

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE SOUTHERN DISTRICT OF FLORIDA

KOREY LUSTER, on behalf of himself
and those similarly situated,

CASE NO.

Plaintiffs,

vs.

MICHAEL MARANO, individually,
CREST HILL CAPITAL, LLC, and MANTIS
FUNDING, LLC,

Defendants.

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, KOREY LUSTER, on behalf of himself and those similarly situated, sue the Defendants, MICHAEL MARANO, individually, CREST HILL CAPITAL, LLC and MANTIS FUNDING, LLC and, and allege:

1. Plaintiff was an employee of Defendants and brings this action for unpaid overtime compensation, declaratory relief, and other relief under the Fair Labor Standards Act, as amended, 29 U.S.C. § 216(b) (“FLSA”).

JURISDICTION AND VENUE

2. Jurisdiction in this Court is proper as the claims are brought pursuant to the FLSA, as amended 29 U.S.C. §201, et seq., to recover unpaid back wages, an additional equal amount as liquidated damages, declaratory relief, and reasonable attorneys’ fees and costs.

3. The jurisdiction of the Court over this controversy is proper pursuant to 28 U.S.C. §1331, as Plaintiff’s claims arise under 29 U.S.C. §216(b), and the authority to grant declaratory relief under the FLSA pursuant to 28 U.S.C. §2201 et seq.

4. Venue is proper in this Court because the acts and omissions giving rise to Plaintiff's claims occurred in Palm Beach County, Florida.

PARTIES

5. Plaintiff KOREY LUSTER, at all times relevant to this action, was a resident of Palm Beach County, Florida.

6. Defendant MICHAEL MARANO, at all times relevant to this action, was a resident of Palm Beach County, Florida.

7. Defendant, CREST HILL CAPITAL, LLC is a New York Corporation that operates and conducts business in Palm Beach County, Florida and is therefore, within the jurisdiction of this Court.

8. Defendant, MANTIS FUNDING, LLC is a Delaware Corporation that operates and conducts business in Palm Beach County, Florida and is therefore, within the jurisdiction of this Court.

9. At all times relevant to this action, MICHAEL MARANO was an individual resident of the State of Florida, who was an owner of, and helped to operate, CREST HILL CAPITAL, LLC and MANTIS FUNDING, LLC, and who regularly exercised the authority to: (a) hire and fire employees; (b) determine the work schedules for the employees; and (c) control the finances and operations of CREST HILL CAPITAL, LLC and MANTIS FUNDING, LLC. By virtue of having regularly exercised that authority on behalf of CREST HILL CAPITAL, LLC and MANTIS FUNDING, LLC. MICHAEL MARANO is an employer as defined by 29 U.S.C. § 201, et seq.

10. At all times material to this action, Plaintiff was an "employee" of each Defendant, within the meaning of the FLSA.

11. This action is brought under the FLSA to recover from Defendants overtime compensation, liquidated damages, and reasonable attorneys' fees and costs. This action is intended to include each and every employee mischaracterized as exempt performing duties similar to Plaintiff who worked for Defendants at any time within the past three (3) years within the State of Florida.

12. During Plaintiff's employment, Defendants CREST HILL CAPITAL, LLC and MANTIS FUNDING, LLC each grossed, earned more than \$500,000.00 per year in gross revenue.

13. During Plaintiff's employment with Defendants, Defendant, CREST HILL CAPITAL, LLC and MANTIS FUNDING, LLC each employed two or more employees who handled goods, materials and supplies which had travelled in interstate commerce.

14. Plaintiff brings this action for himself and all similarly situated employees of Defendant. Plaintiff's Notice of Consent to Join is attached hereto as Exhibit "A".

15. Therefore, Defendants, CREST HILL CAPITAL, LLC and MANTIS FUNDING, LLC, are enterprises covered by the FLSA, and as defined by 29 U.S.C. §203(r) and 203(s).

FLSA VIOLATIONS

16. Plaintiff was willfully mischaracterized as a non-exempt employee performing his duties for Defendants in Palm Beach County, Florida.

17. Plaintiff worked for Defendants in this capacity from approximately July 2015 through February 2017.

18. At all times relevant to this action, Defendants failed to comply with the FLSA by failing to pay Plaintiff and all similarly situated employees complete overtime compensation for overtime hours worked.

19. During his employment with Defendants, Plaintiff was paid a weekly salary.

20. When Plaintiff worked overtime hours during any pay week, Plaintiff was only paid his regular salary with no additional compensation for the overtime hours worked.

21. Other similarly situated employees to Plaintiff were also paid identically.

22. These similarly situated employees were also only paid their regular salary with no additional compensation for the overtime hours worked.

