDA CASTROS as non-exempt funeral home employee, from approximately 2010 through April 5, 2017, or more than 6 years. However, for FLSA purposes the relevant weeks of employment is 156 weeks.
29. Plaintiff's duties included those corresponding to a receptionist, and office attendant. Plaintiff worked at National Funeral Homes and Auxiliadora Funeraria Nacional.
30. While employed by Defendant, Plaintiff worked more than 40 hours every week period. Plaintiff had a regular schedule of 5 days of work per week. Plaintiff worked from Monday to Friday, from 8:00 AM to 5:00 (9 hours each day), or a total of 45 (Forty-five) hours weekly. Plaintiff did not take lunch periods. Plaintiff punched in and out.
31. During her employment with Defendant, Plaintiff had different wage rates, she was paid at \$12.00, \$13.00, and \$15.00 an hour. Plaintiff always was paid weekly 40 regular hours with a company check and for the remaining 5 overtime hours, she was paid at her regular rate, with a separate check, from a different company.
32. Defendant failed to pay Plaintiff at the rate of time and a half her regular rate for every hour in excess of forty, in violation of Section 7 (a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(a)(1)).
33. The records, if any, concerning the number of hours actually worked by Plaintiff and those similarly situated, and the compensation actually paid to such employees should be in the possession and custody of Defendant. However, upon information and belief, Defendant did not maintain time accurate records of hours worked by Plaintiff and other employees.
34. Defendant violated the record keeping requirements of FLSA, 29 CFR Part 516.



35. Prior to the completion of discovery and to the best of Plaintiff's knowledge, at the time of the filing of this complaint, Plaintiff's good faith estimate of unpaid off the clock overtime wages is as follows:

\*Please note that these amounts are based on a preliminary calculation and that these figures are subjected to modification as discovery could dictate.

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

Five Thousand Three Hundred Thirty-Two Dollars and 50/100 (\$5,332.50)

b. Calculation of such wages:

Relevant weeks of employment: 156 weeks

**1.- Period from April 12, 2014 to December 30, 2014= 37 weeks**

Total number of hours worked: 45 hours average weekly

Total number or paid hours: 45 hours

Total number of overtime hours: 5 hours paid at regular rate

Regular rate: \$12.00 an hour x 1.5 = \$18.00 O/T rate

O/T rate: \$18.00-\$12.00 O/T rate paid= \$6.00 half-time

O/T half-time rate \$6.00 x 5 O/T hours= \$30.00 Weekly x 37 weeks=\$1,110.00

**2.- Period from January 1, 2015 to November 30, 2015= 48 weeks**

Total number of hours worked: 45 hours average weekly

Total number or paid hours: 45 hours

Total number of overtime hours: 5 hours paid at regular rate

Regular rate: \$13.00 an hour x 1.5 = \$19.50 O/T rate

O/T rate: \$19.50-\$13.00 O/T rate paid= \$6.50 half-time

O/T half-time rate \$6.50 x 5 O/T hours= \$32.50 Weekly x 48 weeks=\$1,560.00

**3.- Period from December 1, 2015 to April 5, 2017= 71 weeks**

Total number of hours worked: 45 hours average weekly

Total number or paid hours: 45 hours

Total number of overtime hours: 5 hours paid at regular rate

Regular rate: \$15.00 an hour x 1.5 = \$22.50 O/T rate

O/T rate: \$22.50-\$15.00 O/T rate paid= \$7.50 half-time

O/T half-time rate \$7.50 x 5 O/T hours= \$37.50 weekly x 71 weeks=\$2,662.50

Total overtime 1, 2 and 3: \$5,332.50

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

This amount represents unpaid half-time overtime wages.

36. At all times material hereto, the Employer/Defendant failed to comply with Title 29 U.S.C. §207 (a) (1), in that Plaintiff and those similarly-situated performed services and worked in excess of the maximum hours provided by the Act but no provision was made by the Defendant to properly pay them at the rate of time and one half for all hours worked in excess of forty hours (40) per workweek as provided in said Act.
37. Defendant knew and/or showed reckless disregard of the provisions of the Act concerning the payment of overtime wages as required by the Fair Labor Standards Act and remains owing Plaintiff and those similarly-situated these overtime wages since the commencement of Plaintiff's and those similarly-situated employee's employment with Defendants as set forth above, and Plaintiff and those similarly-situated are entitled to recover double damages.
38. Defendant never posted any notice, as required by the Fair Labor Standards Act and Federal Law, to inform employees of their Federal rights to overtime and minimum wage payments. Defendant violated the Posting requirements of 29 U.S.C. § 516.4. qqq
39. At the times mentioned, individual Defendants HILBERT I. MOHABIR, DAYANA SOSA and ESTRELLA RODERO were the owners/partners/and managers of MIAMI FUNERAL SERVICES. Defendants HILBERT I. MOHABIR, DAYANA SOSA and ESTRELLA RODERO were the employers of Plaintiff and others similarly situated within the meaning of Section 3(d) of the "Fair Labor Standards Act" [29 U.S.C. § 203(d)], in that these individual Defendants acted directly in the interests of MIAMI FUNERAL

