

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

MICHAEL JOSIAH KING,  
and other similarly situated individuals,

Plaintiff,

CASE NO. \_\_\_\_\_

v.

AMAZON.COM.DEDC, LLC,  
a Foreign Limited Liability Company,

Defendant.

\_\_\_\_\_ /

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, Defendant Amazon.com.dedc, LLC (“Defendant”) hereby gives notice of the removal of this action to the United States District Court for the Southern District of Florida, Miami Division, and in support of its Notice states as follows:

**1. State Court Action**

Plaintiff initiated an action that is still pending in the Circuit Court of the Eleventh Judicial Circuit, in and for Miami-Dade County, Florida, styled *Michael Josiah King v. Amazon.com.dedc, LLC*, and designated Case Number 2018-004344-CA-01. Plaintiff filed his Complaint on or about February 12, 2018. A true and correct copy of Plaintiff's Complaint, along with the rest of the state court file, is attached as Exhibit 1.

**2. Defendant's Receipt of Plaintiff's Complaint**

Defendant's counsel accepted service of the Complaint on Defendant's behalf on March 20, 2018.

### **3. Nature of The Action**

In his Complaint, Plaintiff asserts a wage-and-hour claim under the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.* (“FLSA”). *See* Ex. 1, Compl. ¶¶ 13-23. Plaintiff also asserts a retaliatory discharge claim under the FLSA. *See id.* ¶¶ 24-27.

### **4. Removal of State Court Action**

Under 28 U.S.C. § 1441(a), “any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant . . . to the district court of the United States for the district and division embracing the place where such action is pending.”

As demonstrated in Section 5 below, this action is removable under 28 U.S.C. § 1441(a) because the district court would have original jurisdiction under 28 U.S.C. § 1331 (federal question jurisdiction). In addition, venue is proper in the Miami Division of the Southern District of Florida, as demonstrated in Section 6 below. Finally, this Notice of Removal is filed in a timely manner as demonstrated in Section 7 below.

### **5. Federal Question Jurisdiction**

Under 28 U.S.C. § 1331, “[t]he district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.” Section 216(b) of the FLSA provides that “[a]n action to recover the liability prescribed [earlier in the Act] may be maintained against any employer (including a public agency) in any Federal or State court of competent jurisdiction.” 29 U.S.C. § 216(b). The Supreme Court has held that the concurrent jurisdiction provided by the FLSA does not bar a Florida employer’s decision to remove an action brought under the FLSA to a U.S. District Court. *Breur v. Jim’s Concrete of Brevard, Inc.*, 538 U.S. 691 (2003); *see also Hodge v. Dolgencorp, Inc.*, No. 2:05CV235FTM29DNF, 2005 WL

1668535, at \*1 (M.D. Fla. July 13, 2005) (holding that FLSA action filed in state court was properly removed to federal court on federal question basis). Because Plaintiff's Complaint is brought under the FLSA, it raises a federal question, and removal is proper.

**6. Venue**

The state court case was brought in Miami-Dade County Circuit Court. Therefore, the Southern District of Florida is the federal district court to which this case must be removed, and the Miami Division is the proper division to which the case must be removed. *See* 28 U.S.C. §§ 1441(a) (stating that action "may be removed . . . to the district court of the United States for the district and division embracing the place where such action is pending") & 1446(a) ("A defendant or defendants desiring to remove any civil action from a State court shall file in the district court of the United States for the district and division within which such action is pending a notice of removal . . .").

**7. Timeliness of Notice of Removal**

Pursuant to 28 U.S.C. § 1446(b), this removal is timely because 30 days have not elapsed since Plaintiff's Complaint was served on Defendant.

**8. State Court Pleadings**

Pursuant to 28 U.S.C. § 1446(a), with this Notice, Defendant is simultaneously filing copies of all process, pleadings, and orders existing on file in the state court in this removed action. Copies of these removal documents are attached to this Notice of Removal at Exhibit 1. Further, under 28 U.S.C. § 1446(d), Defendant filed a true and correct copy of this Notice of Removal with the Clerk of the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida. A copy of the Notice of Filing Notice of Removal, without attachments, is attached hereto as Exhibit 2.

Dated this 13th day of April, 2018.

Respectfully submitted,

/s/Mark E. Zelek

Mark E. Zelek

Florida Bar No. 667773

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Morgan, Lewis & Bockius LLP

200 South Biscayne Boulevard, Suite 5300

Miami, FL 33131-2339

Telephone: 305.415.3303

eFacsimile: 877.432.9652

*Counsel for Defendant*

### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on April 13, 2018 a copy of the foregoing was served on all counsel of record identified on the Service List below via CM/ECF.

