

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION
CASE NO.:

EDWINS R. MENDIETA
and other similarly-situated individuals,

Plaintiff(s),

v.

THE CHILDREN'S PLACE, INC.

Defendant,

_____ /

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

COMES NOW the Plaintiff EDWINS R. MENDIETA, and other similarly-situated individuals, by and through the undersigned counsel, and hereby sues Defendant THE CHILDREN'S PLACE, INC. and alleges:

JURISDICTION VENUES AND PARTIES

1. This is an action to recover money damages for unpaid regular and half-time overtime wages, and retaliation under the laws of the United States. This Court has jurisdiction pursuant to the Fair Labor Standards Act, 29 U.S.C. § 201-219 (Section 216 for jurisdictional placement) ("the Act").
2. Plaintiff EDWINS R. MENDIETA is a resident of Dade County within the jurisdiction of this Court. Plaintiff is a covered employee for purposes of the Act.
3. Defendant THE CHILDREN'S PLACE, INC. (hereinafter THE CHILDREN'S PLACE, or Defendant) is a foreign corporation registered to do business in the state of Florida, having place of business in Dade County, Florida. At all times, Defendant was engaged in interstate commerce. This Defendant was the employer of Plaintiff and others similarly

situated within the meaning of Section 3(d) of the “Fair Labor Standards Act” [29 U.S.C. § 203(d)].

4. All the action raised in this Complaint took place in Miami-Dade County Florida, within the jurisdiction of this Court.

GENERAL ALLEGATIONS

5. This cause of action is brought by Plaintiff EDWINS R. MENDIETA to recover from Defendant unpaid half-time overtime compensation, liquidated damages, retaliatory damages, costs and reasonably attorney’s fees under the provisions of Fair Labor Standards Act, as amended, 29 U.S.C. § 201 *et seq* (the “FLA or the “ACT”).
6. Corporate Defendant THE CHILDREN’S PLACE is a specialty retailer of children’s clothing and accessories. Defendant has a fleet of stores across Miami-Dade County, the United States and Canada.
7. Defendant THE CHILDREN’S PLACE employed Plaintiff EDWINS R. MENDIETA from on or about December 01, 2003 to April 03, 2019, or more than 15 years. However, for FLSA’s purposes the relevant time of employment is only 26 weeks, which was the period when Plaintiff was promoted to the manager position and he worked overtime hours without being properly compensated. Previously, Plaintiff did not work overtime hours.
8. Plaintiff was hired to work as a non-exempted, full-time hourly retail store employee. Plaintiff worked in the store located at 8951 SW 107 Avenue, Miami, Florida 33176.
9. Plaintiff worked as an associate since the beginning of his employment, as an associate he worked 40 hours of less and he had different hourly wage rates. Plaintiff’s last hourly rate was \$11.97 an hour.
10. On or about October 2018, Plaintiff was promoted to store manager. At that time Plaintiff

was the most experienced employee, working in the store for approximately 14 years plus 10 months. Plaintiff was assigned a salary of \$846.00 weekly.

11. As misclassified manager, Plaintiff continued performing his regular duties as an associate, plus additional responsibilities. Plaintiff's main duty was manual and non-exempted in nature. Plaintiff worked as a retail store attendant helping customers, processing payments, replenishing merchandise, unloading and stocking shipments, preparing merchandising displays. He also regularly and customarily performed janitorial work cleaning windows, floors, and bathrooms. In addition, Plaintiff performed some clerical work, printing schedules, handling job applications, and uploading information to a completely automated, technology-driven retail system, in which management skills, if any, were minimized, or were not needed. Plaintiff did not exercise discretion and independent judgment in any matter of significance. Plaintiff was limited to follow standard management policies and operation practices without any deviation from established procedures, or any kind of personal input.
12. Within his period as misclassified Manager, Plaintiff was required to work extended hours to complete a heavy workload. Plaintiff did not meet the requirements to be overtime exempted, and he should have been paid for overtime hours.
13. Plaintiff had a regular schedule, he worked weeks of 5 days and weeks of 6 days. Usually, Plaintiff worked Monday to Friday minimum from 9:00 AM to 9:00 PM (12 hours daily); on Saturdays and Sundays Plaintiff worked from 9:00 AM to 5:30 PM (8.5 hours daily).
14. In every month Plaintiff worked 3 weeks of 6 days, and 1 week of 5 days, meaning that Plaintiff worked 6 weeks of 60 working hours each, and 20 weeks of 68.5 hours each.
15. Plaintiff worked more than 40 hours every week period, but he was not paid for overtime

hours. Plaintiff clocked in and out, and Defendant was able to check the hours worked by Plaintiff and other similarly situated employees.

