

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
Case No.

SHARON ROMERO, on behalf of herself and  
all others similarly situated,

Plaintiff,

vs.

KLAYMAN & TOSKES, P.A., LAWRENCE  
L. KLAYMAN, and STEVEN D. TOSKES,

Defendants.

---

**COMPLAINT**

Plaintiff, Sharon Romero (“Romero” or “Plaintiff”) on her own behalf and on behalf of all those similarly situated, sues Defendants, Klayman & Toskes, P.A. (the “Corporate Defendant” or “Klayman & Toskes”), Lawrence L. Klayman (“Klayman”), and Steven D. Toskes (“Toskes”) (Klayman and Toskes are collectively the “Individual Defendants”) (the Corporate Defendant and the Individual Defendants are collectively the “Defendants”), 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.

2. Plaintiff Romero is a former paralegal of the Corporate Defendant, which is a law firm which knowingly didn't pay Romero overtime even though she was non-exempt.

### **JURISDICTION**

3. This Court has subject jurisdiction over the FLSA claim pursuant to 29 U.S.C. § 216(b) and over the common law count pursuant to its supplemental jurisdiction set forth in 28 U.S.C. § 1367.

4. At all times material, Plaintiff was a non-exempt employee of the Defendants.

5. At all times material, Corporate Defendant operated as a business organization which sells and/or markets its services and/or goods to customers/clients to and from throughout the United States and elsewhere and also provides its services to and from across state lines of other states, and the Corporate Defendant obtains and solicits 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, Defendants 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).

6. Upon information and belief, at all times material hereto, Corporate Defendant's annual gross revenue exceeded \$500,000 per annum separately.

7. 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.

8. 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**

9. 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 doing business within the Southern District of Florida.

**PARTIES**

10. Plaintiff was and continues to be a resident of Palm Beach, County, Florida.

11. Individual Defendants are residents of Palm Beach County, Florida.

12. Corporate Defendant was and is located in Palm Beach County, in the Southern District of Florida.

13. Defendants misclassified Plaintiff as an exempt employee.

14. Corporate Defendant was the direct employer of Plaintiff within the meaning of the FLSA.

15. At all times material, the Individual Defendants were owners, directors, officers of the Corporate Defendant, 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 Corporate Defendant employers in relation to their employees, including Plaintiff.

16. Plaintiff worked full time for Defendants for over three years.

17. Defendants have possession of records of most if not all of the time worked by Romero.

18. 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, except for a few months when an office manager/human resources consultant, who worked for the Defendants, insisted Defendants pay overtime because they were obligated to do so.

19. Defendants knowingly and willfully failed to pay Plaintiff her lawfully earned wages and overtime compensation in conformance with the FLSA.

20. Romero typically worked at least five days per week.

21. Romero often worked from as early as 9:00-9:30 AM to as late as 8:00-9:00 PM or later, Monday through Friday and, on occasion, worked on Saturdays and Sundays for up to 5-6 hours each day.

22. Typically, Romero did not have a bona fide meal period during which Defendants would have been permitted to “take her off the clock.” On the few occasions

when Romero attempted to have a bona fide meal period, it was interrupted repeatedly for her to do work, including, but not limited to, answering the phones or responding to requests from attorneys in the office or communications with clients or third parties.

23. In addition to those typical hours, Romero worked additional time when away from the office, at night and on the weekend, including, but not limited to, when she was using the phone, updating client files through the FINRA portal, texting and/or emailing because she was constantly being contacted by attorneys in the firm and others after hours, concerning work-related demands or otherwise.

24. Romero's unpaid overtime hours are as follows (subject to reviewing all of her time records and other documentation and information in the possession of the Defendants or third parties)<sup>1</sup>:

<b>Time Period</b>	<b>Estimate of Overtime Hours Worked</b>
January 15, 2015 – December 31, 2015	75 hours <sup>2</sup>
January 1, 2016 – December 31, 2016	102 hours <sup>3</sup>
January 1, 2017 – December 31, 2017	277 hours <sup>4</sup>
January 1, 2018 – April 11, 2018	151 hours <sup>5</sup>
Total:	605 hours

<sup>1</sup> Romero has timesheets for 2017 and 2018 and Defendants should have records for 2015 and 2016.

<sup>2</sup> Defendants' own records reflect that they logged and paid Romero for 32 overtime hours for November and December, 2015 in Q4. Romero's estimating 75 unpaid overtime hours for the first 10 months of 2015 is very conservative and reasonable. In fact, that was added by Defendants to Romero's so-called "PTO Account" confirming that she had at least that amount remaining unpaid when 2015 ended. Apparently, Defendants mistakenly thought they could avoid paying overtime actually worked by just adjusting her PTO account upward as some sort of Comp Time Bank they created (and which the law does not allow). Even if she used it up (which she did not), Defendants still owe her 75 hours of overtime for 2015, by its own admission.

<sup>3</sup> Defendants' own records reflect that they logged and paid Romero for 129 overtime hours for Q1 and Q2 of 2016. Romero's calculating 102 unpaid overtime hours for the rest of the year (i.e., Q3 and Q4 of 2016) is also very conservative and reasonable.