/s/ Mark E. Zelek

Mark E. Zelek

### **SERVICE LIST**

Jason S. Remer, Esq.  
Brody M. Shulman, Esq.  
Remer & Georges-Pierre, PLLC  
44 West Flagler St., Suite 2200  
Miami, FL 33130  
Telephone: (305) 416-5000  
Facsimile: (305) 416-5005  
[jrem@rpgattorneys.com](mailto:jrem@rpgattorneys.com)

*Counsel for Plaintiff*

JS 44 (Rev. 06/17)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

Michael Josiah King

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

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

Jason S. Remer, Brody M. Shulman, Remer & Georges-Pierre, PLLC, 44 West Flagler Street, Suite 2200, Miami, FL 33130; (305) 416-5000

**DEFENDANTS**

Amazon.com.dedc, LLC

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)

Mark E. Zelek, Joseph D. Magrisso, Morgan, Lewis & Bockius LLP, 200 S. Biscayne Blvd., Suite 5300, Miami, FL 33131; (305) 415-3303

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<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 <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <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"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act
<b>REAL PROPERTY</b> <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	<b>CIVIL RIGHTS</b> <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	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <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	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input checked="" type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<b>FEDERAL TAX SUITS</b> <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 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

29 U.S.C. 216

Brief description of cause:

FLSA - wage-and-hour and retaliation claims

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

**DEMAND \$**

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE \_\_\_\_\_

DOCKET NUMBER \_\_\_\_\_

DATE

SIGNATURE OF ATTORNEY OF RECORD

April 13, 2018

Mark E. Zelek

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

# EXHIBIT 1

Filing # 67824734 E-Filed 02/12/2018 12:47:38 PM

**FORM 1.997. CIVIL COVER SHEET**

The civil cover sheet and the information contained in it neither replace nor supplement the filing and service of pleadings or other documents as required by law. This form must be filed by the plaintiff or petitioner for the use of the Clerk of Court for the purpose of reporting judicial workload data pursuant to section 25.075, Florida Statutes. (See instructions for completion.)

**I. CASE STYLE**

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT,  
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

Case No.: \_\_\_\_\_

Judge: \_\_\_\_\_

MICHAEL JOSIAH KING

Plaintiff

vs.

AMAZON.COM.DEDC, LLC

Defendant

**II. TYPE OF CASE**

- ☐ Condominium
- ☐ Contracts and indebtedness
- ☐ Eminent domain
- ☐ Auto negligence
- ☐ Negligence – other
  - ☐ Business governance
  - ☐ Business torts
  - ☐ Environmental/Toxic tort
  - ☐ Third party indemnification
  - ☐ Construction defect
  - ☐ Mass tort
  - ☐ Negligent security
  - ☐ Nursing home negligence
  - ☐ Premises liability – commercial
  - ☐ Premises liability – residential
- ☐ Products liability
- ☐ Real Property/Mortgage foreclosure
  - ☐ Commercial foreclosure \$0 - \$50,000
  - ☐ Commercial foreclosure \$50,001 - \$249,999
  - ☐ Commercial foreclosure \$250,000 or more
  - ☐ Homestead residential foreclosure \$0 – 50,000
  - ☐ Homestead residential foreclosure \$50,001 - \$249,999
  - ☐ Homestead residential foreclosure \$250,000 or more
  - ☐ Non-homestead residential foreclosure \$0 - \$50,000
  - ☐ Non-homestead residential foreclosure \$50,001 - \$249,999

- ☐ Non-homestead residential foreclosure \$250,00 or more
- ☐ Other real property actions \$0 - \$50,000
- ☐ Other real property actions \$50,001 - \$249,999
- ☐ Other real property actions \$250,000 or more
- ☐ Professional malpractice
  - ☐ Malpractice – business
  - ☐ Malpractice – medical
  - ☐ Malpractice – other professional
- ☒ Other
  - ☐ Antitrust/Trade Regulation
  - ☐ Business Transaction
  - ☐ Circuit Civil - Not Applicable
  - ☐ Constitutional challenge-statute or ordinance
  - ☐ Constitutional challenge-proposed amendment
  - ☐ Corporate Trusts
  - ☒ Discrimination-employment or other
  - ☐ Insurance claims
  - ☐ Intellectual property
  - ☐ Libel/Slander
  - ☐ Shareholder derivative action
  - ☐ Securities litigation
  - ☐ Trade secrets
  - ☐ Trust litigation



