

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
Case No.

JULIA RODRIGUEZ, on behalf of herself and
all others similarly situated,

Plaintiff,

vs.

ORTSAC MANAGEMENT, LLC, a Florida
Limited Liability Company; SOFIA CASTRO,
individually, and ROBERT CASTRO,
individually,

Defendants.

COMPLAINT

Plaintiff, Julia Rodriguez (“Ms. Rodriguez” or “Plaintiff”) on her own behalf and on behalf of all those similarly situated, sues Defendants, ORTSAC Management, LLC, a Florida Limited Liability Company, (“ORTSAC Management”), SOFIA CASTRO, individually (“Mrs. Castro”) and ROBERT CASTRO, individually (“Mr. Castro”), (ORTSAC Management, Mrs. Castro and Mr. Castro are collectively the “Defendants”) jointly and severally and states:

GENERAL ALLEGATIONS

1. This is an action for declaratory judgment, to recover monetary damages in the form of unpaid overtime compensation, as well as an additional amount as liquidated damages, to redress the deprivation of rights secured to Plaintiff and other employees similarly situated by the Fair Labor Standards Act, as amended, 29 U.S.C. § 201 *et. seq.* (“FLSA”) and for an award of attorneys’ and paralegal fees and costs.

JURISDICTION

2. This Court has subject jurisdiction over this controversy pursuant to 29 U.S.C. § 216(b), under the FLSA.

3. At all times material, Plaintiff was a non-exempt employee.

4. At all times material, ORTSAC Management operated as a business organization which sells and/or markets its services and/or goods to customers from throughout the United States and elsewhere and also provides its services for goods sold and transported from across state lines of other states, and ORTSAC Management obtained and solicited funds from non-Florida sources, accepts funds from non-Florida sources, uses electronic, digital and 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. As such, ORTSAC Management owned and operated a business 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).

5. Upon information and belief, at all times material hereto, ORTSAC Management's gross revenue exceeded \$500,000 per annum separately. To the extent that ORTSAC Management operated as part of a joint enterprise, it did so with corporate entities that performed related activities, under the common control of the individual Defendants, and for common business purposes related to the work performed by Plaintiff for Defendants.

6. The Defendants are subject to the personal jurisdiction of this Court because they operate, conduct, engage in, and/or carry on business in the Southern District of Florida.

7. The Defendants are also subject to the personal jurisdiction of this Court because they engage in substantial and not isolated activity within the Southern District of Florida.

VENUE

8. This Court is the appropriate venue based upon the following:
 - (a) The unlawful employment practices alleged herein occurred and/or were committed in the Southern District of Florida and,
 - (b) Defendants were and continue to be companies and employers with individuals doing business within the Southern District of Florida.

PARTIES

9. Plaintiff was and continues to be a resident of Broward County, Florida.
10. Defendants misclassified Plaintiff as an exempt “salaried employee” as it improperly did many, if not most, of the employees working for them.
11. Despite how she was misclassified, Plaintiff was, in fact, a non-exempt employee of the Defendants within the meaning of the FLSA.
12. At the beginning of her employment, on approximately May 18, 2015, Defendant, ORTSAC Management, was the putative direct employer of Plaintiff and one of her employers within the meaning of the FLSA.
13. At first, Plaintiff worked full time for ORTSAC Management with the title of “Assistant Property Manager/Customer Service Representative” from approximately May, 2015 through December, 2016, or about 85 weeks.
14. Plaintiff then worked full time for ORTSAC Management with the title of “Jr. Property Accountant from approximately January, 2017 through June 8, 2018, or about 75 weeks.
15. Defendants did not keep time records of the time worked by Plaintiff except for a limited period of time closer to the end of her employment.
16. Plaintiff was summarily terminated on June 8, 2018.

17. Defendants did not pay Plaintiff overtime even though she worked more than 40 hours per week in most, if not all, of the weeks she worked for Defendants.

