

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO.:

JOSE L. PERNIA,
and other similarly-situated individuals,

Plaintiff,

v.

THE STORAGE GENIUS, INC,
and GERSON CALDERON, individually

Defendants,

COMPLAINT

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

COMES NOW the Plaintiff JOSE L. PERNIA and other similarly-situated individuals, by and through the undersigned counsel, and hereby sues Defendants THE STORAGE GENIUS, INC, and GERSON CALDERON, individually and alleges:

JURISDICTION VENUES AND PARTIES

1. This is an action to recover money damages for unpaid overtime wages, and retaliation under the laws of the United States. This Court has jurisdiction pursuant to Title 28 U.S.C. § 1337 and the Fair Labor Standards Act, 29 U.S.C. § 201-219 (Section 216 for jurisdictional placement) (“the Act”).
2. Plaintiff JOSE L. PERNIA is a resident of Miami-Dade County, Florida. Plaintiff was a covered employee for purposes of the Act.
3. Defendant THE STORAGE GENIUS, INC (hereinafter THE STORAGE GENIUS) is a Florida corporation doing business in Miami-Dade County within the jurisdiction of

this Court. At all times material, hereto, Defendant was and is engaged in interstate commerce.

4. The individual Defendant GERSON CALDERON was and is now, owner/president/general manager of THE STORAGE GENIUS. This individual 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)].
5. All the action raised in this complaint took place in Dade County Florida, within the jurisdiction of this Court.

ALLEGATIONS COMMON TO ALL COUNTS

6. This cause of action is brought by Plaintiff as a collective action to recover from Defendants retaliatory damages, overtime compensation, liquidated damages, and the 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”) on behalf of Plaintiff, and all other current and former employees similarly situated to Plaintiff (“the asserted class”) who worked in excess of forty (40) hours during one or more weeks on or after March 2014, (the “material time”) without being compensated overtime wages pursuant to the FLSA.
7. Corporate Defendant THE STORAGE GENIUS is a company providing services to the warehousing and storage business. Defendant sells and installs all kind of warehousing and storage systems, fixture, and equipment. Defendant provides warehouse and storage installations across state lines.

8. Defendants THE STORAGE GENIUS and GERSON CALDERON employed Plaintiff JOSE L. PERNIA as laborer/installer from approximately November 20, 2017, through May 04, 2018, or 24 weeks.
9. Plaintiff was a non-exempt, full-time employee working more than 40 hours in a week period. Plaintiff was paid a wage rate of \$11.00 an hour.
10. While employed with Defendants Plaintiff worked regularly 6 days per week from Monday to Saturday, and from 7:00 AM to 6:00 PM, which represents 10 hours daily or 60 hours weekly. Plaintiff has already deducted 6 hours corresponding to 1 hour of lunch break daily.
11. In addition, during the relevant period of employment, Plaintiff worked for many weeks in projects located out of State. During those periods, Plaintiff worked weeks of 68 and 70 hours weekly. Those hours are not included in this complaint pending proper discovery.
12. Plaintiff worked under the supervision of GERSON CALDERON and other supervisors.
13. Plaintiff worked in excess of 40 hours weekly regularly. However, Defendants failed to pay Plaintiff overtime hours at the rate of time and a half his regular rate. Plaintiff was paid for all his working hours, but at his regular rate.
14. Therefore, Defendants failed to pay Plaintiff at the rate of time and a half his regular rate for every hour in excess of forty, in violation of Section 7 (a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(a)(1)).
15. On or about Monday April 30, 2018, Plaintiff complained and demanded his supervisor to be paid for his overtime hours. The supervisor denied the overtime payment.

16. The next Friday May 4, 2018, owner/manager GERSON CALDERON called Plaintiff over the telephone and informed Plaintiff that he was fired because of his complaints for overtime hours payment.
17. Furthermore, Defendants did not pay Plaintiff his regular wages corresponding to the last payment period or the amount of \$825.00.
18. Plaintiff JOSE L. PERNIA seeks to recover regular and overtime wages that were never paid to him at the mandatory rate of time and a half his regular rate, liquidated damages, retaliatory damages and any other relief as allowable by law.
19. The additional persons who may become Plaintiffs in this action are employees and/or former employees of Defendants who are and who were subject to the unlawful payroll practices and procedures of Defendants and were not paid overtime wages at the rate of time and one half of their regular rate of pay for any hour worked in excess of forty.

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

20. Plaintiff re-adopt each and every factual allegation as stated in paragraphs 1-19 above as if set out in full herein.
21. This action is brought by Plaintiff and those similarly-situated to recover from the Employer unpaid 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. 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.”