SERVICES in relation to their employees, including Plaintiff and others similarly situated. Defendants HILBERT I. MOHABIR, DAYANA SOSA and ESTRELLA RODERO had operational and financial control of the corporation, and are jointly liable for Plaintiff's damages.

40. Defendants MIAMI FUNERAL SERVICES, and HILBERT I. MOHABIR, DAYANA SOSA and ESTRELLA RODERO willfully and intentionally refused to pay Plaintiff overtime wages at the rate of time and one half his regular rate, as required by the law of the United States, and remain owing Plaintiff these overtime wages since the commencement of Plaintiff's employment with Defendants as set forth above.

41. Plaintiff has retained the law offices of the undersigned attorney to represent her in this action and is obligated to pay a reasonable attorneys' fee.

PRAYER FOR RELIEF

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

- A. Enter judgment for Plaintiff NEREYDA CASTROS and other similarly-situated individuals and against the Defendants MIAMI FUNERAL SERVICES, HILBERT I. MOHABIR, DAYANA SOSA and ESTRELLA RODERO on the basis of Defendants willful violations of the Fair Labor Standards Act, 29 U.S.C. § 201 et seq.; and
- B. Award Plaintiff NEREYDA CASTROS actual damages in the amount shown to be due for unpaid overtime compensation for hours worked in excess of forty weekly, with interest; and
- C. Award Plaintiff an equal amount in double damages/liquidated damages; and
- D. Award Plaintiff reasonable attorneys' fees and costs of suit; and

E. Grant such other and further relief as this Court deems equitable and just and/or available pursuant to Federal Law.

JURY DEMAND

Plaintiff NEREYDA CASTROS demands trial by jury of all issues triable as of right by jury.

**COUNT II:**  
**FEDERAL STATUTORY VIOLATION PURSUANT TO 29 U.S.C. 215 (a)(3)**  
**RETALIATION; AGAINST ALL DEFENDANTS**

42. Plaintiff NEREYDA CASTROS re-adopts each and every factual allegation as stated in paragraphs 1-22 of this complaint as if set out in full herein.
43. Defendants SIGNAL FINANCE COMPANY LLC, MIAMI FUNERAL SERVICES & CREMATORIES, INC., and FIRST CUBAN FINANCIAL INC (collectively called MIAMI FUNERAL SERVICES or Defendant) are a joint enterprise as defined in 29 U.S.C. § 203 (r)(1), and they are also joint employers as defined in 29 C.F.R. §791.2, as such they are jointly liable for Plaintiff's damages.
44. Defendant MIAMI FUNERAL SERVICES was and is engaged in interstate commerce as defined in §§ 3 (r) and 3(s) of the Act, 29 U.S.C. § 203(r) and 203(s) (1)(A). Defendant is a funeral home business. Defendant has more than two employees recurrently engaged in interstate commerce. Upon information and belief, the annual gross revenue of the Employer/Defendant was at all time material hereto in excess of \$500,000 per annum. Therefore, there is FLSA enterprise coverage.
45. Plaintiff and those similarly-situated were employed by an enterprise engage in interstate commerce. Particularly, Plaintiff was a receptionist and office attendant, and through her daily activities, Plaintiff used the instrumentalities of interstate commerce to perform her work. Therefore, there is individual coverage.

