

FILED

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

2018 SEP 17 PM 2:34

CLERK, US DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS FLORIDA

JOSEPH JEROME, on behalf of himself  
and those similarly situated,

Plaintiff,

v.

CASE NO.:

*2:18-cv-623 FLM - 99MEM*

CORPO MENTE BONITA SPRINGS LLC,  
a Florida Limited Liability Company,  
CORPO MENTE FT. MYERS LLC, a Florida  
Limited Liability Company, CORPO MENTE  
LLC, a Florida Limited Liability Company, and  
RUBEN R. AYALA OLVERA, Individually,

Defendants.

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**COMPLAINT AND DEMAND FOR JURY TRIAL**

Plaintiff JOSEPH JEROME (“Plaintiff”), on behalf of himself and other employees and former employees similarly situated, by and through undersigned counsel, files this Complaint against Defendants, CORPO MENTE BONITA SPRINGS LLC (“CMBS”), CORPO MENTE FT. MYERS LLC (“CMFM”), CORPO MENTE LLC (“CM”), and RUBEN R. AYALA OLVERA, (“OLVERA”) (collectively, “Defendants”), and states as follows:

**JURISDICTION**

1. Jurisdiction in this Court is proper as the claims are brought pursuant to the Fair Labor Standards Act, as amended (29 U.S.C. §201, *et seq.*, hereinafter called the “FLSA”) to recover unpaid overtime wages, an additional equal amount as liquidated damages, obtain declaratory relief, and reasonable attorney’s fees and costs.

2. The jurisdiction of the Court over this controversy is based upon 29 U.S.C. §216(b).

**PARTIES**

3. At all times material hereto, Plaintiff was a resident of Lee County, Florida.
4. At all times material hereto, CMBS was, and continues to be a Florida Limited Liability Company, with its principle place of business located in Bonita Springs, Florida.
5. At all times material hereto, CMFM was, and continues to be a Florida Limited Liability Company, with its principle place of business located in Ft. Myers, Florida.
6. At all times material hereto, CM was, and continues to be a Florida Limited Liability Company, with its principle place of business located in Naples, Florida.
7. At all times material hereto, OLVERA owned and jointly operated several Crunch Fitness locations throughout Collier and Lee Counties.
8. At all times material hereto, OLVERA was, and continues to be, an individual resident of the State of Florida.
9. At all times material hereto, Defendant CMBS owned and operated Crunch Fitness located at 3306 Bonita Beach Road, Bonita Springs, Florida 34134.
10. At all times material hereto, OLVERA owned and operated CMBS.
11. At all times relevant to this action, OLVERA managed and operated CMBS on a day to day basis.
12. At all times material hereto, OLVERA regularly exercised the authority to hire and fire employees of CMBS.
13. At all times material hereto, OLVERA determined the work schedules for the employees of CMBS.
14. At all times material hereto, OLVERA controlled the finances and operations of CMBS.

15. At all times material hereto, Defendant CMFM owned and operated Crunch Fitness located at 16230 Summerlin Road, Suite 212, Ft. Myers, Florida 33908.

16. At all times material hereto, OLVERA owned and operated CMFM.

17. At all times relevant to this action, OLVERA managed and operated CMFM on a day to day basis.

18. At all times material hereto, OLVERA regularly exercised the authority to hire and fire employees of CMFM.

19. At all times material hereto, OLVERA determined the work schedules for the employees of CMFM.

20. At all times material hereto, OLVERA controlled the finances and operations of CMFM.

21. At all times material hereto, Defendant CM owned and operated Crunch Fitness located at 6013 Pine Ridge Road, Naples, Florida 34119.

22. At all times material hereto, OLVERA owned and operated CM.

23. At all times relevant to this action, OLVERA managed and operated CM on a day to day basis.

24. At all times material hereto, OLVERA regularly exercised the authority to hire and fire employees of CM.

25. At all times material hereto, OLVERA determined the work schedules for the employees of CM.

26. At all times material hereto, OLVERA controlled the finances and operations of CM.

27. At all times relevant to this action, Defendants “CMBS,” “CMFM,” and “CM,” had a common management structure.

28. At all times relevant to this action, Defendants were a joint enterprise. *See Cornell v. CF Center, LLC*, 2011 WL 196947 (11<sup>th</sup> Cir. 2011).

29. At all times relevant hereto, Defendants jointly employed Plaintiff.

30. At all times relevant to this action, Defendants existed for the common business purpose of operating “Crunch Fitness” fitness centers in southwest Florida.

31. At all times relevant to this action, Defendant, “CMBS,” operated a fitness center that held itself out to the public as “Crunch Bonita Springs.”

32. At all times relevant to this action, Defendant, “CMFM,” operated a fitness center that held itself out to the public as “Crunch Ft. Myers.”

33. At all times relevant to this action, Defendant, “CM,” operated a fitness center that held itself out to the public as “Crunch Naples.”

34. At all times relevant hereto, all of the aforementioned fitness center locations had identical fitness equipment and membership pricing.

35. At all times relevant hereto, all of the aforementioned fitness center locations offered identical training programs and membership packages.

36. At all times relevant hereto, all of the aforementioned fitness center locations utilized the same vendors.

37. At all times relevant hereto, all of the aforementioned fitness center locations utilized the same vendors, often using only one (1) account with each vendor, which account was used to order supplies for all of the aforementioned locations.

38. At all times relevant hereto, all of the aforementioned fitness center locations used one accountant and/or accounting firm to do their corporate taxes.

39. At all times relevant hereto, all of the aforementioned fitness center locations had the same workers' compensation coverage.

