

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

WILLY CLAIRVOYANT, on his own
behalf and others similarly situated,

Plaintiff,

v.

JOHNNY Q'S, LLC. DBA JOHNNY Q'S RESTAURANT AND SPORTS LOUNGE
a Florida Limited Liability Company, and
JOHN QUADAGNO, an individual,

Defendants.

COMPLAINT

1. Plaintiff, WILLY CLAIRVOYANT (hereinafter referred to as “Plaintiff”), was an employee of Defendants, JOHNNY Q'S, LLC. DBA JOHNNY Q'S RESTAURANT AND SPORTS LOUNGE, a Florida Limited Liability Company, and JOHN QUADAGNO, an individual (collectively referred to as “Defendants”), and brings this action on behalf of himself and other current and former employees of Defendants similarly situated to him for overtime compensation and minimum wage compensation and other relief under the Fair Labor Standards Act, as amended, 29 U.S.C. § 216(b).

2. Plaintiff performed non-exempt work as a laborer and related activities in Palm Beach County, Florida.

3. Plaintiff worked at Defendants’ Palm Springs location.

4. Plaintiff was employed as a cook for Defendants at Johnny Q’s Restaurant and Sports Lounge.

5. Specifically, Plaintiff was a non-exempt employee who was responsible for cooking, food preparation, tracking inventory, ordering produce and supplies for various menu items, cleaning, and maintaining the kitchen at Johnny Q'S Restaurant and Sports Lounge.

6. All work performed by Plaintiff during Plaintiff's working hours was for the benefit of Defendants.

7. At all times material hereto, Plaintiff and similarly situated employees were employees of Defendants within the meaning of the FLSA.

8. Plaintiff and similarly situated employees regularly handled and worked with goods and materials moved in or produced in commerce.

9. Plaintiff was employed by Defendants during the three year period preceding the filing of this lawsuit.

10. Plaintiff began his employment with Defendants on or about December 26, 2013. Plaintiff's last date of employment was November 18, 2017.

11. Plaintiff routinely worked five (5) to seven (7) days weekly.

12. Plaintiff routinely worked more than forty (40) hours per week for Defendants.

13. During certain pay periods of Plaintiff's employment, Plaintiff would average fifteen (15) hours of overtime.

14. Defendants failed to compensate Plaintiff for all overtime hours worked.

15. Defendants failed to properly credit Plaintiff for all hours worked.

16. Plaintiff was paid an hourly rate of \$14.00.

17. Plaintiff's compensation varied depending on the daily hours worked.

18. Plaintiff was an hourly employee throughout the entire period of his employment.

19. When Plaintiff worked more than forty (40) hours weekly, Defendants would pay twenty (20) hours to Plaintiff on a W-2 check and the remaining hours would be paid in cash and/or company check or personal check.

20. Plaintiff did not receive his bi-weekly compensations on a single W-2 check.

21. Defendants paid Plaintiff in cash during the period of Plaintiff's employment.

22. Defendants did not issue Plaintiff a 1099 for the non-W-2 wages received by Plaintiff.

23. JOHNNY Q'S, LLC. DBA JOHNNY Q'S RESTAURANT AND SPORTS LOUNGE, a Florida Limited Liability Company, is an Italian restaurant and bar selling imported food and alcoholic beverages in Palm Beach County, Florida and is within the jurisdiction of this court.

24. Defendants sponsors live entertainment and events in the restaurant.

25. Defendants accepts various credit cards.

26. Defendants allow customers to place their order by phone and online for delivery by outside vendors.

27. JOHNNY Q'S, LLC. DBA JOHNNY Q'S RESTAURANT AND SPORTS LOUNGE is a restaurant.

28. Jurisdiction is conferred on this Court by Title 28 U.S.C. § 1337 and by Title 29 U.S.C. § 216(b). At all times pertinent to this Complaint JOHNNY Q'S, LLC. DBA JOHNNY Q'S RESTAURANT AND SPORTS LOUNGE was and is an enterprise engaged in interstate commerce or in the production of goods for commerce.

29. The services provided by JOHNNY Q'S, LLC. DBA JOHNNY Q'S RESTAURANT AND SPORTS LOUNGE requires Defendants to procure food items, beverages, supplies, and equipment outside the state of Florida.

