

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
Case No.

GIANNINA SOPO, on behalf of herself and
all others similarly situated,

Plaintiff,

vs.

LUX COSMETIC SURGERY CENTER
CORP., a Florida Profit Corporation;
SEDUCTION COSMETIC CENTER CORP.,
a Florida Profit Corporation; NEW YOU
PLASTIC SURGERY & SPA CORP., a
Florida Profit Corporation; CG BEAUTY
PLASTIC SURGERY CORP., a Florida Profit
Corporation; JARDON'S MEDICAL FOR
PLASTIC & BARIATRIC SURGERY CORP.,
a Florida Profit Corporation; BUTTERFLY
COSMETIC CENTER CORP., a Florida Profit
Corporation; LUIS R. JARDON, individually
and GRETEL JARDON, individually,

Defendants.

COMPLAINT

Plaintiff, Giannina Sopo (“Sopo” or “Plaintiff”) on her own behalf and on behalf of all those similarly situated, sues Defendants, LUX COSMETIC SURGERY CENTER CORP. (“Lux”), SEDUCTION COSMETIC CENTER CORP. (“Seduction”), a Florida Profit Corporation; NEW YOU PLASTIC SURGERY & SPA CORP. (“New You”), a Florida Profit Corporation; CG BEAUTY PLASTIC SURGERY CORP. (“CG Beauty”), a Florida Profit Corporation; JARDON'S MEDICAL FOR PLASTIC & BARIATRIC SURGERY CORP. (“Jardon's”), a Florida Profit Corporation; BUTTERFLY COSMETIC CENTER CORP. (“Butterfly”), a Florida Profit Corporation, (collectively, the “Corporate Defendants”), LUIS R. JARDON, individually (“Mr. Jardon”) and GRETEL JARDON (“Ms.

Jardon”), individually, (the Corporate Defendants, Mr. Jardon and Ms. Jardon 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.

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, Corporate Defendants were the joint employers of the Plaintiff.

5. At all times material, Corporate Defendant were in a joint enterprise in the ownership and operation of a number of cosmetic and plastic surgery centers and related businesses located in South Florida.

6. At all times material, Corporate Defendants 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 the Corporate Defendants obtain and solicit 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).

7. Upon information and belief, at all times material hereto, Corporate Defendant's annual gross revenue exceeded \$500,000 per annum separately, or combined as a joint enterprise with the other Corporate Defendants named herein, or which are as of yet unknown but will be revealed through further discovery. To the extent that Corporate Defendants 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.

8. 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.

9. 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

10. 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

11. Plaintiff was and continues to be a resident of Miami-Dade County, Florida.

12. Defendants misclassified Plaintiff as an "independent contractor," as it improperly did many, if not most, of the people working for them.

13. Despite how she was misclassified, Plaintiff was, in fact, an “employee” of the Defendants within the meaning of the FLSA.

14. Defendant, Lux, was the putative direct employer of Plaintiff and one of her employers within the meaning of the FLSA.

15. Plaintiff worked full time for Defendants, and only the Defendants, with the title of “Practice/Office Administrator” from approximately August, 2018 through February, 2018, or about 26 weeks.

16. Defendants did not keep time records of the time worked by Plaintiff or most of the other people working for them.

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. Corporate Defendants, Lux, Seduction, New You, CG Beauty, Jardon’s, and Butterfly, are a joint or common enterprise as defined in 29 U.S.C. § 203 (r)(1), and they are also joint employers as defined in 29 C.F.R. §791.2.

19. All Corporate Defendants have:

- A. related activities, share just about everything (including, but not limited to, ownership, officers, directors, founders, employees, management, staff, physicians, nurses, health care workers, marketing, technology, purchasing, contracting, professional services, accounting, tax preparation, facilities, vendors, referral networks,
- B. unified operation and common control of the day-to-day operations;
- C. a common business purpose, the profitable operation of their cosmetic and surgical business empire; and
- D. with that purpose, provided the necessary supplies, equipment and staffing for the operation of each other.

20. The Defendants were joint employers because, as to each other, among other things:
- A. They had absolute control of the workers;
 - B. They had extensive supervision, direct or indirect, of the work being performed;
 - C. They had the power to determine the pay rates or the methods of payment of the workers;
 - D. They had the right, directly or indirectly, to hire, fire, or modify the employment conditions of the workers;
 - E. Preparation of payroll and the payment of wages was done centrally, albeit sometimes under the guise of being done separately;
 - F. There existed common ownership of the facilities where work occurred;
 - G. Services performed by Plaintiff and that of the staff and physicians at the various facilities owned and operated by the Defendants were an integral part of the specialty cosmetic surgery business operation of the Defendants; and,
 - H. They all had relative investments in the enterprise. The Defendants provided financial assistance to each other, they provided the equipment, staff and facilities to run business at their locations. They depended on each other for the provision of supplies, materials, administration, staffing, physicians, etc. to perform their functions. They were economically dependent on each other.