40. At all times relevant hereto, all of the aforementioned fitness center locations had the same website.

41. At all times relevant hereto, all of the aforementioned fitness center locations had the same corporate title.

42. At all times relevant hereto, all of the aforementioned fitness center locations had the same ownership.

43. At all times relevant hereto, all of the aforementioned fitness center locations were run by the same management.

44. At all times relevant hereto, employees were interchangeably working for all Defendants within the same work week, including Plaintiff.

45. At all times material hereto, Plaintiff worked for Defendants as a non-exempt maintenance employee. Specifically, Plaintiff worked for Defendants from May, 2015 through February, 2018.

#### **COVERAGE**

46. At all times material hereto, Defendants were, and continue to be, "employers" within the meaning of FLSA.

47. At all times material hereto, Defendants were, and continue to be, an "enterprise engaged in commerce" within the meaning of FLSA.

48. Based upon information and belief, the annual gross revenue of CMBS is and was

in excess of \$500,000.00 per annum during the relevant time periods.

49. Based upon information and belief, the annual gross revenue of CM is and was in excess of \$500,000.00 per annum during the relevant time periods.

50. At all times material hereto, Defendants had two (2) or more employees handling, selling, or otherwise working on goods or materials that had been moved in or produced for commerce, including gym equipment, cash registers, cleaning supplies, and other items essential to their business.

51. At all times material hereto, Plaintiff was an “employee” of Defendants within the meaning of FLSA.

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

### **STATEMENT OF FACTS**

53. On or about May, 2015, Defendants hired Plaintiff to work as a non-exempt maintenance employee to clean their Crunch Fitness locations in Bonita Springs, Ft. Myers and Naples, Florida.

54. At various material times hereto, Plaintiff worked for Defendants in excess of forty (40) hours within a work week.<sup>1</sup>

55. From at least May, 2015 and continuing through February 12, 2018, Defendants failed to compensate Plaintiff at rate of one and one-half times Plaintiff’s regular rate for all hours worked in excess of forty (40) hours in a single work week.

56. Defendants failure to compensate Plaintiff for all hours worked in excess of forty

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<sup>1</sup> Plaintiff worked in excess of 40 hours per workweek as evidenced by the paystubs attached as Exhibit A.

(40) hours in a single work week, resulted from failure to consider all hours worked cumulatively at all of Defendants locations each week.

57. Plaintiff should be compensated at the rate of one and one-half times Plaintiff's regular rate for those hours that Plaintiff worked in excess of forty (40) hours per week as required by the FLSA.

58. Defendants have violated Title 29 U.S.C. §207 from at least May, 2015 and continuing through February 12, 2018, in that:

- a. Plaintiff worked in excess of forty (40) hours per week during the period of employment with Defendants;
- b. No payments, and provisions for payment, have been made by Defendants to properly compensate Plaintiff at the statutory rate of one and one-half times Plaintiff's regular rate for those hours worked in excess of forty (40) hours per work week as provided by the FLSA; and
- c. Defendants have failed to maintain proper time records as mandated by the FLSA.

**COUNT I**  
**VIOLATION OF 29 U.S.C. §207 OVERTIME COMPENSATION**

59. Plaintiff realleges and incorporates paragraphs 1 through 58 as if fully set forth herein.

60. From at least May, 2015 and continuing through February 12, 2018, Plaintiff worked in excess of the forty (40) hours per week for which he was not compensated at the statutory rate of one and one-half times his regular rate of pay.

61. Plaintiff was, and is entitled to be paid at the statutory rate of one and one-half

times his regular rate of pay for those hours worked in excess of forty (40) hours.

62. At all times material hereto, Defendants failed, and continue to fail, to maintain proper time records as mandated by the FLSA.

63. Defendants' actions were willful and/or showed reckless disregard for the provisions of the FLSA as evidenced by its failure to compensate Plaintiff at the statutory rate of one and one-half times Plaintiff's regular rate of pay for the hours worked in excess of forty (40) hours per weeks when it knew, or should have known, such was, and is due.

64. Defendants have failed to properly disclose or apprise Plaintiff of his rights under the FLSA.

65. Due to the intentional, willful, and unlawful acts of Defendants, Plaintiff suffered and continues to suffer damages and lost compensation for time worked over forty (40) hours per week, plus liquidated damages.

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

67. At all times material hereto, Defendants failed to comply with Title 29 and United States Department of Labor Regulations, 29 C.F.R. §§516.2 and 516.4, with respect to those similarly situated to the named Plaintiff by virtue of the management policy, plan or decision that intentionally provided for the compensation of such employees for fewer hours than they actually worked.

68. Based upon information and belief, the employees and former employees of Defendants similarly situated to Plaintiff were not paid for all hours worked, and to the extent such hours, if properly credited to Plaintiff, would have credited Plaintiff with more than forty (40) or more hours in a work week, Defendants have failed to properly pay Plaintiff, and those



similarly situated to him, proper overtime wages at time and a half their regular rate of pay for such hours.

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

- a. Declaring, pursuant to 29 U.S.C. §§2201 and 2202, that the acts and practices complained of herein are in violation of the maximum hour provisions of the FLSA;
- b. Awarding Plaintiff overtime compensation in the amount due to him for Plaintiff's time worked in excess of forty (40) hours per work week;
- c. Awarding Plaintiff liquidated damages in an amount equal to the overtime award;
- d. Awarding Plaintiff reasonable attorney's fees and costs and expenses of the litigation pursuant to 29 U.S.C. §216(b);
- e. Awarding Plaintiff pre-judgment interest; and
- f. Ordering any other further relief the Court deems just and proper.

