

FILED

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

2017 DEC -6 PM 4:57
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA FLORIDA

Lauren Glanton and Tiffany Bent, on
behalf of themselves and those similarly
situated,

Plaintiffs,

Case No:
COLLECTIVE ACTION

vs.

Air5 Networks Holdings, LLC, a Florida
Corporation, Charles Glenn, Matthew
Davis and George Burton, individually,

Defendants.

_____ /

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiffs, LAUREN GLANTON and TIFFANY BENT on behalf of themselves and
similarly situated employees, sue Defendants, AIR5 NEWTORKS HOLDINGS, LLC,
CHARLES GLENN, MATTHEW DAVIS, and GEORGE BURTON (collectively "Employer")
and state as follows:

INTRODUCTION

1. This is a collective action brought pursuant to the Fair Labor Standards Act of
1938, as amended, 29 U.S.C. section 201, *et. seq.* ("FLSA") and the Florida Deceptive and
Unfair Trade Practices Act, section 501.201, *et. seq.*, Florida Statutes ("FDUTPA") to recover
unpaid overtime compensation, unpaid wages, liquidated damages, and attorneys' fees and costs
owed to them and similarly situated employees.

2. At all material times herein, Employer had a policy and practice of requiring
Plaintiffs and similarly situated employees to work in excess of forty (40) hours each workweek

without paying them overtime compensation, and at some points earned wages, as required by the FLSA.

3. Pursuant to the FLSA and applicable Florida law, Plaintiffs seek unpaid wages, overtime compensation, liquidated damages, and attorney's fees and costs from Employer on behalf of themselves and all other similarly situated employees.

4. Subsequent to the filing of this action, Plaintiffs will request the Court to authorize notice to all similarly situated employee who are or were employed by Employer at material times to inform them of the pendency of this action, and their right to opt into this lawsuit pursuant to the 29 U.S.C. Section 216(b).

JURISDICTION, VENUE, AND PARTIES

5. Jurisdiction is properly before this Court pursuant to 28 U.S.C. § 1343(4).

6. Venue is proper in this District pursuant to 28 U.S.C. §1391(b).

7. At material times, Employer was an enterprise engaged in commerce as defined by the FLSA in that they (a) had employees engaged in commerce, or had employees handling, selling, or otherwise working on goods or materials that have been moved in or produced for commerce, and (b) had an annual gross volume of sales made or business done that is not less than \$500,000.00 (exclusive of excise taxes at the retail level that are separately stated).

THE PARTIES

Plaintiff Lauren Glanton

8. Plaintiff is an adult individual who is a resident of Tampa, Florida.

9. Plaintiff was employed by Employer as a "Spokesperson/Media Specialist".

10. Plaintiff's job duties did not require significant exercise of discretion and/or independent judgment.

11. Plaintiff's job duties were such that they did not satisfy the requirements of any of the exemptions set forth in the FLSA and/or applicable Florida law.

Plaintiff Tiffany Bent

12. Plaintiff is an adult individual who is a resident of Lutz, FL

13. Plaintiff was employed by Employer as a "Receptionist".

14. Plaintiff's job duties did not require significant exercise of discretion and/or independent judgment.

15. Plaintiff's job duties were such that they did not satisfy the requirements of any of the exemptions set forth in the FLSA and/or applicable Florida law.

Defendant Air5 Networks Holdings, LLC.

16. Defendant, Air5 Networks Holdings, LLC, is a Florida Corporation.

17. At material times, Air5 Networks Holdings LLC was an "employer" subject to the requirements of the FLSA.

18. At material times, Plaintiffs and similarly situated employees were employees of Air5 Networks Holdings, LLC. within the meaning of the FLSA.

19. At material times, Air5 Holdings Networks, LLC was Plaintiffs' and similarly situated employees' employer within the meaning of the FLSA.

Defendant Charles Glenn

20. At material times, Defendant Charles Glenn was the manager of Air5 Networks Holding, LLC; controlled Air5 Networks Holdings, LLC's day-to-day operations, exercised direct or indirect control over Plaintiffs and similarly situated employees, and is responsible for the illegal pay practices alleged herein.

21. At material times, Charles Glenn was an "employer" subject to the requirements

of the FLSA.

22. At material times, Plaintiffs and similarly situated employees were employees of Charles Glenn within the meaning of the FLSA.

23. At material times, Charles Glenn was Plaintiffs' and similarly situated employees' employer within the meaning of the FLSA.

Defendant Matthew Davis

24. At material times, Defendant Matthew Davis was the manager of Air5 Networks Holdings, LLC, controlled Air5 Network day-to-day operations and exercised direct or indirect control over Plaintiffs' and similarly situated employees, and is responsible for the illegal pay practice alleged herein.