<sup>4</sup> Based on Romero's time records for 2017.

<sup>5</sup> Based on Romero's time records for 2018.

25. During the period of three years prior to the filing of this Complaint, Plaintiff worked approximately 605 overtime hours for which she was paid nothing. That did not include hours for which Sharon was actually paid overtime.

26. Plaintiff's regular rate was at least \$31.25, computed by taking her annual compensation and dividing it by a 40-hour work week.

27. Plaintiff's overtime rate was at least \$46.87<sup>6</sup>.

28. Plaintiff is owed for the approximate number of overtime hours of 605 times her overtime rate of \$46.87, or at least \$28,356. Plaintiff is entitled to liquidated damages of at least \$28,356.

29. Therefore, Plaintiff is entitled to be paid a total of at least \$56,712 plus interest.<sup>7, 8, 9</sup>

30. Defendants knew, or by exercising reasonable diligence, shown have gained knowledge and known that, Plaintiff was not being compensated for any or all overtime hours 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.

---

<sup>6</sup> Which is the rate Defendants, themselves, actually used when Defendants paid her overtime for a few months in question.

<sup>7</sup> That amount applies just for the Plaintiff; it is believed that she is not the only current and former employee entitled to overtime for work performed over the last three years (who, ultimately, should be notified by court order and given a chance to join this collective action. Note also it is believed that Defendants failed to post the notice required by the FLSA and, therefore, there should be an equitable tolling of the Statute of Limitations including, but not limited to, as to all others similarly situated.

<sup>8</sup> These amounts will likely need to be adjusted upwards in view of the fact that Plaintiff was paid a bonus in 2016 of \$1,500 and in 2017 of \$7,500. The bonuses add to the regular and overtime rates.

<sup>9</sup> Plaintiff has already provided to Defendants back-up documentation and a detailed spreadsheet calculations.

31. On one or more occasions, one or both of the Individual Defendants stated that, despite being aware that it was the responsibility of the law firm to pay overtime, they failed and refused to do so.

32. During one such occasion, at a firm meeting, Klayman declared: "I don't care if you have to work nights and weekends, get your work done. I'm not paying overtime. I'm not starting that crap."

33. The Defendants were informed and knowledgeable about their obligation to pay overtime and were indifferent or outright refused to pay overtime, so as to justify the extension of the statute of limitations to three years.

#### **STATEMENT OF FACTS**

34. Romero worked for the Defendants for over three years from about January 15, 2015 to April 11, 2018, when she was summarily terminated without cause, notice or severance.

35. Romero performed various nonexempt work for Defendants, working as a paralegal under the supervision and direction of the attorneys at Klayman & Toskes.

36. Romero was paid a flat amount each week which was an hourly rate ascribed to her by taking \$65,000 divided by 40 hours per week for 52 weeks, or 2,080 hours, or \$31.25/hour, which represented Romero's regular rate.

37. Defendants knowingly and willfully operated their law firm with a policy of not paying overtime compensation to Romero, to which they knew she was entitled, which was in violation of the FLSA.

38. When Romero worked more than 40 hours in any given week, Defendants did not pay Romero any form of additional compensation.

39. Defendants knew or should have known they were obligated under the FLSA to pay Romero at time and a half, or \$46.875 per hour, for all hours worked in any given week where she worked more than 40 hours.

40. 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.”).

41. Under the FLSA, it was Defendants’s obligation to record and keep records of the hours worked by Plaintiff and Defendants failed to comply with that obligation.

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

- (a) Plaintiff was not paid overtime to which she was entitled; and
- (b) Defendants have failed to maintain proper time records as mandated by the FLSA.



43. Plaintiff has retained Schwarzberg & Associates, P.L. to represent her in the litigation and have agreed to pay the Firm reasonable attorneys' and paralegal fees for its services.

44. 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**

45. Plaintiff realleges and reavers the General Allegations as if fully set forth herein.

46. 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.

47. 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.

48. 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.

49. 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.

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

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

52. During the period of three years prior to the filing of this Complaint, Plaintiff worked approximately 572<sup>10</sup> overtime hours for which she was paid nothing.

53. Plaintiff's regular rate was \$31.25 computed by taking her annual salary and dividing it by her standard work week.

54. Plaintiff's overtime rate was, therefore, \$46.87.

55. Plaintiff is owed for the approximate number of overtime hours of 572 times her overtime rate of \$46.87, or \$26,809.64.

56. Plaintiff is entitled to liquidated damages of \$26,809.64.

57. Plaintiff is entitled to be paid a total of \$53,619.28 plus interest.<sup>11 12</sup>

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

---

<sup>10</sup> Defendants have possession of the time sheets and other records which reflect hours worked, as they are required to maintain by the regulations of the Wage & Hour Division of the Department of Labor.

<sup>11</sup> That amount applies just for the Plaintiff; it is believed that she is not the only current and former employee entitled to overtime for work performed over the last three years (who, ultimately, should be notified by court order and given a chance to join this collective action. Note also it is believed that the Defendants failed to post the notice required by the FLSA and, therefore, there should be an equitable tolling of the Statute of Limitations all others similarly situated.