**COMPLEX BUSINESS COURT**

This action is appropriate for assignment to Complex Business Court as delineated and mandated by the Administrative Order. Yes ☐ No ☒

**III. REMEDIES SOUGHT (check all that apply):**

- ☒ Monetary;  
☐ Non-monetary declaratory or injunctive relief;  
☐ Punitive

**IV. NUMBER OF CAUSES OF ACTION: ( )**  
(Specify)

2

**V. IS THIS CASE A CLASS ACTION LAWSUIT?**

- ☐ Yes  
☒ No

**VI. HAS NOTICE OF ANY KNOWN RELATED CASE BEEN FILED?**

- ☒ No  
☐ Yes – If “yes” list all related cases by name, case number and court:

**VII. IS JURY TRIAL DEMANDED IN COMPLAINT?**

- ☒ Yes  
☐ No

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I CERTIFY that the information I have provided in this cover sheet is accurate to the best of my knowledge and belief, and that I have read and will comply with the requirements of Florida Rule of Judicial Administration 2.425.

Signature s/ Jason S Remer FL Bar No.: 165580  
Attorney or party

(Bar number, if attorney)

Jason S Remer 02/12/2018  
(Type or print name)

Date



Filing # 67824734 E-Filed 02/12/2018 12:47:38 PM

IN THE CIRCUIT COURT OF THE 11TH  
JUDICIAL CIRCUIT IN AND FOR MIAMI  
DADE COUNTY, FLORIDA.

CASE NO: \_\_\_\_\_

MICHAEL JOSIAH KING,  
and other similarly situated individuals,

Plaintiff,

vs.

AMAZON.COM.DEDC, LLC  
a Foreign Limited Liability Company.

Defendant.

\_\_\_\_\_ /

**COMPLAINT**

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

COMES NOW, Plaintiff, MICHAEL JOSIAH KING ("Plaintiff"), on behalf of himself and other current and former similarly situated employees, by and through undersigned counsel, file this Complaint against Defendant, AMAZON.COM.DEDC, LLC ("Defendant") and states as follows:

**JURISDICTION**

1. This is an action by the Plaintiff, and other similarly-situated individuals, for damages exceeding \$15,000 excluding attorneys' fees or costs pursuant to the Fair Labor Standards Act, as amended (29 U.S.C. §201, et seq., hereinafter called the "FLSA"), to recover unpaid minimum wage compensation, an additional equal amount as liquidated damages and reasonable attorneys' fees and costs.
2. The jurisdiction of the Court over this controversy is based upon 29 U.S.C. §216(b).

3. Plaintiff was at all times relevant to this action, and continues to be, resident of Miami Dade County Florida, within the jurisdiction of this Honorable Court. Plaintiff is a covered employee for purposes of the FLSA.
4. Defendant, AMAZON.COM.DEDC, LLC, having its main place of business in Miami Dade County, Florida, where Plaintiff worked for Defendant and at all times material hereto was and is engaged in interstate commerce.
5. Venue is proper in Miami Dade because all of the actions that form the basis of this Complaint occurred within Miami Dade County and payment was due in Miami Dade County.
6. Declaratory, injunctive, legal and equitable relief sought pursuant to the laws set forth above together with attorneys' fees, costs and damages.
7. All conditions precedent for the filing of this action before this Court have been previously met, including the exhaustion of all pertinent administrative procedures and remedies.

**FACTUAL ALLEGATIONS COMMON TO ALL COUNTS**

8. Plaintiff, MICHAEL JOSIAH KING was employed with Defendant as a non-exempt warehouse associate from approximately October 28, 2017 to on or about November 25, 2017.
9. At all times material hereto, Plaintiff and Defendant were engaged in an implied agreement whereby Plaintiff would be employed by Defendant and that Plaintiff would be properly paid as provided for by, and not in violation of, the laws of the United States and the State of Florida.

10. During the time period from October 28, 2017 to on or about November 25, 2017, Defendant failed to compensate Plaintiff at the required minimum wage for all hours worked. Plaintiff should be compensated at the correct minimum wage for all hours worked.
11. On or about, November 17, 2017, Plaintiff sent a handwritten letter to his supervisor Xavier Harding complaining about his unpaid wages and his complaints were ignored.
12. Plaintiff was terminated on or about November 25, 2017, in retaliation of his complaints of unpaid wages.