22. Defendant THE STORAGE GENIUS was 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). The Defendant sells and installs warehouse and storage equipment to out of State companies. Defendant employed more than two employees engaged in interstate commerce. Through its business activity, Defendant affects interstate commerce. At all times, pertinent to this Complaint, the Employer/Defendant operates as an organization which sells and/or markets its services and/or goods to customers from throughout the United States. The Employer/Defendant obtains and solicits funds from non-Florida sources, accepts funds from non-Florida sources, uses telephonic transmissions going over state lines to do their business, transmits funds outside the State of Florida, and otherwise regularly engages in interstate commerce. Upon information and belief, the annual gross revenue of the Employer/Defendant was at all times material hereto in excess of \$500,000 per annum. Therefore, there is FLSA enterprise coverage.

23. Plaintiff was employed by an enterprise engaged in interstate commerce. Plaintiff worked as a laborer/installer of warehousing’s fixture and equipment and through his daily activities Plaintiff not only regularly, handled, or otherwise worked on goods and/or materials that have been moved in or produce for commerce, but he crossed State lines to perform his work. Plaintiff was engaged in activities which are closely related and directly essential to the production of goods/services for interstate commerce. Plaintiff’s activities were directed to the operations of facilities providing services in interstate commerce. Therefore, there is FLSA individual coverage.

24. Defendants THE STORAGE GENIUS and GERSON CALDERON employed Plaintiff JOSE L. PERNIA as laborer/installer from approximately November 20, 2017, through May 04, 2018, or 24 weeks.
25. Plaintiff was a full-time employee working more than 40 hours in a week period. Plaintiff was paid at the wage rate of \$11.00 an hour.
26. While employed with Defendants Plaintiff worked regularly 6 days per week from Monday to Saturday, and from 7:00 AM to 6:00 PM, which represents 10 hours daily or 60 hours weekly. Plaintiff has already deducted 6 hours corresponding to 1 hour of lunch break daily.
27. In addition, during the relevant period of employment, Plaintiff worked for many weeks in projects located out of State. During those periods, Plaintiff worked weeks of 68 and 70 hours weekly, those hours are not included in this complaint pending proper discovery.
28. Plaintiff worked in excess of 40 hours weekly regularly. However, Defendants failed to pay Plaintiff overtime hours at the rate of time and a half his regular rate. Plaintiff was paid for all his working hours, but at his regular rate.
29. Therefore, during his time of employment with Defendants Plaintiff worked in excess of 40 hours. However, Defendants failed to pay Plaintiff overtime hours at the rate of time and a half his regular rate, according to the provisions of the Fair Labor Standards Act. (FLSA).
30. Defendants kept track of hours worked by Plaintiff and other employees similarly situated using time sheets. Consequently, Defendants willfully failed to pay Plaintiff overtime hours at the rate of time and a half his regular rate.

31. Plaintiff was paid bi-weekly with direct deposits. Defendants did not provide Plaintiff with paystubs showing basic information such as days and hours worked, wage rate paid, employment taxes withheld etc. etc.
32. The records, if any, concerning the number of hours actually worked by Plaintiff and all other employees, and the compensation actually paid to such employees should be in the possession and custody of Defendants. However, upon information and belief, Defendants did not maintain accurate and complete time records of hours worked by Plaintiff and other employees in the asserted class.
33. Defendant violated the record keeping requirements of FLSA, 29 CFR Part 516.
34. Upon information and belief, 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. Defendant violated the Posting requirements of 29 U.S.C. § 516.4.
35. 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 wages are as follows:

*Please note that these amounts are based on a preliminary calculation and that these figures could be subject to modification as discovery could dictate.

- a. Total amount of alleged unpaid wages:

Two Thousand Six Hundred Forty Dollars and 00/100 (\$2,640.00)

- b. Calculation of such wages:

Total weeks of employment: 24 weeks

Total number of relevant weeks: 24weeks

Total number of hours worked: 60 hours weekly

Total number of overtime hours: 20 hours

Wage rate: \$11.00 an hour x 1.5= \$16.50 O/T rate

O/T rate \$16.50-\$11.00 rate paid= \$5.50 half-time difference

Half-time O/T \$5.50 x 20 O/T hours=\$110.00 x 24 weeks=\$2,640.00

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

This amount represents the unpaid half-time overtime.

36. At all times material, hereto, the Employer/Defendant THE STORAGE GENIUS 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 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 them 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.

37. Defendant THE STORAGE GENIUS 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 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.

38. At the times mentioned, individual Defendant GERSON CALDERON was and is now, the owner and general manager of THE STORAGE GENIUS. 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)], in that this individual Defendant acted directly in the interests of THE STORAGE GENIUS in relation to the employees of THE STORAGE GENIUS, including Plaintiff and others similarly situated. Defendant GERSON CALDERON had financial and operational control of

the business, determined working conditions of Plaintiff, and is jointly liable for Plaintiff's damages.