23. Plaintiff and these similarly situated employees regularly worked overtime hours on behalf of Defendants.

24. Defendants have violated the FLSA by failing to pay Plaintiff and these similarly situated employees time and one-half of their respective hourly rates for overtime hours worked.

25. The additional persons who may become plaintiffs in this action are employees who held similar positions to Plaintiff, and who worked in excess of forty (40) hours during one or more work weeks during the relevant time periods but who did not receive pay at one and one-half times their regular rate for their hours worked in excess of forty (40) hours.

26. Upon information and belief, the records, to the extent any exist and are accurate, concerning the number of hours worked and amounts paid to Plaintiff and the similarly situated employees are in the possession and custody of Defendants.

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

28. In fact, Plaintiff and/or his co-workers complained to Defendants regarding its pay practices and was told that Defendants do not pay overtime compensation.

29. Defendants failed to properly disclose or apprise Plaintiff and those similarly situated to of their rights under the FLSA.

30. Defendants did not have a good faith basis for their decision to not pay an overtime rate of pay to Plaintiff and other similarly situated employees for their overtime hours worked.

31. As a result of Defendants' intentional, willful and unlawful acts in refusing to pay complete overtime compensation to Plaintiff and those similarly situated employees, Plaintiff and those similarly situated employees have suffered damages and have incurred, and continue to incur, reasonable attorneys' fees and costs.

32. As a result of Defendants' lack of a good faith justification for their violation of the FLSA, Plaintiff and those similarly situated employees are entitled to liquidated damages.

33. In addition, because Defendants' violation of the FLSA was willful, a three-year statute of limitations is applicable to the claims at issue.

34. Plaintiff demands a trial by jury.

WHEREFORE, Plaintiff, KOREY LUSTER, on behalf of themselves and those similarly situated, demands judgment against Defendants for unpaid overtime compensation, liquidated damages, reasonable attorneys' fees and costs incurred in this action, a declaration that Defendants' practices violate the FLSA, and any and all further relief that this Court determines to be just and appropriate.

Dated this 26th day of September, 2018.

Gary A. Isaacs, Esquire, of Counsel
COHEN NORRIS WOLMER RAY
TELEPMAN COHEN
Attorney for Plaintiff
712 U.S. Highway One, Suite 400
North Palm Beach, Florida 33401
Telephone: (561) 844-3600
Email: gai@fcohenlaw.com

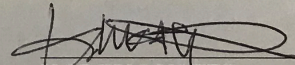
/s/ Gary A. Isaacs, Esquire
GARY A. ISAACS, ESQUIRE
Florida Bar No.: 602663

CONSENT TO JOIN AS PARTY PLAINTIFF

I, KOREY LUSTER, hereby give my consent pursuant to 29 U.S.C. §216(b), to become a party plaintiff in this case and to be represented by COHEN NORRIS WOLMER RAY TELEPMAN COHEN in this action. I agree to be bound by any settlement or judgment of the Court on this action. I affirm that I am, or was a similarly situated employee for CREST HILL CAPITAL, LLC, and MANTIS FUNDING, LLC, that I have not been compensated for overtime for all hours worked in excess of forty (40) hours per work week.

Name: Korey Luster
Address: 414 53rd Street, West Palm Beach, FL 33407
Telephone No.: (561) 598-2099
Date of Birth: XX-XX-76
S.S.N.: XXX-XX-5269

DATED this 26 day of September, 2018.


KOREY LUSTER

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)

I. (a) PLAINTIFFS

KOREY LUSTER

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

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

Gary A. Isaacs, Esquire, Cohen Norris et al. (561) 655-9300
712 US Highway One, Suite 400, North Palm Beach, FL 33408

DEFENDANTS

MICHAEL MARANO, CREST HILL CAPITAL, LLC and MANTIS FUNDING, 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)
Mitchell C. Shapiro, Esquire

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 checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input checked="" 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)

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	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 - 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 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	<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/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 IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<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)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<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	CIVIL RIGHTS	PRISONER PETITIONS			
<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	<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	Habeas Corpus: <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 Other: <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			

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

VI. CAUSE OF ACTION

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

FLSA 29 U.S.C. SECTION 201, ET. SEQ.

Brief description of cause:
Fair Labor Standards Act Claim for Unpaid Wages

VII. REQUESTED IN COMPLAINT:

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

CHECK YES only if demanded in complaint.
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

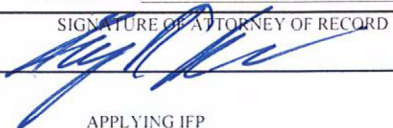
(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE
08/26/2015

SIGNATURE OF ATTORNEY OF RECORD



FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

ClassAction.org

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