16. Therefore, Defendant willfully failed to pay Plaintiff overtime at the rate of time and a half his regular rate, for every hour that he worked in excess of forty (40), in violation of Section 7 (a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(a)(1)).

17. Plaintiff was paid by direct deposits, and his paystubs did not reflect the number of hours worked.

18. On or about April 3, 2019, Plaintiff was fired by Defendant after one incident with a shoplifter.

19. Plaintiff is not in possession of time and payment records, but he will provide a good faith estimate of unpaid wages based on his recollections. Plaintiff will amend his Complaint accordingly when Defendant produce time and payment records.

20. Plaintiff EDWINS R. MENDIETA intends to recover half-time overtime for every hour in excess of 40 in a week period, liquidated damages, retaliatory damages, and any other relief as allowable by law.

21. The additional persons who may become Plaintiffs in this action are employees and/or former employees of Defendant who are and who were subject to the unlawful payroll practices and procedures of Defendant and were not paid overtime wages at the rate of time and one half of their regular rate of pay for all overtime hours worked in excess of forty.

COUNT I:
WAGE AND HOUR FEDERAL STATUTORY VIOLATION;
FAILURE TO PAY OVERTIME

22. Plaintiff EDWINS R. MENDIETA re-adopts every factual allegation as stated in paragraphs 1-21 above as if set out in full herein.

23. This cause of action is brought by Plaintiff EDWINS R. MENDIETA as a collective action to recover from Defendant overtime compensation, liquidated damages, costs and reasonably attorney's fees under the provisions of the Fair Labor Standards Act, as amended, 29 U.S.C. § 201 *et seq* (the "FLA or the "ACT"), on behalf of Plaintiff and all other current and former employees similarly situated to Plaintiff ("the asserted class") and who worked in excess of forty (40) hours during one or more weeks on or after April 2016, (the "material time") without being compensated "at a rate not less than one and a half times the regular rate at which he is employed."

24. Defendant THE CHILDREN'S PLACE was and is engaged in interstate commerce as defined in §§ 3 (r) and 3(s) of the Act, 29 U.S.C. § 203(r) and 203(s)(1)(A). Defendant provides is an interstate retail store. Defendant had more than two employees recurrently engaged in commerce or in the production of goods for commerce, by regularly and recurrently using the instrumentalities of interstate commerce. Defendant uses the instrumentalities of interstate commerce. to accept and solicit funds from non-Florida sources, by using electronic devices to authorize credit card transactions. Upon information and belief, the annual gross revenue of the Employer/Defendant was always in excess of \$500,000 per annum. Therefore, there is FLSA enterprise coverage.

25. Plaintiff and those similarly-situated were employed by an enterprise engage in interstate commerce. Plaintiff and those similarly-situated through their daily activities regularly participated in interstate commerce by performing credit card transactions. In addition, Plaintiff's regularly handled and worked on goods and materials that were produced for commerce and moved across State lines at any time in the course of business. Therefore, there is FLSA individual coverage.

26. Defendant THE CHILDREN'S PLACE employed Plaintiff EDWINS R. MENDIETA from on or about December 01, 2003 to April 03, 2019, or more than 15 years. However, for FLSA's purposes the relevant time of employment is only 26 weeks, which was the period when Plaintiff was promoted to the manager position and he worked overtime hours without being properly compensated. Previously, Plaintiff did not work overtime hours.
27. Defendant hired to work as a non-exempted, full-time hourly retail store employee. Plaintiff worked in the store located at 8951 SW 107 Avenue, Miami, Florida 33176.
28. Plaintiff worked as an associate since the beginning of his employment, as an associate he worked 40 hours or less and he had different hourly wage rates. Plaintiff's last hourly rate was \$11.97 an hour.
29. On or about October 2018, Plaintiff was misclassified as store manager. At that time Plaintiff was the most experienced employee, working in the store for approximately 14 years plus 10 months. Plaintiff was assigned a salary of \$846.00 weekly.
30. As misclassified manager, Plaintiff continued performing his regular duties as an associate, plus additional responsibilities and more working hours. Plaintiff's main duty was manual and non-exempted in nature. Within his period as misclassified manager, Plaintiff was required to work extended hours to meet the requirements of a heavy workload.
31. Plaintiff had a regular schedule, he worked weeks of 5 days and weeks of 6 days. Usually, Plaintiff worked Monday to Friday minimum from 9:00 AM to 9:00 PM (12 hours daily); on Saturdays and Sundays Plaintiff worked from 9:00 AM to 5:30 PM (8.5 hours daily).
32. In every month Plaintiff worked 3 weeks of 6 days, and 1 week of 5 days, meaning that Plaintiff worked 6 weeks of 60 working hours each, and 20 weeks of 68.5 hours each.
33. Plaintiff worked more than 40 hours every week period, but he was not paid for overtime

hours. Plaintiff clocked in and out, and Defendant was able to check the hours worked by Plaintiff and other similarly situated employees.