**JURY DEMAND**

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

DATED: September 12, 2018.

Respectfully submitted,

*/s/ Andrew R. Frisch*

Andrew R. Frisch  
MORGAN & MORGAN, P. A.  
600 Pine Island Road, Suite 400  
Plantation, FL 33324  
T: (954) WORKERS; F: (954) 327-3013  
E-mail: [AFrisch@forthepeople.com](mailto:AFrisch@forthepeople.com)

*Trial Counsel for Plaintiff*

# **EXHIBIT A**

Crunch Bonita Springs  
 3306 Bonita Beach Rd

Joseph Jerome  
 4814 4th Street West  
 Lehigh Acres, FL 33971

Direct Deposit

Employee Pay Stub		Check number: DD1807		Pay Period: 01/01/2017 - 01/15/2017		Pay Date: 01/25/2017	
<b>Employee</b>				<b>SSN</b>			
Joseph Jerome, 4814 4th Street West, Lehigh Acres, FL 33971				***-**-8123			
<b>Earnings and Hours</b>		<b>Qty</b>	<b>Rate</b>	<b>Current</b>	<b>YTD Amount</b>	<b>Direct Deposit</b>	
Maintenance		64:11	13.00	834.38	1,751.75	Checking - *****7518	
<b>Taxes</b>				<b>Current</b>	<b>YTD Amount</b>	<b>Paid Time Off</b>	
Medicare Employee Addl Tax				0.00	0.00	Sick	<b>Earned</b>
Federal Withholding				-81.00	-185.00	Vacation	<b>YTD Used</b>
Social Security				-51.73	-108.61		<b>Available</b>
Medicare				-12.10	-25.40		
				-154.83	-329.01	<b>Memo</b>	
						Direct Deposit	
<b>Net Pay</b>				<b>679.55</b>	<b>1,422.74</b>		

Crunch Ft Myers  
 16230 Summerlin Rd  
 Ft Myers, FL 33908

Joseph Jerome  
 4814 4th Street West  
 Lehigh Acres, FL 33971

Direct Deposit

<b>Employee Pay Stub</b>	<b>Check number: DD2012</b>	<b>Pay Period: 12/30/2016 - 01/15/2017</b>	<b>Pay Date: 01/25/2017</b>			
<b>Employee</b>	<b>SSN</b>	<b>Status (Fed/State)</b>	<b>Allowances/Extra</b>			
Joseph Jerome, 4814 4th Street West, Lehigh Acres, FL 33971	***-**-8123	Married using Single Rate/(none)	Fed-0/0/FL-0/0			
<b>Earnings and Hours</b>	<b>Qty</b>	<b>Rate</b>	<b>Current</b>	<b>YTD Amount</b>	<b>Direct Deposit</b>	<b>Amount</b>
Janitorial	65:19	13.00	849.12	1,781.44	Checking - *****8503	690.16
<b>Taxes</b>			<b>Current</b>	<b>YTD Amount</b>	<b>Memo</b>	
Medicare Employee Addl Tax			0.00	0.00	Direct Deposit	
Federal Withholding			-94.00	-200.00		
Social Security Employee			-52.85	-110.45		
Medicare Employee			-12.31	-25.83		
			-158.96	-336.28		
<b>Net Pay</b>			<b>690.16</b>	<b>1,445.16</b>		

Corpo Mente LLC DBA Crunch Naples  
 6013 Pine Ridge Road  
 Naples, FL 34119

Joseph Jerome  
 4814 4th Street West  
 Lehigh Acres, FL 33971

Direct Deposit

<b>Employee Pay Stub</b>	<b>Check number: DD3034</b>	<b>Pay Period: 01/01/2017 - 01/15/2017</b>	<b>Pay Date: 01/25/2017</b>			
<b>Employee</b>	<b>SSN</b>	<b>Status (Fed/State)</b>	<b>Allowances/Extra</b>			
Joseph Jerome, 4814 4th Street West, Lehigh Acres, FL 33971	***-**-8123	Married using Single Rate/(none)	Fed-0/0/FL-0/0			
<b>Earnings and Hours</b>	<b>Qty</b>	<b>Rate</b>	<b>Current</b>	<b>YTD Amount</b>	<b>Direct Deposit</b>	<b>Amount</b>
Maintenance	11:00	13.00	143.00	319.80	Checking - *****8503	127.05
<b>Taxes</b>			<b>Current</b>	<b>YTD Amount</b>	<b>Memo</b>	
Medicare Employee Addl Tax			0.00	0.00	Direct Deposit	
Federal Withholding			-5.00	-13.00		
Social Security Employee			-8.87	-19.83		
Medicare Employee			-2.08	-4.64		
			-15.95	-37.47		
<b>Net Pay</b>			<b>127.05</b>	<b>282.33</b>		

Crunch Bonita Springs  
 3306 Bonita Beach Rd  
 Bonita Springs, FL 34134

Joseph Jerome  
 4814 4th Street West  
 Lehigh Acres, FL 33971

Direct Deposit

<b>Employee Pay Stub</b>	<b>Check number:</b>	<b>Pay Period:</b> 10/01/2016 - 10/15/2016	<b>Pay Date:</b> 10/25/2016
<b>Employee</b>	<b>SSN</b>	<b>Status (Fed/State)</b>	<b>Allowances/Extra</b>
Joseph Jerome, 4814 4th Street West, Lehigh Acres, FL 33971	***-**-8123	Married using Single Rate/(none)	Fed-0/0/FL-0/0

  