46. By reason of the foregoing, Defendant's business activities involve those to which the Fair Labor Standards Act applies.
47. 29 U.S.C. § 207 (a) (1) states, "if an employer employs an employee for more than forty hours in any work week, the employer must compensate the employee for hours in excess of forty at the rate of at least one and one half times the employee's regular rate..."
48. Likewise, 29 U.S.C. 215(a)(3) states... it shall be unlawful for any person— "to discharge or in any other manner discriminate against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this chapter, or has testified or is about to testify in any such proceeding,....."
49. Defendants MIAMI FUNERAL SERVICES employed Plaintiff NEREYDA CASTROS as non-exempt funeral home employee, from approximately 2010 through April 5, 2017, or more than 6 years. However, for FLSA purposes the relevant weeks of employment is 156 weeks.
50. Plaintiff's duties included those corresponding to a receptionist, and office attendant. Plaintiff worked at National Funeral Homes and Auxiliadora Funeraria Nacional.
51. While employed by Defendants, Plaintiff worked more than 40 hours every week period. Plaintiff had a regular schedule of 5 days of work per week. Plaintiff worked from Monday to Friday, from 8:00 AM to 5:00 (9 hours each day). or a total of 45 (Forty-five) hours weekly.
52. During her employment with Defendant, Plaintiff had different wage rates, she was paid at \$12.00, \$13.00, and \$15.00 an hour. Plaintiff always was paid weekly 40 regular hours with a company check and for the remaining 5 overtime hours, she was paid at her regular rate, with a separate check from a different company.

53. Defendants failed to pay Plaintiff at the rate of time and a half his regular rate for every hour in excess of forty, in violation of Section 7 (a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(a)(1)).
54. Plaintiff was not in agreement with the rate paid to her for overtime hours.
55. On or about April 5, 2017, Plaintiff complained to the accountant Roberto Cano, who did not provide an answer. Then, Plaintiff complained to the owner of the business DAYANA SOSA, Plaintiff requested to be paid at the correct rate of time and a half her regular rate. DAYANA SOSA refused to pay the correct rate for overtime hours and in retaliation for Plaintiff's complaint, she fired Plaintiff immediately.
56. This complaint constituted protected activity under FLSA, 29 U.S.C. 215(a)(3).
57. The termination of Plaintiff NEREYDA CASTROS by the Defendant, was directly and proximately caused by Defendant's unjustified retaliation against Plaintiff because of her complaint about overtime payment, in violation of Federal Law.
58. Plaintiff's termination came just in temporal proximity after Plaintiff's participation in protected activity.
59. At all times during her employment, Plaintiff performed her work satisfactorily. There was no reason other than a retaliatory action to terminate Plaintiff's employment with Defendant.
60. At the times mentioned, individual Defendants HILBERT I. MOHABIR, DAYANA SOSA and ESTRELLA RODERO were the owners/partners/and managers of MIAMI FUNERAL SERVICES. Defendants HILBERT I. MOHABIR, DAYANA SOSA and ESTRELLA RODERO were the employers of Plaintiff and others similarly situated within the meaning of Section 3(d) of the "Fair Labor Standards Act" [29 U.S.C. § 203(d)], in that

these individual Defendants acted directly in the interests of MIAMI FUNERAL SERVICES in relation to their employees, including Plaintiff and others similarly situated. Defendants HILBERT I. MOHABIR, DAYANA SOSA and ESTRELLA RODERO had operational and financial control of the corporation, and are jointly liable for Plaintiff's damages.

61. Defendants MIAMI FUNERAL SERVICES, HILBERT I. MOHABIR, DAYANA SOSA and ESTRELLA RODERO willfully and maliciously retaliated against Plaintiff NEREYDA CASTROS by engaging in retaliatory actions that were materially adverse to a reasonable employee, and with the purpose to dissuade Plaintiff from exercising his rights under 29 U.S.C. 215(a)(3).

62. The motivating factor which caused Plaintiff NEREYDA CASTROS to be fired from the business, as described above was her complaint seeking overtime wages at the correct rate from the Defendants. In other words, Plaintiff would not have been fired, but for her complaints about overtime wages paid at the incorrect rate.

63. The Defendants' adverse actions against Plaintiff NEREYDA CASTROS were in direct violation of 29 U.S.C. 215 (a) (3) and, as a direct result, Plaintiff has been damaged.

64. Plaintiff NEREYDA CASTROS has retained the law offices of the undersigned attorney to represent her in this action and is obligated to pay a reasonable attorney's fees and costs.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff NEREYDA CASTROS respectfully requests that this Honorable Court:

- A. Enter judgment declaring that the firing of Plaintiff NEREYDA CASTROS by Defendants MIAMI FUNERAL SERVICES, HILBERT I. MOHABIR, DAYANA SOSA and ESTRELLA RODERO was an unlawful act of retaliation in violation of 29

U.S.C. 215 (a) (3).