39. Defendants THE STORAGE GENIUS and GERSON CALDERON willfully and intentionally refused to pay Plaintiff overtime wages as required by the law of the United States as set forth above, and remain owing Plaintiff these overtime wages, as set forth above.

40. 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 JOSE L. PERNIA and those similarly-situated respectfully requests that this Honorable Court:

- A. Enter judgment for Plaintiff and other similarly-situated and against the Defendants THE STORAGE GENIUS and GERSON CALDERON, on the basis of Defendants' willful violations of the Fair Labor Standards Act, 29 U.S.C. § 201 et seq.; and
- B. Award Plaintiff JOSE L. PERNIA actual damages in the amount shown to be due for unpaid wages and 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 JOSE L. PERNIA and those similarly-situated demand trial by jury of all issues triable as of right by jury.

COUNT II:
FEDERAL STATUTORY VIOLATION PURSUANT TO 29 U.S.C. 215 (a)(3)
RETALIATORY DISCHARGE; AGAINST ALL DEFENDANTS

41. Plaintiff JOSE L. PERNIA re-adopts each and every factual allegation as stated in paragraphs 1-19 of this complaint as if set out in full herein.
42. This Court has jurisdiction pursuant to The Fair Labor Standards Act, 29 U.S.C. §§ 201-219 (section #216 for jurisdictional placement) as well as the Florida Constitution that vests this action within a court of competent jurisdiction.
43. Defendant THE STORAGE GENIUS was 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). The Defendant sells and installs warehouse and storage equipment to out of State companies. Defendant employed more than two employees engaged in interstate commerce. Through its business activity, Defendant affects interstate commerce. At all times, pertinent to this Complaint, the Employer/Defendant operates as an organization which sells and/or markets its services and/or goods to customers from throughout the United States. The Employer/Defendant obtains and solicits funds from non-Florida sources, accepts funds from non-Florida sources, uses telephonic transmissions going over state lines to do their business, transmits funds outside the State of Florida, and otherwise regularly engages in interstate commerce. Upon information and belief, the annual gross revenue of the Employer/Defendant was at all times material hereto in excess of \$500,000 per annum. Therefore, there is FLSA enterprise coverage.

44. Plaintiff was employed by an enterprise engaged in interstate commerce. Plaintiff was employed by an enterprise engage in interstate commerce. Plaintiff worked as a laborer/installer of warehousing's fixture and equipment and through his daily activities Plaintiff not only regularly, handled, or otherwise worked on goods and/or materials that have been moved in or produce for commerce, but he crossed State lines to perform his work. Plaintiff was engaged in activities which are closely related and directly essential to the production of goods/services for interstate commerce. Plaintiff's activities were directed to the operations of facilities providing services in interstate commerce. Therefore, there is FLSA individual coverage.

45. By reason of the foregoing, Defendant's business activities involve those to which the Fair Labor Standards Act applies.

46. 29 U.S.C. § 207 (a) (1) states, "if an employer employs an employee for more than forty hours in any work week, the employer must compensate the employee for hours in excess of forty at the rate of at least one and one-half times the employee's regular rate...."

47. Likewise, 29 U.S.C. 215(a)(3) states... it shall be unlawful for any person— “to discharge or in any other manner discriminate against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this chapter, or has testified or is about to testify in any such proceeding,.....”

48. Defendants THE STORAGE GENIUS and GERSON CALDERON employed Plaintiff JOSE L. PERNIA as laborer/installer from approximately November 20, 2017, through May 04, 2018, or 24 weeks.

49. Plaintiff was a full-time employee working more than 40 hours in a week period.

Plaintiff was paid at the wage rate of \$11.00 an hour.

50. While employed with Defendants Plaintiff worked regularly 6 days per week a minimum of 10 hours daily or 60 hours weekly.

51. In addition, during the relevant period of employment, Plaintiff worked for many weeks in projects located out of State. During those periods, Plaintiff worked weeks of 68 and 70 hours weekly, those hours are not included in this complaint pending proper discovery.

52. Plaintiff worked in excess of 40 hours weekly regularly. However, Defendants failed to pay Plaintiff overtime hours at the rate of time and a half his regular rate. Plaintiff was paid for all his working hours, but at his regular rate.

53. Therefore, during his time of employment with Defendants Plaintiff worked in excess of 40 hours. However, Defendants failed to pay Plaintiff overtime hours at the rate of time and a half his regular rate, according to the provisions of the Fair Labor Standards Act. (FLSA).

54. Defendants kept track of hours worked by Plaintiff and other employees similarly situated using time sheets. Consequently, Defendants willfully failed to pay Plaintiff overtime hours at the rate of time and a half his regular rate.

55. Plaintiff was on disagreement with the lack of payment for overtime hours, and on or about Monday April 30, 2018, Plaintiff complained with his supervisor and requested to be paid for his overtime hours. The supervisor denied the overtime payment.