18. At all times material, Mrs. Castro and Mr. Castro were owners and managing members of ORTSAC Management, and exercised operational control of the business such that they were each an employer of Plaintiff within the meaning of Section 3(d) of the “Fair Labor Standards Act” [29 U.S.C. § 203(d)], in that they acted directly in the interests of the ORTSAC Management in relation to its employees, including Plaintiff.

19. Defendants knowingly and willfully failed to pay Plaintiff and other employees similarly situated their lawfully earned wages and overtime compensation in conformance with the FLSA.

20. The Plaintiff and others similarly situated to her were workers who worked at or provided services to various properties managed by ORTSAC Management, misclassified as salaried exempt employees, and were not paid overtime for hours they worked over 40 hours in one or more weeks over the past three years or longer.

21. Ms. Rodriguez typically worked five days per week.

22. During the total time of her employment, Plaintiff’s claim for overtime as to:

- A. **An initial estimate of the total amount of alleged unpaid wages;**
- B. **A preliminary calculation of such wages;**
- C. **The approximate period during which the alleged FLSA violations occurred; and**
- D. **The nature of the wages (e.g., overtime or straight time),**

is broken down and estimated as follows:

First Period (Hired at \$35,000)

May 18, 2015 – December 31, 2016 // 9-6pm // no lunch // worked till 7pm two or three nights per week =

$9 \times 5 = 45$ hours, plus 2.5 hrs. (i.e., 1 hour for 2/3 nights) = 47.5hrs/week (i.e., 7.5 OT hours per week)

33 weeks in 2015 + 52 weeks in 2016 = 85 total weeks

85 weeks x 7.5 hrs = 637.5 hours

$\$35,000 / 2,080 = \$16.83/\text{hr}$ is the Regular Rate x 1.5 = $\$25.24$ is the OT Rate

OT Rate of $\$25.24$ x 637.5 OT hours = $\$16,090$ due for overtime

Second Period (Received Raise to $\$40,000$)

January 1, 2017 – December 31, 2017 // 10-6pm // no lunch // worked till 7pm two or three nights per week =

8x5 = 40 hours/week, plus 2.5 hrs. (i.e., 1 hour 2/3 nights per week) = 42.5 hrs/week or 2.5 hours of overtime

52 total weeks for 2017

52 weeks x 2.5 hrs of OT/week = 130 hours of OT

$\$40,000 / 2,080 = \$19.23/\text{hr}$ Regular Rate x 1.5 = $\$28.85$ OT Rate

OT Rate $\$28.85$ x 130 hours of OT = $\$3,751$ due for overtime

Third Period (Received Raise to $\$42,500k$)

January 1, 2018 – June 8, 2018 // 9-6pm // no lunch // worked till 7pm two or three nights per week =

9x5 = 45 hours, plus 2.5 hrs. (1 hour 2/3 nights per week) = 47.5hrs/week or 7.5 OT hours per week

23 total weeks

23 weeks x 7.5 hrs = 172.5 hours

$\$42,500 / 2,080 = \$20.43/\text{hr}$ Regular Rate x 1.5 = $\$30.65$ OT Rate

OT Rate of $\$30.65$ x 172.5 hours of OT = $\$5,287$ due for overtime

The subtotal comes to $\$25,128$. Liquidated damages of $\$25,128$ brings the total due to $\$50,256$.

23. Typically, Ms. Rodriguez did not have a bona fide meal period during which Defendants would have been permitted to “take her off the clock.”

24. Defendants, exercising reasonable diligence, would have gained knowledge that Plaintiff was not being compensated at the rate of one and a half times the regular rate for those hours that were worked in excess of forty (40) per week, as required by the FLSA. Defendants knew the amount of time Plaintiff spent performing work or, with the exercise of reasonable care, could have and should have known of the existence of all of the time worked by Ms. Rodriguez.