25. At material times, Matthew Davis was an "employer" subject to the requirements of the FLSA.

26. At material times, Plaintiffs and similarly situated employees were employees of Matthew Davis within the meaning of the FLSA.

27. At material times, Matthew Davis was Plaintiff's and similarly situated employees' employer with the meaning of the FLSA.

Defendant George Burton

28. At material times, Defendant George Burton was the manager of Air5 Networks Holdings, LLC; controlled Air5 Network day-to-day operations and exercised direct or indirect control over Plaintiffs' and similarly situated employees, and is responsible for the illegal pay practice alleged herein

29. At material times, Matthew Davis was an "employer" subject to the requirements of the FLSA.

30. At material times, Plaintiffs and similarly situated employees were employees of Matthew Davis within the meaning of the FLSA.

31. At material times, Matthew Davis was Plaintiff's and similarly situated employees' employer with the meaning of the FLSA.

COLLECTIVE ACTION ALLEGATIONS

32. Plaintiffs bring this FLSA claim on behalf of themselves and all similarly situated employees of Employer.

33. Employer is liable under the FLSA for, *inter alia*, failing to properly compensate Plaintiff and similarly situated employees.

34. Upon information and belief, there are several similarly situated current and former employees of Employer who have been underpaid in violation of the FLSA who would benefit from the issuance of a court-supervised notice of the present lawsuit and the opportunity to join the present lawsuit. The members of the putative class are similarly situated because they all were employed by Employer in a similar position, were paid in a similar manner, performed similar basic duties and assignments, and were all subject to Employer's common policy and practice of failing to pay wages and/or overtime.

35. Those similarly situated employees are known to Employer, are readily identifiable, and can be located through Employer's records.

36. Based on the above, notice should be sent to similarly situated employees pursuant to 29 U.S.C. § 216(b).

GENERAL ALLEGATIONS

37. Plaintiff Lauren Glanton is a former employee of Employer who worked as a Spokesperson/Media Specialist from approximately September 1, 2016 to October 7, 2016

38. Plaintiff Lauren Glanton was a salaried employee.

39. Plaintiff Lauren Glanton's duties were such that they did not satisfy the requirements of any of the exemptions set forth in FLSA.

40. Plaintiff Lauren Glanton regularly worked in excess of forty (40) hours a workweek for Employer.

41. Despite regularly working in excess of forty (40) hours a workweek, Employer refused to pay Plaintiff Lauren Glanton any actual hours worked on their time records over forty (40) hours.

42. Plaintiff Tiffany Bent is a former employee of Employer who worked as a Receptionist from approximately July 13, 2016 to November 8, 2016.

43. Plaintiff Tiffany Bent was paid on an hourly basis, based on the hours she worked.

44. Plaintiff Tiffany Bent regularly worked in excess of forty (40) hours a workweek for Employer.

45. Despite regularly working in excess of forty (40) hours a workweek, Employer refused to fully compensate Tiffany Bent for the overtime she worked.

46. Defendant Air5 Networks Holding, LLC, through its managerial employees, had knowledge or should have had knowledge that Plaintiffs and similarly situated employees were working over forty (40) hours a workweek and were not receiving overtime compensation as required by the FLSA.

47. Defendant Charles Glenn had knowledge that Plaintiffs and similarly situated employees were working over forty (40) hours a workweek and were not receiving overtime compensation as required by the FLSA

48. Defendant Charles Glenn had knowledge or should have had knowledge that Plaintiffs were not being paid an applicable minimum wage rate from September 16, 2016 to November 7, 2016.

49. Defendant Matthew Davis had knowledge that Plaintiffs and similarly situated employees were working over forty (40) hours a workweek and were not receiving overtime compensation as required by the FLSA.

50. Defendant Matthew Davis had knowledge or should have had knowledge that Plaintiffs were not being paid an applicable minimum wage rate from September 16, 2016 to November 7, 2016.

51. Defendant George Burton had knowledge or should have had knowledge that Plaintiffs and similarly situated employees were working over forty (40) hours a workweek and were not receiving overtime compensation as required by the FLSA.

52. Defendant George Burton had knowledge or should have had knowledge that Plaintiffs were not being paid an applicable minimum wage rate from September 16, 2016 to November 7, 2016.

53. Plaintiffs have retained the services of the undersigned attorneys and are obligated to pay their legal counsel a reasonable fee for their services.