<b>Earnings and Hours</b>	<b>Qty</b>	<b>Rate</b>	<b>Current</b>	<b>YTD Amount</b>	<b>Direct Deposit</b>	<b>Amount</b>
Maintenance	65:03	13.00	845.65	17,476.21	Checking - *****7518	687.96
Overtime (x1.5) hourly				155.67		
	65:03		845.65	17,631.88		
<b>Taxes</b>			<b>Current</b>	<b>YTD Amount</b>	<b>Memo</b>	
Medicare Employee Addl Tax			0.00	0.00	Direct Deposit	
Federal Withholding			-93.00	-1,490.00		
Social Security			-52.43	-1,093.18		
Medicare			-12.26	-255.66		
			-157.69	-2,838.84		
<b>Net Pay</b>			<b>687.96</b>	<b>14,793.04</b>		

Crunch Ft Myers  
 16230 Summerlin Rd  
 Ft Myers, FL 33908

Joseph Jerome  
 4814 4th Street West  
 Lehigh Acres, FL 33971

Direct Deposit

<b>Employee Pay Stub</b>	<b>Check number: DD1787</b>	<b>Pay Period: 10/01/2016 - 10/15/2016</b>	<b>Pay Data: 10/25/2016</b>			
<b>Employee</b>	<b>SSN</b>	<b>Status (Fed/State)</b>	<b>Allowances/Extra</b>			
Joseph Jerome, 4814 4th Street West, Lehigh Acres, FL 33971	***-**-8123	Married using Single Rate/(none)	Fed-0/0/FL-0/0			
<b>Earnings and Hours</b>	<b>Qty</b>	<b>Rate</b>	<b>Current</b>	<b>YTD Amount</b>	<b>Direct Deposit</b>	<b>Amount</b>
Janitorial	61:19	13.00	797.12	16,888.62	Checking - *****8503	650.15
<b>Taxes</b>			<b>Current</b>	<b>YTD Amount</b>	<b>Memo</b>	
Medicare Employee Addl Tax			0.00	0.00	Direct Deposit	
Federal Withholding			-88.00	-1,764.00		
Social Security Employee			-49.42	-1,047.09		
Medicare Employee			-11.55	-244.88		
			-148.97	-3,055.97		
<b>Net Pay</b>			<b>650.15</b>	<b>13,832.65</b>		

Crunch Ft Myers  
 16230 Summerlin Rd  
 Ft Myers, FL 33908

Joseph Jerome  
 4814 4th Street West  
 Lehigh Acres, FL 33971

Direct Deposit

<b>Employee Pay Stub</b>	<b>Check number: DD1828</b>	<b>Pay Period: 10/16/2016 - 10/31/2016</b>	<b>Pay Date: 11/10/2016</b>			
<b>Employee</b>	<b>SSN</b>	<b>Status (Fed/State)</b>	<b>Allowances/Extra</b>			
Joseph Jerome, 4814 4th Street West, Lehigh Acres, FL 33971	***-**-8123	Married using Single Rate/(none)	Fed-0/0/FL-0/0			
<b>Earnings and Hours</b>	<b>Qty</b>	<b>Rate</b>	<b>Current</b>	<b>YTD Amount</b>	<b>Direct Deposit</b>	<b>Amount</b>
Janitorial	68:54	13.00	889.70	17,758.32	Checking - *****8503	706.15
<b>Taxes</b>			<b>Current</b>	<b>YTD Amount</b>	<b>Memo</b>	
Medicare Employee Addl Tax			0.00	0.00	Direct Deposit	
Federal Withholding			-97.00	-1,861.00		
Social Security Employee			-53.93	-1,101.02		
Medicare Employee			-12.82	-257.50		
			-163.55	-3,219.52		
<b>Net Pay</b>			<b>706.15</b>	<b>14,538.80</b>		



Crunch Bonita Springs  
 3306 Bonita Beach Rd  
 Bonita Springs, FL 34134

Joseph Jerome  
 4814 4th Street West  
 Lehigh Acres, FL 33971

Direct Deposit

<b>Employee Pay Stub</b>	<b>Check number:</b>	<b>Pay Period:</b> 10/16/2016 - 10/31/2016	<b>Pay Date:</b> 11/10/2016
<b>Employee</b>		<b>SSN</b>	<b>Status (Fed/State)</b>
Joseph Jerome, 4814 4th Street West, Lehigh Acres, FL 33971		***-**-8123	Married using Single Rate/(none)
			<b>Allowances/Extra</b>
			Fed-0/0/FL-0/0

  

<b>Earnings and Hours</b>	<b>Qty</b>	<b>Rate</b>	<b>Current</b>	<b>YTD Amount</b>	<b>Direct Deposit</b>	<b>Amount</b>
Maintenance	61:52	13.00	804.27	18,280.48	Checking - *****7518	655.75
Overtime (x1.5) hourly				155.67		
	61:52		804.27	18,436.15		

  

<b>Taxes</b>	<b>Current</b>	<b>YTD Amount</b>
Medicare Employee Addl Tax	0.00	0.00
Federal Withholding	-87.00	-1,577.00
Social Security	-49.86	-1,143.04
Medicare	-11.86	-267.32
	-148.52	-2,987.36
<b>Net Pay</b>	<b>655.75</b>	<b>15,448.79</b>

Crunch Ft Myers  
 16230 Summerlin Rd  
 Ft Myers, FL 33908

Joseph Jerome  
 4814 4th Street West  
 Lehigh Acres, FL 33971

Direct Deposit

<b>Employee Pay Stub</b>	<b>Check number: DD1974</b>	<b>Pay Period: 12/16/2016 - 12/29/2016</b>	<b>Pay Date: 01/10/2017</b>
<b>Employee</b>	<b>SBN</b>	<b>Status (Fed/State)</b>	<b>Allowances/Extra</b>
Joseph Jerome, 4814 4th Street West, Lehigh Acres, FL 33971	***-**-8123	Married using Single Rate/(none)	Fed-0/0/FL-0/0