34. Therefore, Defendant willfully failed to pay Plaintiff overtime at the rate of time and a half his regular rate, for every hour that he worked in excess of forty (40), in violation of Section 7 (a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(a)(1)).

35. Plaintiff was paid by direct deposits, and his paystubs did not reflect the number of hours worked.

36. The records, if any, concerning the number of hours worked by Plaintiff and those similarly situated, and the compensation actually paid to such employees should be in the possession and custody of Defendant. However, upon information and belief, Defendant did not maintain accurate time records of hours worked by Plaintiff and other employees.

37. Defendant violated the record keeping requirements of FLSA, 29 CFR Part 516.

38. Plaintiff is not in possession of time and payment records, but prior to the completion of discovery and to the best of Plaintiff's knowledge, at the time of the filing of this complaint, Plaintiff's good faith estimate of unpaid overtime wages is as follows:

* Please note that these amounts are based on a preliminary calculation and that these figures are subjected to modifications as discovery could dictate. Plaintiff will adjust his calculations as needed.

a. Total amount of alleged unpaid O/T wages:

Four Thousand Three Hundred Sixty-Eight Dollars and 60/100 (\$4,368.60)

b. Calculation of such wages:

Total relevant weeks of employment: 26 weeks

1.- Calculations overtime for 6 weeks with 5 days/60 working hours

Relevant weeks: 6 weeks

Total number of hours worked: 60 weekly average

Total O/T hours: 20 hours weekly
Total paid weekly: \$846.00: 60 hours= \$14.10 an hour
Regular rate: \$14.10 an hour x 1.5= \$21.15 O/T rate
Overtime rate: \$21.15-\$14.10 O/T rate paid=\$7.05 half-time difference

Half-time O/T rate \$7.05 x 20 O/T hours=\$141.00 weekly x 6 weeks= \$846.00

2.- Calculations overtime for 20 weeks with 6 days/68.5 working hours

Relevant weeks: 20 weeks
Total number of hours worked: 68.5 weekly average
Total O/T hours: 28.5 hours weekly
Total paid weekly: \$846.00: 68.5 hours= \$12.35 an hour
Regular rate: \$12.35 an hour x 1.5= \$18.53 O/T rate
Overtime rate: \$18.53-\$12.35 O/T rate paid=\$6.18 half-time difference

Half-time O/T rate \$6.18 x 28.5 O/T hours=\$176.13 weekly x 20 weeks= \$3,522.60

Total 1 and 2: \$4,368.60

Nature of wages (e.g. overtime or straight time):

This amount represents unpaid half-time overtime wages.

39. At all times material hereto, the Employer/Defendant failed to comply with Title 29 U.S.C. §207 (a) (1), in that Plaintiff and those similarly-situated performed services and worked in excess of the maximum hours provided by the Act, 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 said Act.
40. Defendant THE CHILDREN'S PLACE knew and/or showed reckless disregard of the provisions of the Act concerning the payment of overtime wages as required by the Fair Labor Standards Act and remains owing Plaintiff and those similarly-situated these overtime wages since the commencement of Plaintiff's and those similarly-situated employee's employment with Defendant as set forth above, and Plaintiff and those similarly-situated are entitled to recover double damages.

41. Defendant THE CHILDREN'S PLACE, willfully and intentionally refused to pay Plaintiff overtime wages at the rate of time and one half his regular rate, as required by the law of the United States.

42. Plaintiff has retained the law offices of the undersigned attorney to represent him in this action and is obligated to pay a reasonable attorneys' fee.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff EDWINS R. MENDIETA and those similarly-situated respectfully requests that this Honorable Court:

- A. Enter judgment for Plaintiff EDWINS R. MENDIETA and other similarly-situated individuals and against the Defendant THE CHILDREN'S PLACE, based on Defendant's willful violations of the Fair Labor Standards Act, 29 U.S.C. § 201 et seq.; and
- B. Award Plaintiff EDWINS R. MENDIETA actual damages in the amount shown to be due for unpaid overtime compensation for hours worked in excess of forty weekly, with interest; and
- C. Award Plaintiff an equal amount in double damages/liquidated damages; and
- D. Award Plaintiff reasonable attorneys' fees and costs of suit; and
- E. Grant such other and further relief as this Court deems equitable and just and/or available pursuant to Federal Law.