STATEMENT OF FACTS

25. Ms. Rodriguez worked for the Defendants from about May 18, 2015 through June 8, 2018.

26. Ms. Rodriguez performed various non-exempt work for Defendants.

27. Ms. Rodriguez was paid a flat amount each week.

28. Defendants knowingly and willfully operated their business with a policy of not paying overtime compensation to Ms. Rodriguez, which was in violation of the FLSA.

29. Defendants knowingly misclassified workers throughout the various companies as “salaried employees,” in part, so that the Defendants could improperly attempt to avoid paying overtime to non-exempt workers who were actually employees entitled to be paid overtime.

30. Defendants have been sued previously for overtime violations and, therefore, knew or should have known they were in violation of the FLSA, sufficiently so as to warrant the extension of the applicable statute of limitations from two to three years.

31. Furthermore, the poster employers are required to post to inform employees of their rights under the FLSA was not posted and/or kept current and, therefore the applicable statute of limitation should be equitably tolled. See, e.g., *Cruz v. Maypa*, 773 F.3d 138, 147 (4th Cir. 2014) (extending failure-to-post tolling in the ADEA context to the FLSA); *Yu G. Ke v. Saigon Grill, Inc.*, 595 F. Supp. 2d 240, 259 (S.D.N.Y. 2008) (“Failure to provide required

notice of the governing legal requirements may be a sufficient basis for tolling.”); *Kamens v. Summit Stainless, Inc.*, 586 F. Supp. 324, 328 (E.D. Pa. 1984) (“An employer's failure to post a statutorily required notice of this type tolls the running of any period of limitations.”).

32. At various times within the last three years, Plaintiff worked for Defendants in excess of forty (40) hours within a work week and was not compensated at the rate of one and a half times her respective regular rate for those hours that Plaintiff worked in excess of forty (40) per week, as required by the FLSA.

33. Defendants have violated Title 29 U.S.C. §206 and/or §207 in that, among other reasons:

34. Plaintiff was not paid overtime to which she was entitled; and

35. Defendants have failed to maintain proper time records as mandated by the FLSA.

36. Other employees similarly situated to Plaintiff were not paid overtime they had earned.

37. Plaintiff has retained Schwarzberg & Associates, P.L. to represent her and those who join in this action in the litigation and have agreed to pay the Firm reasonable attorneys’ and paralegal fees for its services.

38. Plaintiff has fulfilled all conditions precedent to the filing of this lawsuit and/or such conditions have been waived.

COUNT I
UNPAID OVERTIME COMPENSATION – DECLARATION—
VIOLATION of 29 U.S.C. § 207

39. Plaintiff re-alleges and re-avers the General Allegations as if fully set forth herein.

40. During Plaintiff's employment with the Defendants, she worked hours in excess of forty (40) per week for which she was not compensated at the statutory rate of time and one-half.

41. Plaintiff was entitled to be paid at the rate of time and one-half for hours worked in excess of the maximum hours provided for in the FLSA.

42. Defendants failed to pay Plaintiff overtime compensation in the lawful amount for hours worked in excess of the maximum hours provided for in the FLSA.

43. Records, if any, concerning the number of hours worked by Plaintiff and the actual compensation paid to her are in the possession and custody of the Defendants. Plaintiff intends to obtain these records by appropriate discovery proceedings to be taken promptly in this case to determine the amount due to her.

44. Defendants knew of and/or showed a willful disregard for the provisions of the FLSA, as evidenced by their failure to compensate Plaintiff at the statutory rate of time and one-half for the hours worked in excess of forty (40) hours per week when they knew or should have known such was due.

45. Defendants failed to properly disclose or apprise Plaintiff of her rights under the FLSA.

46. Plaintiff has suffered damages in the amount not presently ascertainable of unpaid overtime wages, plus an equal amount as liquidated damages.