  

<b>Earnings and Hours</b>	<b>Qty</b>	<b>Rate</b>	<b>Current</b>	<b>YTD Amount</b>	<b>Direct Deposit</b>	<b>Amount</b>
Janitorial	71:43	13.00	932.32	932.32	Checking - *****8503	755.00
<b>Taxes</b>			<b>Current</b>	<b>YTD Amount</b>	<b>Memo</b>	
Medicare Employee Addl Tax			0.00	0.00	Direct Deposit	
Federal Withholding			-106.00	-106.00		
Social Security Employee			-57.80	-57.80		
Medicare Employee			-13.52	-13.52		
			-177.32	-177.32		
<b>Net Pay</b>			<b>755.00</b>	<b>755.00</b>		

Corpo Mente LLC DBA Crunch Naples  
 6013 Pine Ridge Road  
 Naples, FL 34119

Joseph Jerome  
 4814 4th Street West  
 Lehigh Acres, FL 33971

Direct Deposit

<b>Employee Pay Stub</b>	Check number: DD2991	Pay Period: 12/17/2016 - 12/31/2016	Pay Date: 01/10/2017			
<b>Employee</b>	<b>SSN</b>	<b>Status (Fed/State)</b>	<b>Allowances/Extra</b>			
Joseph Jerome, 4814 4th Street West, Lehigh Acres, FL 33971	***-**-8123	Married using Single Rate/(none)	Fed-0/0/FL-0/0			
<b>Earnings and Hours</b>	<b>Qty</b>	<b>Rate</b>	<b>Current</b>	<b>YTD Amount</b>	<b>Direct Deposit</b>	<b>Amount</b>
Maintenance	13:36	13.00	176.80	176.80	Checking - *****8503	155.28
<b>Taxes</b>			<b>Current</b>	<b>YTD Amount</b>	<b>Memo</b>	
Medicare Employee Addl Tax			0.00	0.00	Direct Deposit	
Federal Withholding			-8.00	-8.00		
Social Security Employee			-10.98	-10.98		
Medicare Employee			-2.58	-2.58		
			-21.52	-21.52		
<b>Net Pay</b>			<b>155.28</b>	<b>155.28</b>		

Crunch Ft Myers  
 16230 Summerlin Rd  
 Ft Myers, FL 33908

Joseph Jerome  
 4814 4th Street West  
 Lehigh Acres, FL 33971

Direct Deposit

<b>Employee Pay Stub</b>	<b>Check number: DD1874</b>	<b>Pay Period: 12/16/2016 - 12/29/2016</b>	<b>Pay Date: 01/10/2017</b>			
<b>Employee</b>	<b>SSN</b>	<b>Status (Fed/State)</b>	<b>Allowances/Extra</b>			
Joseph Jerome, 4814 4th Street West, Lehigh Acres, FL 33971	***-**-8123	Married using Single Rate/(none)	Fed-0/0/FL-0/0			
<b>Earnings and Hours</b>	<b>Qty</b>	<b>Rate</b>	<b>Current</b>	<b>YTD Amount</b>	<b>Direct Deposit</b>	<b>Amount</b>
Janitorial	71:43	13.00	932.32	932.32	Checking - *****8503	755.00
<b>Taxes</b>			<b>Current</b>	<b>YTD Amount</b>	<b>Memo</b>	
Medicare Employee Addl Tax			0.00	0.00	Direct Deposit	
Federal Withholding			-108.00	-108.00		
Social Security Employee			-57.80	-57.80		
Medicare Employee			-13.52	-13.52		
			-177.32	-177.32		
<b>Net Pay</b>			<b>755.00</b>	<b>755.00</b>		

Crunch Bonita Springs  
 3306 Bonita Beach Rd  
 Bonita Springs, FL 34134

Joseph Jerome  
 4814 4th Street West  
 Lehigh Acres, FL 33971

Direct Deposit

<b>Employee Pay Stub</b>	Check number: DD1775	Pay Period: 12/16/2016 - 12/31/2016	Pay Date: 01/10/2017			
<b>Employee</b>	<b>SSN</b>	<b>Status (Fed/State)</b>	<b>Allowances/Extra</b>			
Joseph Jerome, 4814 4th Street West, Lehigh Acres, FL 33971	***-**-8123	Married using Single Rate/(none)	Fed-0/0/FL-0/0			
<b>Earnings and Hours</b>	<b>Qty</b>	<b>Rate</b>	<b>Current</b>	<b>YTD Amount</b>	<b>Direct Deposit</b>	<b>Amount</b>
Maintenance	70:34	13.00	917.37	917.37	Checking - *****7518	743.19
<b>Taxes</b>			<b>Current</b>	<b>YTD Amount</b>	<b>Memo</b>	
Medicare Employee Addl Tax			0.00	0.00	Direct Deposit	
Federal Withholding			-104.00	-104.00		
Social Security			-58.88	-58.88		
Medicare			-13.30	-13.30		
			-174.18	-174.18		
<b>Net Pay</b>			<b>743.19</b>	<b>743.19</b>		

