

FILED

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

2017 MAY 22 PM 3:47

US DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO, FLORIDA

JANEL MAUREY, on behalf of herself and those similarly situated,

Plaintiff,

vs.

CASE NO.: 6:17-cv-924-ORL-41-GJK

PARK STATION 212, LLC, a Florida For Profit Limited Liability Company, and DAVID LEVISON, Individually,

Defendants. _____ /

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, JANEL MAUREY, on behalf of herself and those similarly situated, by and through the undersigned attorney, sues the Defendants, PARK STATION 212, LLC, a Florida Limited Liability Company, and DAVID LEVISON, Individually, and alleges:

1. Plaintiff, JANEL MAUREY, and those similarly situated, was an employee of Defendants and brings this action for unpaid minimum wage compensation and all other relief deemed appropriate under the Fair Labor Standards Act, as amended, 29 U.S.C. § 216(b) ("FLSA").

General Allegations

2. Plaintiff and those similarly situated were employees who worked for Defendants, in Orange County, Florida within the last three years.

3. Plaintiff, JANEL MAUREY, worked for Defendants from approximately August 2015 to February 2017 as a server/bartender.

4. Plaintiff, JANEL MAUREY, was compensated at the server rate of \$5.03 per hour plus tips.

5. Defendant, PARK STATION 212, LLC, is a Florida Limited Liability Company

that operates and conducts business in Winter Park, Orange County, Florida and is therefore, within the jurisdiction of this Court.

6. Defendant, PARK STATION 212, LLC, operates as a restaurant and bar. Specifically, Defendant offers lunch and dinner along with weekend brunch. Defendant's menu includes a variety of "American rustic cuisine". Defendant also provides numerous beer, wine and liquor options. See www.ParkStation212.com

7. At all times relevant to this action, DAVID LEVISON is an individual resident of the State of Florida, who owned and operated PARK STATION 212, LLC, and who regularly exercised the authority to: (a) hire and fire employees of PARK STATION 212, LLC; (b) determine the work schedules for the employees of PARK STATION 212, LLC, and (c) control the finances and operations of PARK STATION 212, LLC. By virtue of having regularly exercised that authority on behalf of PARK STATION 212, LLC, DAVID LEVISON is an employer as defined by 29 U.S.C. § 201, et seq.

8. This action is brought under the FLSA to recover from Defendants minimum wages, liquidated damages, and reasonable attorneys' fees and costs.

9. This Court has jurisdiction over Plaintiff's claims pursuant to 28 U.S.C. §1331 and the FLSA.

10. During Plaintiff's employment with Defendants, Defendant, PARK STATION 212, LLC, earned more than \$500,000.00 per year in gross sales.

11. Defendant, PARK STATION 212, LLC, employed approximately 10-15 employees and paid these employees plus earned a profit from their business.

12. During Plaintiff's employment, Defendant, PARK STATION 212, LLC, employed at least two employees who handled goods, materials and supplies which travelled in interstate

commerce, such as beer, wine, liquor, food ingredients, “point of sale” computers, restaurant equipment such as utensils, plates, glasses, and other items used to run the business.

13. Therefore, at all material times relevant to this action, Defendant, PARK STATION 212, LLC, was an enterprise covered by the FLSA, and as defined by 29 U.S.C. §203(r) and 203(s).

14. Furthermore, Plaintiff, JANEL MAUREY, and those similarly situated employees, are individually covered under the FLSA.

FLSA Violations

15. At all times relevant to this action, Defendants failed to comply with the FLSA because Plaintiff, and those similarly situated employees, performed services for Defendants for which no provisions were made by Defendants to properly pay Plaintiff, and those similarly situated, the minimum wage for all hours worked.

16. During her employment with Defendants, Plaintiff, and those similarly situated employees were not paid the minimum wage for all hours worked during one more weeks of their employment.

17. Specifically, Defendants failed to provide Plaintiff, and those similarly situated employees, with any compensation for one or more pay periods during their employment with Defendants.

18. Plaintiff, on behalf of herself and those similarly situated, has made efforts to receive their unpaid wages however those efforts have proven unsuccessful.

19. Based upon these above policies, Defendants have violated the FLSA by failing to pay complete minimum wages as described above.

20. Upon information and belief, the records, to the extent any exist, concerning the number of hours worked and amounts owed to Plaintiff, and those similarly situated, are in the

possession and custody of Defendants.

COUNT I - RECOVERY OF MINIMUM WAGE COMPENSATION

21. Plaintiff and those similarly situated employees reincorporate and readopt all allegations contained within Paragraphs 1-20 above as though stated fully herein.

22. Plaintiff, and those similarly situated employees are/were entitled under the FLSA to be paid the minimum wage for each hour worked during their employment with Defendants.

23. During her employment with Defendants, Plaintiff, and other similarly situated employees were not paid complete minimum wages as a result of Defendants failing to provide a paycheck, direct deposit, or cash to Plaintiff and other similarly situated employees for one or more pay periods.

24. Plaintiff made several attempts to retrieve her compensation but was met with negative results.

25. As a result of these actions, Plaintiff and other similarly situated employees were not paid for all of the hours worked for the benefit of Defendants in violation of the FLSA.

26. Defendants willfully failed to pay Plaintiff and other similarly situated employees the full minimum wage for all hours worked contrary to 29 U.S.C. § 206.

27. As a direct and proximate result of Defendants' deliberate underpayment of wages, Plaintiff and those similarly situated employees have been damaged in the loss of minimum wages for one or more weeks of work with Defendants.

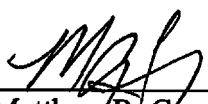
28. As a result of Defendants' willful violation of the FLSA, Plaintiff and those similarly situated employees are entitled to liquidated damages.

29. Plaintiff, on behalf of herself and those similarly situated, demands a trial by jury.

WHEREFORE, Plaintiff, JANEL MAUREY, on behalf of herself and those similarly

situated, demands judgment against Defendants for unpaid minimum wages, an additional and equal amount of liquidated damages, reasonable attorneys' fees and costs incurred in this action, and any and all further relief that this Court determines to be just and appropriate.

Dated this 16 day of May, 2017.



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Attorneys for Plaintiff

JS 44 (Rev. 11/15)

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

JANEL MAUREY, on behalf of herself and those similarly situated,

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

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

Matthew R. Gunter, Esq., Morgan & Morgan, PA, 20 N Orange Ave., Ste. 1600, P.O. Box 4979, Orlando, FL 32802-4979, (407) 420-1414

DEFENDANTS

PARK STATION 212, LLC, a Florida For Profit Limited Liability Company, and DAVID LEVISON, Individually,

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

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

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

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

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

	PTF	DEF		PTF	DEF
Citizen of This State	<input 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	PERSONAL INJURY <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"/> 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 <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <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):

29 U.S.C. 216(b)

Brief description of cause:

Actions for unpaid overtime and/or minimum wage violations

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

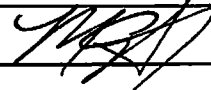
(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD



FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Suit Says Park Station 212 Leaves Employees Uncompensated](#)