56. This complaint constituted protected activity under the Fair Labor Standards Act.

57. As a result, the next Friday May 4, 2018, owner/manager GERSON CALDERON called Plaintiff over the telephone and informed Plaintiff that he was fired because of his complaints for overtime hours payment.

58. At all time during his employment with Defendants, Plaintiff performed his duties satisfactorily. There was no reason other than a retaliatory action to terminate Plaintiff's employment with Defendants.

59. There is close-proximity between Plaintiff's last protected activity and his termination.

60. At the times mentioned, individual Defendant GERSON CALDERON was and is now, the owner and general manager of THE STORAGE GENIUS. 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)], in that this individual Defendant acted directly in the interests of THE STORAGE GENIUS in relation to the employees of THE STORAGE GENIUS, including Plaintiff and others similarly situated. Defendant GERSON CALDERON had financial and operational control of the business, determined working conditions of Plaintiff, and is jointly liable for Plaintiff's damages.

61. Defendants THE STORAGE GENIUS, and GERSON CALDERON willfully and intentionally refused to pay Plaintiff unpaid regular and overtime wages as required by the law of the United States and remain owing Plaintiff these wages since the commencement of Plaintiff's employment with Defendants as set forth above.

62. Furthermore, Defendants did not pay Plaintiff his regular wages corresponding to the last payment period or the amount of \$825.00.

63. The Defendants' termination of the Plaintiff was in direct violation of 29 U.S.C. 215 (a) (3) and, as a direct result, Plaintiff has been damaged.

64. Plaintiff JOSE L. PERNIA seeks to recover half-time overtime wages for every hour in excess of 40 that he worked, liquidated damages, retaliatory damages, and any other relief as allowable by law.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff JOSE L. PERNIA respectfully requests that this Honorable Court:

- A. Issue a declaratory judgment that Defendants' acts, policies, practices and procedures complained of herein violated provisions of the Fair Labor Standards Act;
- B. Enter judgment against Defendants THE STORAGE GENIUS, and GERSON CALDERON that Plaintiff recovers compensatory, damages and an equal amount of liquidated damages as provided under the law and in 29 U.S.C. § 216(b);
- C. That Plaintiff recovers an award of reasonable attorney fees, costs, and expenses.
- D. Order the Defendants THE STORAGE GENIUS, and GERSON CALDERON to make whole the Plaintiff by providing appropriate back pay and other benefits wrongly denied in an amount to be shown at trial and other affirmative relief;
- E. Plaintiff JOSE L. PERNIA further prays for such additional relief as the interests of justice may require.

JURY DEMAND

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

Dated: May 17, 2018

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 JOSE L. PERNIA,

DEFENDANTS THE STORAGE GENIUS, INC, and GERSON CALDERON

(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) The Law Office of Zandro E. Palma, P.A. 9100 S. Dadeland Blvd., Ste 1500, Miami, FL 33156 (305-446-1500)

Attorneys (If Known)

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

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

- [X] 1 U.S. Government Plaintiff
[] 2 U.S. Government Defendant
[] 3 Federal Question (U.S. Government Not a Party)
[] 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
Citizen of This State [] 1 [] 1
Citizen of Another State [] 2 [] 2
Citizen or Subject of a Foreign Country [] 3 [] 3
Incorporated or Principal Place of Business In This State [] 4 [] 4
Incorporated and Principal Place of Business In Another State [] 5 [] 5
Foreign Nation [] 6 [] 6

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

Grid of categories for nature of suit including CONTRACT, REAL PROPERTY, CIVIL RIGHTS, PERSONAL INJURY, TORTS, LABOR, IMMIGRATION, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

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

- [X] 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 Reremanded from Appellate Court

VI. RELATED/ RE-FILED CASE(S) (See instructions): a) Re-filed Case [] YES [X] NO b) Related Cases [] YES [X] NO JUDGE: DOCKET NUMBER:

VII. CAUSE OF ACTION 29 U.S.C 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):

LENGTH OF TRIAL via 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: [X] Yes [] No

ABOVE INFORMATION IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE DATE May 17, 2018 SIGNATURE OF ATTORNEY OF RECORD Zandro E. Palma, Esq.

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

JOSE L. PERNIA,

Plaintiff

v.

THE STORAGE GENIUS, INC,
and GERSON CALDERON

Defendant

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Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) GERSON CALDERON

18255 NW 68TH AVE
SUITE 113
HIALEAH, FL 33015

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

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

JOSE L. PERNIA,

Plaintiff

v.

THE STORAGE GENIUS, INC,
and GERSON CALDERON

Defendant

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) THE STORAGE GENIUS, INC through its Registered Agent:

CALDERON VESGA, GERSON
18255 NW 68TH AVE
SUITE 113
HIALEAH, FL 33015

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 Storage Genius Hit with Lawsuit Alleging Wage Violations](#)