Crunch Ft Myers  
 16230 Summerlin Rd  
 Ft Myers, FL 33908

Joseph Jerome  
 4814 4th Street West  
 Lehigh Acres, FL 33971

Direct Deposit

<b>Employee Pay Stub</b>		Check number: DD1843		Pay Period: 12/01/2016 - 12/15/2016		Pay Date: 12/22/2016	
<b>Employee</b>				<b>SSN</b>	<b>Status (Fed/State)</b>	<b>Allowances/Extra</b>	
Joseph Jerome, 4814 4th Street West, Lehigh Acres, FL 33971				***-**-8123	Married using Single Rate/(none)	Fed-0/0/FL-0/0	
<b>Earnings and Hours</b>		<b>Qty</b>	<b>Rate</b>	<b>Current</b>	<b>YTD Amount</b>	<b>Direct Deposit</b>	<b>Amount</b>
Janitorial		72:00	13.00	936.00	20,438.06	Checking - *****8503	757.40
<b>Taxes</b>				<b>Current</b>	<b>YTD Amount</b>	<b>Memo</b>	
Medicare Employee Addl Tax				0.00	0.00	Direct Deposit	
Federal Withholding				-107.00	-2,182.00		
Social Security Employee				-58.03	-1,267.16		
Medicare Employee				-13.57	-296.35		
				-178.60	-3,725.51		
<b>Net Pay</b>				<b>757.40</b>	<b>16,712.55</b>		

Crunch Bonita Springs  
 3306 Bonita Beach Rd  
 Bonita Springs, FL 34134

Joseph Jerome  
 4814 4th Street West  
 Lehigh Acres, FL 33971

Direct Deposit

<b>Employee Pay Stub</b>	<b>Check number: DD1741</b>	<b>Pay Period: 12/01/2016 - 12/16/2016</b>	<b>Pay Date: 12/22/2016</b>
<b>Employee</b>	<b>SSN</b>	<b>Status (Fed/State)</b>	<b>Allowances/Extra</b>
Joseph Jerome, 4814 4th Street West, Lehigh Acres, FL 33971	***-**-8123	Married using Single Rate/(none)	Fed-0/0/FL-0/0

  

<b>Earnings and Hours</b>	<b>Qty</b>	<b>Rate</b>	<b>Current</b>	<b>YTD Amount</b>	<b>Direct Deposit</b>	<b>Amount</b>
Maintenance	70:21	13.00	914.55	21,022.83	Checking - *****7518	740.58
Overtime (x1.5) hourly				155.87		
	70:21		914.55	21,178.50		
<b>Taxes</b>			<b>Current</b>	<b>YTD Amount</b>	<b>Memo</b>	
Medicare Employee Addl Tax			0.00	0.00	Direct Deposit	
Federal Withholding			-104.00	-1,888.00		
Social Security			-56.71	-1,313.07		
Medicare			-13.26	-307.09		
			-173.97	-3,508.16		
<b>Net Pay</b>			<b>740.58</b>	<b>17,670.34</b>		

Crunch Bonita Springs  
 3306 Bonita Beach Rd  
 Bonita Springs, FL 34134

Joseph Jerome  
 4814 4th Street West  
 Lehigh Acres, FL 33971

Direct Deposit

<b>Employee Pay Stub</b>	<b>Check number: DD1710</b>	<b>Pay Period: 11/18/2016 - 11/30/2016</b>	<b>Pay Date: 12/09/2016</b>
<b>Employee</b>	<b>SSN</b>	<b>Status (Fed/State)</b>	<b>Allowances/Extra</b>
Joseph Jerome, 4814 4th Street West, Lehigh Acres, FL 33971	***-**-8123	Married using Single Rate/(none)	Fed-0/0/FL-0/0

  

<b>Earnings and Hours</b>	<b>Qty</b>	<b>Rate</b>	<b>Current</b>	<b>YTD Amount</b>	<b>Direct Deposit</b>	<b>Amount</b>
Maintenance	71:40	13.00	931.87	20,108.28	Checking - *****7518	754.40
Overtime (x1.5) hourly				155.87		
	71:40		931.87	20,263.85		
<b>Taxes</b>			<b>Current</b>	<b>YTD Amount</b>	<b>Memo</b>	
Medicare Employee Addl Tax			0.00	0.00	Direct Deposit	
Federal Withholding			-108.00	-1,784.00		
Social Security			-57.78	-1,256.38		
Medicare			-13.51	-293.83		
			-177.27	-3,334.19		
<b>Net Pay</b>			<b>754.40</b>	<b>16,929.76</b>		



Crunch Ft Myers  
 16230 Summerlin Rd  
 Ft Myers, FL 33908

Joseph Jerome  
 4814 4th Street West  
 Lehigh Acres, FL 33971

Direct Deposit

<b>Employee Pay Stub</b>	Check number: DD1907	Pay Period: 11/16/2016 - 11/30/2016	Pay Date: 12/09/2016			
<b>Employee</b>	<b>SSN</b>	<b>Status (Fed/State)</b>	<b>Allowances/Extra</b>			
Joseph Jerome, 4814 4th Street West, Lehigh Acres, FL 33971	***-**-8123	Married using Single Rate/(none)	Fed-0/0/FL-0/0			
<b>Earnings and Hours</b>	<b>Qty</b>	<b>Rate</b>	<b>Current</b>	<b>YTD Amount</b>	<b>Direct Deposit</b>	<b>Amount</b>
Janitorial	65:34	13.00	852.37	19,502.08	Checking - *****8503	693.16
<b>Taxes</b>			<b>Current</b>	<b>YTD Amount</b>	<b>Memo</b>	
Medicare Employee Addl Tax			0.00	0.00	Direct Deposit	
Federal Withholding			-84.00	-2,055.00		
Social Security Employee			-52.85	-1,209.13		
Medicare Employee			-12.36	-282.78		
			-159.21	-3,546.91		
<b>Net Pay</b>			<b>693.16</b>	<b>15,955.15</b>		

A handwritten signature or set of initials in black ink, consisting of several overlapping loops and a trailing flourish.