54. Because of Employer's willful violation of the law, Plaintiffs have suffered damages.

COUNT I
(Violations of the FLSA Overtime)

55. Plaintiffs re-allege paragraphs 1 through 54, above.

56. Employer failed to pay Plaintiffs and similarly situated employees overtime compensation for hours worked over forty (40) in a workweek.

57. This failure on the part of Employer is a direct violation of Section 207 of the FLSA.

58. Employer's violations of the FLSA were willful.

59. Because of Employer's willful violation, Plaintiffs and similarly situated employees have suffered damages.

WHEREFORE, Plaintiffs respectfully request this Court to award damages in the amount of the unpaid wages owed to Plaintiffs, liquidated damages, reasonable attorneys' fees and costs, and all such other relief as this Court deems just and appropriate.

COUNT II
(Violations of the FLSA Minimum Wage Provision)

60. Plaintiffs re-alleges paragraphs 1 through 54, above.

61. Employer failed to pay Plaintiffs wages from September 16, 2016 to October 7, 2016.

62. Employer's failure to pay Plaintiffs of the dates listed above violate section 206 of the FLSA in regard to minimum wage.

63. Employer's violation of the FLSA was willful.

64. Because of Employer's willful violation of the law, Plaintiffs have suffered damages.

WHEREFORE, Plaintiffs respectfully requests this Court award damages in the amount of the unpaid wages owed to Plaintiffs, liquidated damages, reasonable attorneys' fees and costs, and all such other relief as this Court deems just and appropriate.

COUNT III
(Violation of the Florida Deceptive and Unfair Trade Practices Act)

65. Plaintiffs re-alleges paragraphs 1-54 above.

66. Employer regularly prohibited Plaintiffs from properly recording their overtime in an effort to avoid properly compensating Plaintiffs.

67. Employer's methods of compensation to Plaintiffs is an unfair and deceptive practice in the conduct of trade and/or conduct, and for such reason are prohibited by Florida Statutes.

68. Employer's actions were willful and as a direct and proximate result of Employer's unfair and deceptive trade practices, Plaintiffs have suffered damages.

WHEREFORE, Plaintiffs respectfully request this Court to award damages in the amount of the unpaid wages owed to Plaintiffs, liquidated damages, reasonable attorneys' fees and costs, and all such other relief as this Court deems just and appropriate.


JURY TRIAL DEMAND

Plaintiffs demand a jury trial on all issues so triable.

Dated December 6, 2017

Respectfully submitted,

JOHN BALES ATTORNEYS



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FILED

JS 44 (Rev 09/10)

2017 DEC 6 PM 4:57
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
CIVIL COVER SHEET
MIDDLE DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA FLORIDA

This automated JS-44 conforms generally to the manual JS-44 approved by the Judicial Conference of the United States in September 1974. The data is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. The information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law.

Plaintiff(s):

First Listed Plaintiff:
Mrs. Lauren Glanton ;
County of Residence: Outside This District

Additional Plaintiff(s):
Mrs. Tiffany Bent ;

Defendant(s):

First Listed Defendant:
Air5 Networks Holdings, LLC ;
County of Residence: Outside This District

Additional Defendants(s):
Mr. Charles Glenn ;
Mr. Matthew Davis ;
Mr. George Burton ;

County Where Claim For Relief Arose: Hernando County

Plaintiff's Attorney(s):

Mrs. Charlotte F Kelly (Lauren Glanton)
John Bales Attorneys
625 E. Twiggs St. Suite 100
Tampa, Florida 33602
Phone: 813-224-9100
Fax:
Email: team-employmentlaw@johnbales.com

Defendant's Attorney(s):

IFP REQUESTED

Basis of Jurisdiction: 3. Federal Question (U.S. not a party)

Citizenship of Principal Parties (Diversity Cases Only)

Plaintiff: N/A

Defendant: N/A

Origin: 1. Original Proceeding

Nature of Suit: 710 Fair Labor Standards Act

Cause of Action: Fair Labor Standards Act, FLSA, and The Florida Deceptive and Unfair Trade Practices Act (FDUTPA), Florida Statute §501.201 et seq

Requested in Complaint

Class Action: Not filed as a Class Action

Monetary Demand (in Thousands):

Jury Demand: Yes

Related Cases: Is NOT a refile of a previously dismissed action

Signature: Charlotte F Kelly

Date: 12-06-17

If any of this information is incorrect, please close this window and go back to the Civil Cover Sheet Input form to make the correction and generate the updated JS44. Once corrected, print this form, sign and date it, and submit it with your new civil action.

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Two Florida Women File Three-Count FLSA Suit Against Former Employer Air5 Networks](#)