30. The services provided by Defendants necessitated that Defendants engage in interstate commerce.

31. Plaintiff was individually engaged in commerce due to the nature of his work.

32. This action is brought to recover from Defendants overtime compensation, unpaid wages, minimum wage violation, liquidated damages, and the costs and reasonable attorney's fees under the provisions of Title 29 U.S.C. § 216(b).

33. At all times material hereto, individual Defendant, JOHN QUADAGNO, was and/or is an individual resident of the State of Florida who owns, manages, directs, and/or operates JOHNNY Q'S, LLC. DBA JOHNNY Q'S RESTAURANT AND SPORTS LOUNGE and who regularly exercised the authority to hire and fire employees, determine the work schedules of employees, set the rate pay of employees, manage daily or weekly activities of employees, and control the finances and operations of JOHNNY Q'S, LLC. DBA JOHNNY Q'S RESTAURANT AND SPORTS LOUNGE. By virtue of such control and authority, JOHN QUADAGNO is an employer of Plaintiff as such term is defined by the FLSA, 29 U.S.C. §201 et seq.

34. JOHN QUADAGNO interviewed and hired Plaintiff.

35. Plaintiff reported to JOHN QUADAGNO.

36. JOHN QUADAGNO was Plaintiff's manager.

37. JOHN QUADAGNO is the owner of JOHNNY Q'S, LLC. DBA JOHNNY Q'S RESTAURANT AND SPORTS LOUNGE.

38. Plaintiff repeatedly requested for Defendants to pay him at time and one-half for his overtime hours worked.

39. The additional persons who may become Plaintiffs in this action are non-exempt employees and/or former employees of Defendants who worked similar positions as Plaintiff and

worked in excess of forty (40) hours in a work-week on or after December 2014, but were not properly paid for all hours worked in excess of forty (40) during one or more work weeks or current and/or former employees who were not credited for all hours worked during their employment with Defendants.

40. At all times pertinent to this Complaint, Defendants failed to comply with Title 29 U.S.C. § 201-209, in that Plaintiff and those similarly situated to Plaintiff performed services for Defendants for which no provisions were made by the Defendants to properly pay Plaintiff for those hours worked in excess of forty (40) at an overtime rate of one and one-half times their regular rate of pay for all the overtime hours worked, based in part upon Defendants' custom and practice of failing to credit all overtime hours actually worked and failing to calculate and pay overtime wages accurately.

41. Based upon information and belief, the annual gross sales volume of JOHNNY Q'S, LLC. DBA JOHNNY Q'S RESTAURANT AND SPORTS LOUNGE was in excess of \$500,000.00 per annum during the relevant time period.

42. As a result of Defendants' actions identified herein Plaintiff and other similarly situated employees were not paid time and one-half of their regular rate of pay for all hours worked in excess of forty (40) hours per work week during one or more work weeks.

43. Likewise, the other employees similarly situated to Plaintiff regularly worked in excess of forty (40) hours in one or more work weeks during their employment with Defendants.

44. The records, if any, concerning the number of hours actually worked by Plaintiff and all other similarly situated employees and the compensation actually paid to such employees are in the possession and custody of Defendants. However, upon information and belief, Defendants

did not maintain accurate and complete time records of hours worked and compensation received by Plaintiff.

COUNT I, RECOVERY OF OVERTIME COMPENSATION

45. Plaintiff readopts and realleges all allegations contained in Paragraphs 1 through 44 above.

46. Plaintiff is entitled to be paid time and one-half of his regular rate of pay for each hour worked in excess of forty (40) hours per work week. All similarly situated employees are similarly owed their overtime rate for each overtime hour they worked and were not properly paid.

47. By reason of the said intentional, willful and unlawful acts of Defendants, all Plaintiffs (Plaintiff and those similarly situated to him) have suffered damages plus incurring costs and reasonable attorney's fees.

48. Plaintiff has retained the undersigned counsel to represent him in this action, and agreed to pay reasonable fees and costs, and pursuant to 29 U.S.C. §§216(b), Plaintiff is entitled to recover all reasonable attorney's fees and costs incurred in this action.

49. As a result of Defendants' willful violation of the Act, all Plaintiffs (the named Plaintiff and those similarly situated to him) are entitled to liquidated damages.

50. Plaintiff demands a jury trial.

WHEREFORE, Plaintiff, WILLY CLAIRVOYANT, and those similarly situated to him who have or will opt into this action, demand judgment, jointly and severally, against Defendants, JOHNNY Q'S, LLC. DBA JOHNNY Q'S RESTAURANT AND SPORTS LOUNGE, for the payment of all overtime hours at one and one-half their regular rate of pay due them for the hours worked by them for which they have not been properly compensated, liquidated damages in an

amount equal to the overtime awarded, prejudgment interest, reasonable attorney's fees and costs of suit, and such further relief that this Court deems just and appropriate.