47. Plaintiff is entitled to an award of her reasonable attorneys' fees and costs pursuant to 29 U.S.C. § 216(b).

WHEREFORE, Plaintiff, Julia Rodriguez, respectfully requests that judgment be entered in her favor and for all others similarly situated who join in the action against the Defendants:

- a. Declaring that Defendants have violated the overtime provisions of 29 U.S.C. § 207;

- b. As to Plaintiff and others similarly situated:
 - i. Awarding overtime compensation in the amounts to be calculated;
 - ii. Awarding liquidated damages in the amounts calculated;
 - iii. Declaring that the statute of limitations should be extended to three years and/or that the statute of limitation be tolled;
 - iv. Awarding reasonable attorneys' and paralegal fees and costs and expenses of this litigation pursuant to 29 U.S.C. § 216(b);
 - v. Awarding pre- and post-judgment interest; and
- c. Ordering any other and further relief this Court deems to be just and proper.

JURY DEMAND

PLAINTIFF DEMANDS A TRIAL BY JURY ON ALL ISSUES SO TRIABLE FOR HERSELF AND ALL OTHERS SIMILARLY SITUATED.

SCHWARZBERG & ASSOCIATES
Attorneys for Plaintiff
2751 South Dixie Highway, Suite 400
West Palm Beach, FL 33405
Telephone: (561) 659-3300
Facsimile: (561) 693-4540

By: /s/ Steven L. Schwarzberg
STEVEN L. SCHWARZBERG
Florida Bar No. 306134
steve@schwarzberglaw.com
mail@schwarzberglaw.com

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
 JULIA RODRIGUEZ, on behalf of herself and all others similarly situated

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

(c) Attorneys (Firm Name, Address, and Telephone Number)
 Steven L. Schwarzberg, Esq., Schwarzberg & Associates, P.L., 2751
 South Dixie Highway, Suite 400, West Palm Beach, FL 33405

DEFENDANTS
 ORTSAC MANAGEMENT, LLC, a Florida Limited Liability Company;
 SOFIA CASTRO, individually, and ROBERT CASTRO, individually,
 County of Residence of First Listed Defendant Broward
 (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 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	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	<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"/> 835 Patent - Abbreviated New Drug Application <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))	<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	CIVIL RIGHTS	PRISONER PETITIONS	LABOR	FEDERAL TAX SUITS	
<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	<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	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	
			IMMIGRATION		
			<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions		

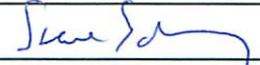
V. ORIGIN (Place an "X" in One Box Only)

1 Original Proceeding 2 Removed from State Court 3 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. 201 et. seq. - FLSA unpaid overtime and wages
 Brief description of cause:

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: 06/14/2018 SIGNATURE OF ATTORNEY OF RECORD: 

FOR OFFICE USE ONLY: RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

JULIA RODRIGUEZ, on behalf of herself and all others similarly situated,

Plaintiff(s)

v.

ORTSAC MANAGEMENT, LLC, SOFIA CASTRO and ROBERT CASTRO, et. al.,

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) ORTSAC Management LLC by serving its Registered Agent: Sofia Castro at: ORTSAC Management 8800 NW 77th Court Tamarac, FL 33321

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: Steven L. Schwarzberg, Esq. SCHWARZBERG & ASSOCIATES 2751 South Dixie Highway, Suite 400 West Palm Beach, FL 33405

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. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

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JULIA RODRIGUEZ, on behalf of herself and all others similarly situated,

Plaintiff(s)

v.

ORTSAC MANAGEMENT, LLC, SOFIA CASTRO and ROBERT CASTRO, et. al.,

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) ROBERT CASTRO, individually by serving him at his place of residence: 2401 Sea Island Drive Fort Lauderdale, FL 33301

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: Steven L. Schwarzberg, Esq. SCHWARZBERG & ASSOCIATES 2751 South Dixie Highway, Suite 400 West Palm Beach, FL 33405

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AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

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I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*:

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I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Print

Save As...

Reset

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Defendant(s)

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A lawsuit has been filed against you.

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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

Civil Action No. _____

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_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

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I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Print

Save As...

Reset

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Fmr. Ortsac Management Employee's Class Action Seeks More Than \\$25k in Allegedly Unpaid OT](#)