- B. Enter judgment against Defendants MIAMI FUNERAL SERVICES, HILBERT I. MOHABIR, DAYANA SOSA and ESTRELLA RODERO awarding Plaintiff NEREYDA CASTROS liquidated damages in an amount equal to the amount awarded as consequential damages;
- C. For all back wages from the date of discharge to the present date and an equal amount of back wages as liquidated damages
- D. Enter judgment awarding Plaintiff reasonable attorney's fees and costs of this suit; and
- E. Grant such other and further relief as this Court deems necessary and proper.

JURY DEMAND

Plaintiff NEREYDA CASTROS demands trial by jury of all issues triable as of right by jury.

Dated: May 18, 2017

Respectfully submitted,

By: /s/ Zandro E. Palma  
ZANDRO E. PALMA, P.A.  
Florida Bar No.: 0024031  
9100 S. Dadeland Blvd.  
Suite 1500  
Miami, FL 33156  
Telephone: (305) 446-1500  
Facsimile: (305) 446-1502  
zep@thepalmlawgroup.com  
*Attorney for Plaintiff*



# **EXHIBIT “A”**

Florida Department of State

DIVISION OF CORPORATIONS



Department of State / Division of Corporations / Search Records / Detail By Document Number /

**Detail by Entity Name**

Florida Limited Liability Company  
SIGNAL FINANCE COMPANY LLC

Filing Information

**Document Number** L02000005864  
**FEI/EIN Number** 02-0729345  
**Date Filed** 03/08/2002  
**State** FL  
**Status** ACTIVE  
**Last Event** LC STMNT OF RA/RO CHG  
**Event Date Filed** 02/06/2017  
**Event Effective Date** NONE

Principal Address

6214 SW 8TH ST.  
MIAMI, FL 33144

Changed: 09/24/2009

Mailing Address

6214 SW 8TH ST.  
MIAMI, FL 33144

Changed: 09/24/2009

Registered Agent Name & Address

MOHABIR, HILBERT  
6214 SW 8TH ST  
MIAMI, FL 33144

Name Changed: 02/06/2017

Address Changed: 02/06/2017

Authorized Person(s) Detail

**Name & Address**

Title MGRM

SOSA, DAYANA  
6214 SW 8TH ST.  
MIAMI, FL 33144

**Annual Reports**

<b>Report Year</b>	<b>Filed Date</b>
2014	04/15/2014
2015	04/30/2015
2016	04/30/2016

**Document Images**

<a href="#"><u>04/30/2016 -- ANNUAL REPORT</u></a>	<a href="#">View image in PDF format</a>
<a href="#"><u>04/30/2015 -- ANNUAL REPORT</u></a>	<a href="#">View image in PDF format</a>
<a href="#"><u>04/15/2014 -- ANNUAL REPORT</u></a>	<a href="#">View image in PDF format</a>
<a href="#"><u>04/30/2013 -- ANNUAL REPORT</u></a>	<a href="#">View image in PDF format</a>
<a href="#"><u>03/28/2012 -- ANNUAL REPORT</u></a>	<a href="#">View image in PDF format</a>
<a href="#"><u>03/28/2011 -- REINSTATEMENT</u></a>	<a href="#">View image in PDF format</a>
<a href="#"><u>01/29/2010 -- LC Amendment</u></a>	<a href="#">View image in PDF format</a>
<a href="#"><u>09/24/2009 -- CORAPREIWP</u></a>	<a href="#">View image in PDF format</a>
<a href="#"><u>08/27/2004 -- ANNUAL REPORT</u></a>	<a href="#">View image in PDF format</a>
<a href="#"><u>04/30/2003 -- ANNUAL REPORT</u></a>	<a href="#">View image in PDF format</a>
<a href="#"><u>03/08/2002 -- Florida Limited Liabilites</u></a>	<a href="#">View image in PDF format</a>

Florida Department of State, Division of Corporations



Department of State / Division of Corporations / Search Records / Detail By Document Number /

### Detail by Entity Name

Florida Profit Corporation  
MIAMI FUNERAL SERVICES & CREMATORIES, INC.