JS44 (Rev. 11/16 NDGA)

**CIVIL COVER SHEET**

The JS44 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 is required for the use of the Clerk of Court for the purpose of initiating the civil docket record. (SEE INSTRUCTIONS ATTACHED)

**I. (a) PLAINTIFF(S)**

JOSEPH JEROME, on behalf of himself and those similarly situated,

**DEFENDANT(S)**

CORPO MENTE BONITA SPRINGS LLC, a Florida Limited Liability Company, CORPO MENTE FT. MYERS LLC, a Florida Limited Liability Company, CORPO MENTE LLC, a Florida Limited Liability Company and RUBEN R. AYALA OLVERA, Individually,

**(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF** Lee County  
(EXCEPT IN U.S. PLAINTIFF CASES)

**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

**(c) ATTORNEYS** (FIRM NAME, ADDRESS, TELEPHONE NUMBER, AND E-MAIL ADDRESS)

Andrew R. Frisch  
Morgan & Morgan, P.A.  
600 N. Pine Island Road, Suite 400  
Plantation, FL 33324  
(954) WORKERS: Email: AFrisch@forthepeople.com

**ATTORNEYS** (IF KNOWN)

*2:18-cv-623-FM-99MEN*  
*FM 2964*

2018 SEP 17 PM 2 35  
 ENCL. US DISTRICT COURT  
 FOR THE DISTRICT OF FLORIDA  
 FOR FILING IN FLORIDA

**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)  
(FOR DIVERSITY CASES ONLY)

- |                            |                            |   |                            |                            |   |
|----------------------------|----------------------------|---|----------------------------|----------------------------|---|
| PLF                        | DEF                        |   | PLF                        | DEF                        |   |
| <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | CITIZEN OF THIS STATE                   | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 | INCORPORATED OR PRINCIPAL PLACE OF BUSINESS IN THIS STATE     |
| <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | CITIZEN OF ANOTHER STATE                | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 | INCORPORATED AND PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE |
| <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | CITIZEN OR SUBJECT OF A FOREIGN COUNTRY | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 | FOREIGN NATION  |

**IV. 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 District)
- 6 MULTIDISTRICT LITIGATION - TRANSFER
- 7 APPEAL TO DISTRICT JUDGE FROM MAGISTRATE JUDGE JUDGMENT
- 8 MULTIDISTRICT LITIGATION - DIRECT FILE

**V. 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)

Violation of 29 USC §207 Overtime Compensation

**(IF COMPLEX, CHECK REASON BELOW)**

- 1. Unusually large number of parties.
- 2. Unusually large number of claims or defenses.
- 3. Factual issues are exceptionally complex
- 4. Greater than normal volume of evidence.
- 5. Extended discovery period is needed.
- 6. Problems locating or preserving evidence
- 7. Pending parallel investigations or actions by government.
- 8. Multiple use of experts.
- 9. Need for discovery outside United States boundaries.
- 10. Existence of highly technical issues and proof.

**CONTINUED ON REVERSE**

**FOR OFFICE USE ONLY**

RECEIPT # \_\_\_\_\_ AMOUNT \$ \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ MAG. JUDGE (IFP) \_\_\_\_\_  
 JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_ NATURE OF SUIT \_\_\_\_\_ CAUSE OF ACTION \_\_\_\_\_  
*(Referral)*

**VI. NATURE OF SUIT** (PLACE AN "X" IN ONE BOX ONLY)

**CONTRACT - "0" MONTHS DISCOVERY TRACK**

- 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT
- 152 RECOVERY OF DEFAULTED STUDENT LOANS (Excl. Veterans)
- 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS

**CONTRACT - "4" MONTHS DISCOVERY TRACK**

- 110 INSURANCE
- 120 MARINE
- 130 MILLER ACT
- 140 NEGOTIABLE INSTRUMENT
- 151 MEDICARE ACT
- 160 STOCKHOLDERS' SUITS
- 190 OTHER CONTRACT
- 195 CONTRACT PRODUCT LIABILITY
- 196 FRANCHISE

**REAL PROPERTY - "4" MONTHS DISCOVERY TRACK**

- 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 - "4" MONTHS DISCOVERY TRACK**

- 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
- 362 PERSONAL INJURY - MEDICAL MALPRACTICE
- 365 PERSONAL INJURY - PRODUCT LIABILITY
- 367 PERSONAL INJURY - HEALTH CARE/ PHARMACEUTICAL PRODUCT LIABILITY
- 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY

**TORTS - PERSONAL PROPERTY - "4" MONTHS DISCOVERY TRACK**

- 370 OTHER FRAUD
- 371 TRUTH IN LENDING
- 380 OTHER PERSONAL PROPERTY DAMAGE
- 385 PROPERTY DAMAGE PRODUCT LIABILITY

**BANKRUPTCY - "0" MONTHS DISCOVERY TRACK**

- 422 APPEAL 28 USC 158
- 423 WITHDRAWAL 28 USC 157

**CIVIL RIGHTS - "4" MONTHS DISCOVERY TRACK**

- 440 OTHER CIVIL RIGHTS
- 441 VOTING
- 442 EMPLOYMENT
- 443 HOUSING/ ACCOMMODATIONS
- 445 AMERICANS with DISABILITIES - Employment
- 446 AMERICANS with DISABILITIES - Other
- 448 EDUCATION