JURY DEMAND

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

Dated: April 25, 2019.

Respectfully submitted,

By: /s/ Zandro E. Palma
ZANDRO E. PALMA, P.A.
Florida Bar No.: 0024031
9100 S. Dadeland Blvd.
Suite 1500
Miami, FL 33156
Telephone: (305) 446-1500
Facsimile: (305) 446-1502
zep@thepalmalawgroup.com
Attorney for Plaintiff

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.) **NOTICE: Attorneys MUST Indicate All Re-filed Cases Below.**

I. (a) PLAINTIFFS EDWINS R. MENDIETA **DEFENDANTS** THE CHILDREN'S PLACE, INC.

(b) County of Residence of First Listed Plaintiff
(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, and Telephone Number)

Attorneys (If Known)

Zandro E. Palma, P.A., 9100 S. Dadeland Blvd. Suite 1500
Miami FL 33157; 305-446-1500

(d) Check County Where Action Arose: ☒ MIAMI-DADE ☐ MONROE ☐ BROWARD ☐ PALM BEACH ☐ MARTIN ☐ ST. LUCIE ☐ INDIAN RIVER ☐ OKEECHOBEE ☐ HIGHLANDS

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 |
|----------------------------|----------------------------|----------------------------|----------------------------|
| <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | <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"/> 310 Airplane	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 376 Qui Tam (31 USC 3729 (a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander		PROPERTY RIGHTS	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Federal Employers' Liability		<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine		<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability		<input type="checkbox"/> 835 Patent - Abbreviated New Drug Application	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 350 Motor Vehicle		<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability		SOCIAL SECURITY	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury	<input checked="" type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 751 Family and Medical Leave Act	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 850 Securities/Commodities/Exchange
	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 890 Other Statutory Actions
	PERSONAL PROPERTY	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act		<input type="checkbox"/> 891 Agricultural Acts
	<input type="checkbox"/> 370 Other Fraud		FEDERAL TAX SUITS	<input type="checkbox"/> 893 Environmental Matters
	<input type="checkbox"/> 371 Truth in Lending		<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 895 Freedom of Information Act
	<input type="checkbox"/> 380 Other Personal Property Damage		<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 896 Arbitration
	<input type="checkbox"/> 385 Property Damage Product Liability			<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
	PRISONER PETITIONS			<input type="checkbox"/> 950 Constitutionality of State Statutes
	<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			
	REAL PROPERTY			
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights			
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting			
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment			
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/Accommodations			
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment			
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other			
	<input type="checkbox"/> 448 Education			
	LABOR			
	<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			
	IMMIGRATION			
	<input type="checkbox"/> 462 Naturalization Application			
	<input type="checkbox"/> 465 Other Immigration Actions			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Re-filed (See VI below) ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation Transfer ☐ 7 Appeal to District Judge from Magistrate Judgment ☐ 8 Multidistrict Litigation - Direct File ☐ 9 Remanded from Appellate Court

VI. RELATED/RE-FILED CASE(S) (See instructions): a) Re-filed Case ☐ YES ☒ NO b) Related Cases ☐ YES ☒ NO

JUDGE:

DOCKET NUMBER:

VII. 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): 29 USC

LENGTH OF TRIAL via 3 days estimated (for both sides to try entire case)

VIII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

ABOVE INFORMATION IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE

DATE April 25, 2019

SIGNATURE OF ATTORNEY OF RECORD

Zandro E. Palma

FOR OFFICE USE ONLY

RECEIPT # AMOUNT IFP JUDGE MAG JUDGE

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

EDWINS R. MENDIETA

Plaintiff

v.

THE CHILDREN'S PLACE, INC.

Defendant

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* THE CHILDREN'S PLACE, INC.
Through Its Registered Agent
CORPORATION SERVICE COMPANY
1201 HAYS STREET
TALLAHASSEE, FL 32301-2525

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

The Law Office of Zandro E. Palma, P.A.
9100 South Dadeland Boulevard
Suite 1500
Miami, FL 33156

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [The Children's Place Hit with Ex-Manager's Unpaid Overtime Lawsuit](#)