**COUNT I**  
***Wage & Hour Federal Statutory Violation Against***  
***AMAZON.COM.DEDC, LLC***

13. Plaintiff re-adopts each and every factual allegation as stated in paragraphs 1 through 12 of this complaint as if set out in full herein.
14. This action is brought by Plaintiff and other similarly-situated individuals to recover from Defendant unpaid minimum wage and overtime compensation, as well as an additional amount as liquidated damages, costs, and reasonable attorney's fees under the provisions of 29 U.S.C. § 201 *et seq.*, and specifically under the provisions of 29 U.S.C. § 207;
15. 29 U.S.C. § 207 (a)(1) states, "No employer shall employ any of his employees... for a work week longer than 40 hours unless such employee receives compensation for his employment in excess of the hours above-specified at a rate not less than one and a half times the regular rate at which he is employed."
16. Jurisdiction is conferred on this Court by Title 29 U.S.C. § 216(b).
17. At all times pertinent to this Complaint, Defendant operated as an organization which sells and/or markets its services and/or goods to customers from throughout the United

States and also provides its services for goods sold and transported from across state lines of other states, and the Defendant obtains and solicits funds from non-Florida sources, accepts funds from non-Florida sources, uses telephonic transmissions going over state lines to do its business, transmits funds outside the State of Florida, and otherwise regularly engages in interstate commerce, particularly with respect to its employees.

18. Upon information and belief, the annual gross revenue of the Defendant was at all times material hereto in excess of \$500,000 per annum, and, by virtue of working in interstate commerce, otherwise satisfies the FLSA's coverage requirements.
19. By reason of the foregoing, the Defendant is and was, during all times hereafter mentioned, an enterprise engaged in commerce or in the production of goods for commerce as defined in §§ 3 (r) and 3(s) of the FLSA, 29 U.S.C. § 203(r) and 203(s). Defendant's business activities involve those to which the Fair Labor Standards Act applies. The Plaintiff's work for the Defendant likewise affects interstate commerce.
20. Plaintiff seeks to recover for unpaid wages accumulated from the date of hire.
21. At all times material hereto, the Defendant failed to comply with Title 29 U.S.C. §§ 201-219 and 29 C.F.R. § 516.2 and § 516.4 *et seq.* in that Plaintiff performed services and worked in excess of the maximum hours provided by the FLSA but no provision was made by the Defendant to properly pay him at the rate of time and one-half for all hours worked in excess of forty hours (40) per workweek as provided in the FLSA.
22. Defendant knew and/or showed reckless disregard of the provisions of the FLSA concerning the payment of overtime wages as required by the Fair Labor Standards Act and remain owing Plaintiff these unpaid wages since the commencement of Plaintiff's

employment with Defendant as set forth above. As such, Plaintiff is entitled to recover double damages.

23. 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.

**WHEREFORE**, Plaintiff respectfully prays for the following relief against Defendant:

- A. Adjudge and decree that Defendant has violated the FLSA and has done so willfully, intentionally and with reckless disregard for Plaintiff's rights;
- B. Award Plaintiff actual damages in the amount shown to be due for unpaid minimum wage and overtime compensation for hours worked in excess of forty (40) weekly, with interest;
- C. Award Plaintiff an equal amount in double damages/liquidated damages;
- D. Award Plaintiff the costs of this action, together with a reasonable attorneys' fees; and
- E. Grant Plaintiff such additional relief as the Court deems just and proper under the circumstances.

**COUNT II**  
***Retaliatory Discharge Against***  
***AMAZON.COM.DEDC, LLC***

24. Plaintiff realleges and reavers paragraph 1 through 12 of the Complaint as if fully set forth herein.
25. Defendant's conduct as set forth above constitutes a violation of the FLSA's anti-retaliation provision.

26. The motivating factor that caused Plaintiff' adverse employment action as described above was Plaintiff' complaint regarding not being properly paid for all hours worked.

27. The Defendant's conduct was in direct violation of the FLSA, and, as a direct result, Plaintiff have been damaged.

WHEREFORE, Plaintiff respectfully prays for the following relief against Defendant:

- A. Adjudge and decree that Defendant has violated the FLSA and have done so willfully, intentionally and with reckless disregard for Plaintiff' rights;
- B. Enter judgment against the Defendant for all back wages from the date of discharge to the present date and an equal amount of back wages as liquidated damages, and;
- C. Enter judgment against the Defendant for all front wages until Plaintiff becomes 65 years of age; and
- D. Enter an award against Defendant and award Plaintiff compensatory damages for mental anguish, personal suffering, and loss of enjoyment of life;
- E. Award Plaintiff the costs of this action, together with a reasonable attorneys' fees; and
- F. Grant Plaintiff such additional relief as the Court deems just and proper under the circumstances.