**IMMIGRATION - "0" MONTHS DISCOVERY TRACK**

- 462 NATURALIZATION APPLICATION
- 465 OTHER IMMIGRATION ACTIONS

**PRISONER PETITIONS - "0" MONTHS DISCOVERY TRACK**

- 463 HABEAS CORPUS- Alien Detainee
- 510 MOTIONS TO VACATE SENTENCE
- 530 HABEAS CORPUS
- 535 HABEAS CORPUS DEATH PENALTY
- 540 MANDAMUS & OTHER
- 550 CIVIL RIGHTS - Filed Pro se
- 555 PRISON CONDITION(S) - Filed Pro se
- 560 CIVIL DETAINEE: CONDITIONS OF CONFINEMENT

**PRISONER PETITIONS - "4" MONTHS DISCOVERY TRACK**

- 550 CIVIL RIGHTS - Filed by Counsel
- 555 PRISON CONDITION(S) - Filed by Counsel

**FORFEITURE/PENALTY - "4" MONTHS DISCOVERY TRACK**

- 625 DRUG RELATED SEIZURE OF PROPERTY 21 USC 881
- 690 OTHER

**LABOR - "4" MONTHS DISCOVERY TRACK**

- 710 FAIR LABOR STANDARDS ACT
- 720 LABOR/MGMT. RELATIONS
- 740 RAILWAY LABOR ACT
- 751 FAMILY and MEDICAL LEAVE ACT
- 790 OTHER LABOR LITIGATION
- 791 EMPL. RET. INC. SECURITY ACT

**PROPERTY RIGHTS - "4" MONTHS DISCOVERY TRACK**

- 820 COPYRIGHTS
- 840 TRADEMARK

**PROPERTY RIGHTS - "8" MONTHS DISCOVERY TRACK**

- 830 PATENT

**SOCIAL SECURITY - "0" MONTHS DISCOVERY TRACK**

- 861 HIA (1395f)
- 862 BLACK LUNG (923)
- 863 DIWC (405(g))
- 863 DIWW (405(g))
- 864 SSID TITLE XVI
- 865 RSI (405(g))

**FEDERAL TAX SUITS - "4" MONTHS DISCOVERY TRACK**

- 870 TAXES (U.S. Plaintiff or Defendant)
- 871 IRS - THIRD PARTY 26 USC 7609

**OTHER STATUTES - "4" MONTHS DISCOVERY TRACK**

- 375 FALSE CLAIMS ACT
- 376 Qui Tam 31 USC 3729(a)
- 400 STATE REAPPORTIONMENT
- 430 BANKS AND BANKING
- 450 COMMERCE/ICC RATES/ETC.
- 460 DEPORTATION
- 470 RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS
- 480 CONSUMER CREDIT
- 490 CABLE/SATELLITE TV
- 890 OTHER STATUTORY ACTIONS
- 891 AGRICULTURAL ACTS
- 893 ENVIRONMENTAL MATTERS
- 895 FREEDOM OF INFORMATION ACT
- 899 ADMINISTRATIVE PROCEDURES ACT / REVIEW OR APPEAL OF AGENCY DECISION
- 950 CONSTITUTIONALITY OF STATE STATUTES

**OTHER STATUTES - "8" MONTHS DISCOVERY TRACK**

- 410 ANTI TRUST
- 850 SECURITIES / COMMODITIES / EXCHANGE

**OTHER STATUTES - "0" MONTHS DISCOVERY TRACK**

- 896 ARBITRATION (Confirm / Vacate / Order / Modify)

**\* PLEASE NOTE DISCOVERY TRACK FOR EACH CASE TYPE. SEE LOCAL RULE 26.3**

**VII. REQUESTED IN COMPLAINT:**

- CHECK IF CLASS ACTION UNDER F.R.Civ.P. 23 DEMAND \$ \_\_\_\_\_
- JURY DEMAND  YES  NO (CHECK YES ONLY IF DEMANDED IN COMPLAINT)

**VIII. RELATED/REFILED CASE(S) IF ANY**

JUDGE \_\_\_\_\_ DOCKET NO. \_\_\_\_\_

CIVIL CASES ARE DEEMED RELATED IF THE PENDING CASE INVOLVES: (CHECK APPROPRIATE BOX)

- 1. PROPERTY INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.
- 2. SAME ISSUE OF FACT OR ARISES OUT OF THE SAME EVENT OR TRANSACTION INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.
- 3. VALIDITY OR INFRINGEMENT OF THE SAME PATENT, COPYRIGHT OR TRADEMARK INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.
- 4. APPEALS ARISING OUT OF THE SAME BANKRUPTCY CASE AND ANY CASE RELATED THERETO WHICH HAVE BEEN DECIDED BY THE SAME BANKRUPTCY JUDGE.
- 5. REPETITIVE CASES FILED BY PRO SE LITIGANTS.
- 6. COMPANION OR RELATED CASE TO CASE(S) BEING SIMULTANEOUSLY FILED (INCLUDE ABBREVIATED STYLE OF OTHER CASE(S)):

- 7. EITHER SAME OR ALL OF THE PARTIES AND ISSUES IN THIS CASE WERE PREVIOUSLY INVOLVED IN CASE NO. \_\_\_\_\_, WHICH WAS DISMISSED. This case  IS  IS NOT (check one box) SUBSTANTIALLY THE SAME CASE.

Andrew R. Frisch

September 12, 2018

SIGNATURE OF ATTORNEY OF RECORD

DATE

# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Three Crunch Fitness Centers in Florida Cheat Workers Out of OT Pay, Class Action Alleges](#)

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