Filing Information

<b>Document Number</b>	P93000038540
<b>FEI/EIN Number</b>	65-0419596
<b>Date Filed</b>	05/26/1993
<b>State</b>	FL
<b>Status</b>	ACTIVE
<b>Last Event</b>	NAME CHANGE AMENDMENT
<b>Event Date Filed</b>	06/05/2006
<b>Event Effective Date</b>	NONE

Principal Address

151 N.W. 37TH AVE.  
MIAMI, FL 33125

Mailing Address

151 N.W. 37TH AVE.  
MIAMI, FL 33125

Registered Agent Name & Address

FELDMAN, BENNETT G, Esq.  
2655 LEJEUNE ROAD  
SUITE # 514  
MIAMI, FL 33134

Name Changed: 02/17/2015

Address Changed: 02/17/2015

Officer/Director Detail

**Name & Address**

Title President

SOSA, DAYANA  
151 NW 37TH AVENUE  
MIAMI, FL 33125

Annual Reports

Report Year	Filed Date
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2014 04/15/2014  
2015 02/17/2015  
2016 04/30/2016

**Document Images**

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Florida Department of State, Division of Corporations



Department of State / Division of Corporations / Search Records / Detail By Document Number /

### Detail by Entity Name

Florida Profit Corporation  
FIRST CUBAN FINANCIAL INC

Filing Information

<b>Document Number</b>	P16000036958
<b>FEI/EIN Number</b>	NONE
<b>Date Filed</b>	04/07/2016
<b>Effective Date</b>	04/04/2016
<b>State</b>	FL
<b>Status</b>	ACTIVE

Principal Address

2021 SW 24TH TERRACE  
MIAMI, FL 33145

Mailing Address

2021 SW 24TH TERRACE  
MIAMI, FL 33145

Registered Agent Name & Address

CANO, ROBERT  
3275 SW 27TH TERRACE  
MIAMI, FL 33133

Officer/Director Detail

**Name & Address**

Title PRES

SOSA, DAYANA  
2021 SW 24TH TERRACE  
MIAMI, FL 33145

Annual Reports

No Annual Reports Filed

Document Images

04/07/2016 -- Domestic Profit

Florida Department of State, Division of Corporations



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## Fictitious Name Detail

### Fictitious Name

NATIONAL FUNERAL HOMES

### Filing Information

**Registration Number** G14000080152  
**Status** ACTIVE  
**Filed Date** 08/04/2014  
**Expiration Date** 12/31/2019  
**Current Owners** 1  
**County** MIAMI-DADE  
**Total Pages** 1  
**Events Filed** NONE  
**FEI/EIN Number** NONE

### Mailing Address

151 NW 37TH AVENUE  
MIAMI, FL 33125

### Owner Information

MIAMI FUNERAL SERVICES & CREMATORIES, INC  
 151 NW 37TH AVENUE  
 MIAMI, FL 33125  
**FEI/EIN Number:** 65-0419596  
**Document Number:** P93000038540

### Document Images

08/04/2014 – Fictitious Name Filing

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## Fictitious Name Detail

### Fictitious Name

AUXILIADORA FUNERARIA NACIONAL

### Filing Information

**Registration Number** G17000008248  
**Status** ACTIVE  
**Filed Date** 01/23/2017  
**Expiration Date** 12/31/2022  
**Current Owners** 1  
**County** MIAMI-DADE  
**Total Pages** 1  
**Events Filed** NONE  
**FEI/EIN Number** NONE

### Mailing Address

6871 BIRD RD  
MIAMI, FL 33155

### Owner Information

MIAMI FUNERAL SERVICES AND CREMATORIES INC  
151 NW 37TH AVENUE  
MIAMI, FL 33125  
**FEI/EIN Number:** 65-0419596  
**Document Number:** P93000038540

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The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.) NOTICE: Attorneys MUST Indicate All Re-filed Cases Below.

I. (a) PLAINTIFFS
NEREYDA CASTROS
(b) County of Residence of First Listed Plaintiff (EXCEPT IN U.S. PLAINTIFF CASES)
(c) Attorney's (Firm Name, Address, and Telephone Number)
The Law Office of Zandro E. Palma, P.A.
9100 South Dadeland Blvd., Suite 1500, Miami, FL 33156
Tel: (305) 446-1500

DEFENDANTS
SIGNAL FINANCE COMPANY LLC ET. AL.
County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT LAND INVOLVED.
Attorneys (If Known)

(d) Check County Where Action Arose: [X] MIAMI-DADE [ ] MONROE [ ] BROWARD [ ] PALM BEACH [ ] MARTIN [ ] ST. LUCIE [ ] INDIAN RIVER [ ] OKEECHOBEE HIGHLANDS