<sup>12</sup> These amounts will need to be adjusted in view of the fact that Plaintiff was paid a bonus in 2016 of \$1,500 and in 2017 of \$7,500 and Plaintiff wanted to take time off in 2017 but was forbidden because of a lack of staffing and she had the right to rollover unused PTO to 2018, so she be allowed to recover the value of such accrued and unused PTO, which should be added to the amounts earned so as to increase the effective overtime rate.

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

- a. Declaring that Defendants have violated the overtime provisions of 29 U.S.C. § 207;
- b. As to Plaintiff and all 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 post-judgment interest; and
- c. Ordering any other and further relief this Court deems to be just and proper.

**COUNT II**  
**UNPAID WAGES, ETC. AND**  
**CLAIM FOR FEES UNDER FLA.STAT. SECTION 448.08**

59. Plaintiff realleges and reavers the General Allegations as if fully set forth herein.

60. Plaintiff wanted to take time off in 2017 but, because of a lack of staffing, there was no way she would have been able/allowed to take any time off, and she didn't.

61. Plaintiff should be compensated for the PTO she had earned for 2017 and wasn't able to use.

62. Plaintiff had the right to rollover unused PTO to 2018, and she also earned additional PTO time in 2018.

63. The entire value of all of the PTO should be paid to Plaintiff, estimated to be at least three weeks of salary payment, or \$3,750, plus three days she would have been allowed to roll over, or \$750, for a total of \$4,500.

64. Additionally, when the Defendants notified Plaintiff that she would be terminated, Defendants promised Plaintiff 2 weeks of severance, which they have admitted they failed to pay to her; Plaintiff is owed at least \$2,500.

65. Under Florida law, claims for accrued and unpaid PTO and severance are considered claims for wages, as to which a claim for recovery of attorneys' fees is allowed under Fla.Stat. Section 448.08.

66. Defendants also failed to reimburse Plaintiff for amounts she advanced for the Defendants to buy office supplies, etc., despite promising to do so.

WHEREFORE, Plaintiff, Romero, respectfully requests that judgment be entered in her favor against the Corporate Defendant awarding damages in the amounts to be calculated together with reasonable attorneys' and paralegal fees and costs and expenses of this litigation pursuant to Fla.Stat. Section 448.08 and 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**

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: **Steven L. Schwarzberg**

---

STEVEN L. SCHWARZBERG

Fla. 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**

SHARON ROMERO, on behalf of herself and all others similarly situated

(b) County of Residence of First Listed Plaintiff Palm Beach  
(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**

KLAYMAN & TOSKES, P.A., LAWRENCE L. KLAYMAN, and STEVEN D. TOSKES,

County of Residence of First Listed Defendant Palm Beach  
(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)

- |   |                            |                            |   |                            |                            |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
|   | <b>PTF</b>                 | <b>DEF</b>                 |   | <b>PTF</b>                 | <b>DEF</b>                 |
| 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	<b>PERSONAL INJURY</b> <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	<b>PERSONAL INJURY</b> <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 <b>PERSONAL PROPERTY</b> <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 <b>LABOR</b> <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 <b>IMMIGRATION</b> <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 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <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)) <b>FEDERAL TAX SUITS</b> <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	CIVIL RIGHTS	PRISONER PETITIONS			
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>Habeas Corpus:</b> <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 <b>Other:</b> <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 - 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: 07/23/2018 SIGNATURE OF ATTORNEY OF RECORD: 

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**

## Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading 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. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.

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

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

SHARON ROMERO, on behalf of herself and all others similarly situated,

Plaintiff(s)

v.

KLAYMAN & TOSKES, P.A., LAWRENCE L. KLAYMAN, and STEVEN D. TOSKES,

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) KLAYMAN & TOSKES, P.A. by serving its Registered Agent: Lawrence L. Klayman 2424 North Federal Highway, Suite 450 Boca Raton, FL 33431

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



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:

**Print**

**Save As...**

**Reset**

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

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

SHARON ROMERO, on behalf of herself and all others similarly situated,

Plaintiff(s)

v.

LAYMAN & TOSKES, P.A., LAWRENCE L. KLAYMAN, and STEVEN D. TOSKES,

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) LAWRENCE L. KLAYMAN, individually by serving him at his place of business: 2424 North Federal Highway, Suite 450 Boca Raton, FL 33431

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:

**Print**

**Save As...**

**Reset**

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

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

SHARON ROMERO, on behalf of herself and all others similarly situated,

Plaintiff(s)

v.

KLAYMAN & TOSKES, P.A., LAWRENCE L. KLAYMAN, and STEVEN D. TOSKES,

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) STEVEN D. TOSKES, individually by serving him at his place of business: 2424 North Federal Highway, Suite 450 Boca Raton, FL 33431

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

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:

**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: [Klayman & Toskes, P.A. Hit with Ex-Paralegal's Unpaid Overtime Lawsuit](#)

---