JURY DEMAND

Plaintiff demands a trial by jury on all issues so triable.

DATED this 21 day of December 2017

Respectfully submitted,

s/Maguene D. Cadet

Maguene D. Cadet, Esq., FBN. 0591361

Email: Maguene@DieudonneLaw.com

Law Office of Dieudonne Cadet, P.A.

2500 Quantum Lakes Drive, Suite 203

Boynton Beach, Florida 33426

Telephone: 561-853-2212

Facsimile: 561-853-2213

Attorney for Plaintiff

JS 44 (Rev. 12/12)

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.) NOTICE: Attorneys MUST Indicate All Re-filed Cases Below.

I. (a) PLAINTIFFS

WILLY CLAIRVOYANT, on his own behalf and others similarly situated

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

(c) Attorneys (Firm Name, Address, and Telephone Number)

Law Office of Dieudonne Cadet, P.A., 2500 Quantum Lakes Drive, Suite 203, Boynton Beach, Florida 33426; 561-853-2212

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

DEFENDANTS

JOHNNY Q'S, LLC. DBA JOHNNY Q'S RESTAURANT AND SPORTS LOUNGE and JOHN QUADAGNO

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

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.
Attorneys (If Known)

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)

<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	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 - Med. Malpractice	PERSONAL INJURY - PRODUCT LIABILITY <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	FORFEITURE/PENALTY <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/Mgmt. 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 Empl. Ret. Inc. Security Act	<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"/> 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))	<input type="checkbox"/> 375 False Claims Act <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 <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	CIVIL RIGHTS <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	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence Other: <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 <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

V. ORIGIN

- (Place an "X" in One Box Only)
- 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 Judgement
 - 8 Remanded from Appellate Court

VI. RELATED/RE-FILED CASE(S)

(See instructions): a) Re-filed Case YES NO b) Related Cases YES NO

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):
Fair Labor Standards Act, 29 U.S.C 216(b)

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: Yes No

ABOVE INFORMATION IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE

DATE December 21, 2017 SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ IFP _____ JUDGE _____ MAG JUDGE _____

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

WILLY CLAIRVOYANT, on his own
behalf and others similarly situated,

Plaintiff,

v.

JOHNNY Q'S, LLC. DBA JOHNNY Q'S RESTAURANT AND SPORTS LOUNGE
a Florida Limited Liability Company, and
JOHN QUADAGNO, an individual,

Defendants.

SUMMONS IN A CIVIL CASE (CORPORATION)

TO: JOHNNY Q'S, LLC. DBA JOHNNY Q'S RESTAURANT AND SPORTS LOUNGE
Attn: John Quadagno, Registered Agent
3801 10th Avenue North
Palm Springs, Florida 33461-2807

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFFS' ATTORNEY:

Law Office of Dieudonne Cadet, P.A.
Maguene D. Cadet, Esq.
2500 Quantum Lakes Drive, Suite 203
Boynton Beach, Florida 33426
Phone: 561-853-2212

an Answer to the Complaint which is herewith served upon you, within twenty 21 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

CLERK OF COURT

DATE

(BY) DEPUTY CLERK

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

WILLY CLAIRVOYANT, on his own
behalf and others similarly situated,

Plaintiff,

v.

JOHNNY Q'S, LLC. DBA JOHNNY Q'S RESTAURANT AND SPORTS LOUNGE
a Florida Limited Liability Company, and
JOHN QUADAGNO, an individual,

Defendants.

SUMMONS IN A CIVIL CASE (INDIVIDUAL)

TO: JOHN QUADAGNO, individual Defendant
3801 10th Avenue North
Palm Springs, Florida 33461-2807

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFFS' ATTORNEY:

Law Office of Dieudonne Cadet, P.A.
Maguene D. Cadet, Esq.
2500 Quantum Lakes Drive, Suite 203
Boynton Beach, Florida 33426
Phone: 561-853-2212

an Answer to the Complaint which is herewith served upon you, within **twenty 21** days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

CLERK OF COURT

DATE

(BY) DEPUTY CLERK

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Johnny Q's Restaurant and Sports Lounge Staring Down Unpaid Overtime Allegations](#)