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)
[ ] 1 U.S. Government Plaintiff
[X] 3 Federal Question (U.S. Government Not a Party)
[ ] 2 U.S. Government Defendant
[ ] 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
PTF DEF
Citizen of This State [ ] 1 [ ] 1
Citizen of Another State [ ] 2 [ ] 2
Citizen or Subject of a Foreign Country [ ] 3 [ ] 3
Incorporated or Principal Place of Business In This State [ ] 4 [ ] 4
Incorporated and Principal Place of Business In Another State [ ] 5 [ ] 5
Foreign Nation [ ] 6 [ ] 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)
CONTRACT: [ ] 110 Insurance, [ ] 120 Marine, [ ] 130 Miller Act, [ ] 140 Negotiable Instrument, [ ] 150 Recovery of Overpayment & Enforcement of Judgment, [ ] 151 Medicare Act, [ ] 152 Recovery of Defaulted Student Loans (Excl. Veterans), [ ] 153 Recovery of Overpayment of Veteran's Benefits, [ ] 160 Stockholders' Suits, [ ] 190 Other Contract, [ ] 195 Contract Product Liability, [ ] 196 Franchise
REAL PROPERTY: [ ] 210 Land Condemnation, [ ] 220 Foreclosure, [ ] 230 Rent Lease & Ejectment, [ ] 240 Torts to Land, [ ] 245 Tort Product Liability, [ ] 290 All Other Real Property
TORTS: PERSONAL INJURY: [ ] 310 Airplane, [ ] 315 Airplane Product Liability, [ ] 320 Assault, Libel & Slander, [ ] 330 Federal Employers' Liability, [ ] 340 Marine, [ ] 345 Marine Product Liability, [ ] 350 Motor Vehicle, [ ] 355 Motor Vehicle Product Liability, [ ] 360 Other Personal Injury
PERSONAL INJURY: [ ] 362 Personal Injury - Med. Malpractice, [ ] 365 Personal Injury - Product Liability, [ ] 368 Asbestos Personal Injury Product Liability
PERSONAL PROPERTY: [ ] 370 Other Fraud, [ ] 371 Truth in Lending, [ ] 380 Other Personal Property Damage, [ ] 385 Property Damage Product Liability
PRISONER PETITIONS: [ ] 510 Motions to Vacate Sentence, Habes Corpus: [ ] 530 General, [ ] 535 Death Penalty, [ ] 540 Mandamus & Other, [ ] 550 Civil Rights, [ ] 555 Prison Condition
FORFEITURE/PENALTY: [ ] 610 Agriculture, [ ] 620 Other Food & Drug, [ ] 625 Drug Related Seizure of Property 21 USC 881, [ ] 630 Liquor Laws, [ ] 640 R.R. & Truck, [ ] 650 Airline Regs., [ ] 660 Occupational Safety/Health, [ ] 690 Other
LABOR: [X] 710 Fair Labor Standards Act, [ ] 720 Labor/Mgmt. Relations, [ ] 730 Labor/Mgmt. Reporting & Disclosure Act, [ ] 740 Railway Labor Act, [ ] 790 Other Labor Litigation, [ ] 791 Empl. Ret. Inc. Security Act
BANKRUPTCY: [ ] 422 Appeal 28 USC 158, [ ] 423 Withdrawal 28 USC 157
PROPERTY RIGHTS: [ ] 820 Copyrights, [ ] 830 Patent, [ ] 840 Trademark
SOCIAL SECURITY: [ ] 861 HIA (1395ff), [ ] 862 Black Lung (923), [ ] 863 DIWC/DIWW (405(g)), [ ] 864 SSID Title XVI, [ ] 865 RSI (405(g))
FEDERAL TAX SUITS: [ ] 870 Taxes (U.S. Plaintiff or Defendant), [ ] 871 IRS—Third Party 26 USC 7609
OTHER STATUTES: [ ] 400 State Reapportionment, [ ] 410 Antitrust, [ ] 430 Banks and Banking, [ ] 450 Commerce, [ ] 460 Deportation, [ ] 470 Racketeer Influenced and Corrupt Organizations, [ ] 480 Consumer Credit, [ ] 490 Cable/Sat TV, [ ] 810 Selective Service, [ ] 850 Securities/Commodities/Exchange, [ ] 875 Customer Challenge 12 USC 3410, [ ] 890 Other Statutory Actions, [ ] 891 Agricultural Acts, [ ] 892 Economic Stabilization Act, [ ] 893 Environmental Matters, [ ] 894 Energy Allocation Act, [ ] 895 Freedom of Information Act, [ ] 900 Appeal of Fee Determination Under Equal Access to Justice, [ ] 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)
[X] 1 Original Proceeding
[ ] 2 Removed from State Court
[ ] 3 Re-filed- (see VI below)
[ ] 4 Reinstated or Reopened
[ ] 5 Transferred from another district (specify)
[ ] 6 Multidistrict Litigation
[ ] 7 Appeal to District Judge from Magistrate Judgment