WHEREFORE, Plaintiff, and demand a declaratory of rights finding that an employer-employee relationship existed, Plaintiff was not paid the required overtime rate for their regular hours worked, Plaintiff worked over forty hours in a work without receiving correct overtime compensation pursuant to the FLSA, Defendant failed to keep accurate time records, Defendant failed to prove a good faith defense, Plaintiff are entitled to overtime compensation, liquidated damages and reasonable attorneys' fees and costs pursuant to the FLSA.

**JURY DEMAND**

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

Dated 2-9-18

Respectfully submitted,

  
\_\_\_\_\_  
**Jason S. Remer, Esq.**

Florida Bar No.: 0165580

jrem@rgpattorneys.com

Brody M. Shulman, Esq.

Fla. Bar No.: 092044

**REMER & GEORGES-PIERRE, PLLC**

44 West Flagler Street, Suite 2200

Miami, FL 33130

Telephone: (305) 416-5000

Facsimile: (305) 416-5005



Filing # 68251801 E-Filed 02/21/2018 12:06:02 PM

IN THE CIRCUIT COURT OF THE 11TH  
JUDICIAL CIRCUIT IN AND FOR MIAMI  
DADE COUNTY, FLORIDA.

CASE NO: 2018-004344-CA-01

MICHAEL JOSIAH KING,  
and other similarly situated individuals,

Plaintiff,

vs.

AMAZON.COM.DEDC, LLC  
a Foreign Limited Liability Company.

Defendant.

**SUMMONS IN A CIVIL CASE**

**TO:** AMAZON.COM.DEDC, LLC, through its Registered Agent:

CORPORATION SERVICE COMPANY  
1201 Hays Street  
Tallahassee, FL 32301

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY

JASON S. REMER, ESQ.  
REMER & GEORGES-PIERRE, PLLC.  
44 WEST FLAGLER STREET  
SUITE 2200  
MIAMI, FL 33130

an answer to the complaint which is herewith served upon you, within **20 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

DATE

\_\_\_\_\_  
(BY) DEPUTY CLERK

Filing # 68251801 E-Filed 02/21/2018 12:06:02 PM

IN THE CIRCUIT COURT OF THE 11TH  
JUDICIAL CIRCUIT IN AND FOR MIAMI  
DADE COUNTY, FLORIDA.

CASE NO: 2018-004344-CA-01

MICHAEL JOSIAH KING,  
and other similarly situated individuals,

Plaintiff,

vs.

AMAZON.COM.DEDC, LLC  
a Foreign Limited Liability Company.

Defendant.

**SUMMONS IN A CIVIL CASE**

**TO:** AMAZON.COM.DEDC, LLC, through its Registered Agent:

CORPORATION SERVICE COMPANY  
1201 Hays Street  
Tallahassee, FL 32301

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY

JASON S. REMER, ESQ.  
REMER & GEORGES-PIERRE, PLLC.  
44 WEST FLAGLER STREET  
SUITE 2200  
MIAMI, FL 33130

an answer to the complaint which is herewith served upon you, within **20 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.

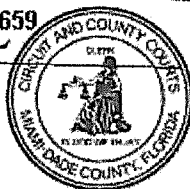
Harvey Ruvin,  
Clerk of Courts

2/27/2018

CLERK

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*Gonelle Braun* 164659



DATE

# EXHIBIT 2

IN THE CIRCUIT COURT OF THE  
ELEVENTH JUDICIAL CIRCUIT IN  
AND FOR MIAMI-DADE COUNTY,  
FLORIDA

CASE NO. 2018-004344-CA-01

MICHAEL JOSIAH KING,  
and other similarly situated individuals,

Plaintiff,

v.

AMAZON.COM.DEDC, LLC,  
a Foreign Limited Liability Company,

Defendant.

\_\_\_\_\_ /

**NOTICE OF FILING NOTICE OF REMOVAL**

Defendant Amazon.com.dedc, LLC hereby gives notice that it has removed this case to the United States District Court for the Southern District of Florida, Miami Division. A copy of the Notice of Removal, without attachments, is attached hereto as Exhibit 1. In accordance with Title 28 of the United States Code, no further proceedings should be held in the Circuit Court of the Eleventh Judicial Circuit, in and for Miami-Dade County, Florida.

Dated this 13th day of April, 2018.

Respectfully submitted,

/s/Mark E. Zelek

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*Counsel for Defendant*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on April 13, 2018, I electronically filed the foregoing document through the electronic filing system, which in turn will serve it via electronic mail on all counsel of record.

/s/ Mark E. Zelek

Mark E. Zelek

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*Counsel for Plaintiff*

# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Amazon.com.dedc Facing Warehouse Worker's Unpaid Wage Claims](#)

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