VI. RELATED/RE-FILED CASE(S).
a) Re-filed Case [ ] YES [X] NO
b) Related Cases [ ] YES [X] NO
(See instructions second page): JUDGE DOCKET NUMBER

VII. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing and Write a Brief Statement of Cause (Do not cite jurisdictional statutes unless diversity):
29 U.S.C.
LENGTH OF TRIAL via 3 days estimated (for both sides to try entire case)

VIII. REQUESTED IN COMPLAINT:
[ ] CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ CHECK YES only if demanded in complaint:
JURY DEMAND: [X] Yes [ ] No

ABOVE INFORMATION IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE
SIGNATURE OF ATTORNEY OF RECORD /s/ Zandro E. Palma, Esq.
DATE May 18, 2017

FOR OFFICE USE ONLY

AMOUNT RECEIPT # IFP

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

NEREYDA CASTROS

Plaintiff

v.

SIGNAL FINANCE COMPANY LLC ET AL.

Defendant

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) DAYANA SOSA
2021 SW 24TH TERRACE
MIAMI, FL 33145

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

The Law Office of Zandro E. Palma, P.A.
9100 South Dadeland Boulevard
Suite 1500
Miami, FL 33156

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

NEREYDA CASTROS

Plaintiff

v.

SIGNAL FINANCE COMPANY LLC ET AL.

Defendant

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)
)
)
)
)
)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) ESTRELLA RODERO
6214 SW 8TH ST.
MIAMI, FL 33144

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

The Law Office of Zandro E. Palma, P.A.
9100 South Dadeland Boulevard
Suite 1500
Miami, FL 33156

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

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

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

NEREYDA CASTROS

Plaintiff

v.

SIGNAL FINANCE COMPANY LLC ET AL.

Defendant

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) FIRST CUBAN FINANCIAL INC
Through Its Registered Agent
ROBERT CANO
3275 SW 27TH TERRACE
MIAMI, FL 33133

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

The Law Office of Zandro E. Palma, P.A.
9100 South Dadeland Boulevard
Suite 1500
Miami, FL 33156

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

NEREYDA CASTROS

Plaintiff

v.

SIGNAL FINANCE COMPANY LLC ET AL.

Defendant

)
)
)
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)
)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) HILBERT I. MOHABIR
6214 SW 8TH ST
MIAMI, FL 33144

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

The Law Office of Zandro E. Palma, P.A.
9100 South Dadeland Boulevard
Suite 1500
Miami, FL 33156

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

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

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

NEREYDA CASTROS

Plaintiff

v.

SIGNAL FINANCE COMPANY LLC ET AL.

Defendant

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) MIAMI FUNERAL SERVICES & CREMATORIES, INC. d/b/a NATIONAL FUNERAL HOMES, AND AUXILIADORA FUNERARIA NACIONAL Through Its Registered Agent BENNETT G. FELDMAN, ESQ. 2655 LEJEUNE ROAD SUITE # 514 MIAMI, FL 33134

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

The Law Office of Zandro E. Palma, P.A. 9100 South Dadeland Boulevard Suite 1500 Miami, FL 33156

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

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

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

NEREYDA CASTROS

Plaintiff

v.

SIGNAL FINANCE COMPANY LLC ET AL.

Defendant

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) SIGNAL FINANCE COMPANY LLC
Through Its Registered Agent
HILBERT MOHABIR,
6214 SW 8TH ST
Miami, FL 33144

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

The Law Office of Zandro E. Palma, P.A.
9100 South Dadeland Boulevard
Suite 1500
Miami, FL 33156

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

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

Signature of Clerk or Deputy Clerk



# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Miami Funeral Homes Hit with Unpaid Overtime Allegations](#)

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