21. At all times material, Mr. Jardon and Mrs. Jardon were owners, directors, officers of the Corporate Defendants, 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.

22. 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.

23. The Plaintiff and others similarly situated to her were workers who worked at the cosmetic surgery centers owned and operated by the Defendants, misclassified as “independent contractors,” non-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.

24. Sopo typically worked six days per week.

25. Sopo typically worked from as early as 5:30 AM to as late as 7:30 PM Mondays through Fridays and from 9:00AM to 3:00PM on Saturdays.

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

27. In addition to those typical hours, Sopo 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, texting and/or emailing because she was constantly being contacted by Mr. Jardon and Mrs. Jardon and others after hours concerning work-related demands or otherwise.

28. Defendants, exercising reasonable diligence, would have gained knowledge that Plaintiff and their employees were 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 Sopo.

STATEMENT OF FACTS

29. Sopo worked for the Defendants for over six months from about mid-August, 2017 through late-February 26, 2018.

30. Sopo performed various nonexempt work for Defendants, working with the title, but without the actual duties and authority, of “practice/office administrator.”

31. Sopo was paid a flat amount each week.

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

33. Defendants knowingly misclassified workers throughout the various companies as “independent contractors,” 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.

34. 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.

35. 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.”).

36. At various times within the last six (6) months, 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.

37. 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.

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

39. 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.

40. 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

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

42. 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.

43. 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.

44. 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.

45. 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.

46. 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.

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

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

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

WHEREFORE, Plaintiff, Giannina Sopo, 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 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: *Steven L. Schwarzberg*
STEVEN L. SCHWARZBERG
Fla. Bar No.: 306134
steve@schwarzberglaw.com
mail@schwarzberglaw.com

CIVIL COVER SHEET

JS 44 (Rev. 06/17) FLSD Revised 06/01/2017

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 Giannina Sopo, on behalf of herself and all others similarly situated

DEFENDANTS Lux Cosmetic Surgery Center Corp., Seduction Cosmetic Center Corp., et. al.,

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

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

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

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED. Attorneys (If Known)

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

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

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

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

- Citizen of This State Citizen of Another State Citizen or Subject of a Foreign Country
Incorporated or Principal Place of Business In This State Incorporated and Principal Place of Business In Another State Foreign Nation

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

Click here for: Nature of Suit Code Descriptions

Grid of suit categories including CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PERSONAL INJURY, PRISONER PETITIONS, LABOR, IMMIGRATION, FORFEITURE/PENALTY, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, and OTHER STATUTES.

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

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

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

VII. CAUSE OF ACTION Cite the U.S. Civil Statute under which you are filing and Write a Brief Statement of Cause (Do not cite jurisdictional statutes unless diversity): 29 U.S.C. 201 et. seq. FLSA - unpaid overtime and wages LENGTH OF TRIAL via 4 days estimated (for both sides to try entire case)

VIII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

ABOVE INFORMATION IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE DATE April 17, 2018 SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY RECEIPT # AMOUNT IFP JUDGE MAG JUDGE

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

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

GIANNINA SOPO, on behalf of herself and all others
similarly situated,

Plaintiff(s)

v.

LUX COSMETIC SURGERY CENTER CORP., a
Florida Profit Corporation; SEDUCTION COSMETIC
CENTER CORP., a Florida Profit Corporation; NEW
YOU PLASTIC SURGERY & SPA CORP., et. al.,

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) LUX COSMETIC SURGERY CENTER CORP.
by serving its Registered Agent:
MARTHA BANDERA PEREZ
3510 SW 22nd Street
Miami, FL 33145

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

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CENTER CORP., a Florida Profit Corporation; NEW
YOU PLASTIC SURGERY & SPA CORP., et. al.,

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) SEDUCTION COSMETIC CENTER CORP.
by serving its Registered Agent:
GRETEL JARDON
2500 NW 107th Avenue, Suite 102
Doral, FL 33172

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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Date: _____

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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
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Other *(specify)*:

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YOU PLASTIC SURGERY & SPA CORP., et. al.,

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) NEW YOU PLASTIC SURGERY & SPA CORP.
by serving its Registered Agent:
GRETEL JARDON
8435 SW 24th Street
Miami, FL 33155

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.
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West Palm Beach, FL 33405

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YOU PLASTIC SURGERY & SPA CORP., et. al.,

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) CG BEAUTY PLASTIC SURGERY CORP.
by serving its Registered Agent:
LUIS R. JARDON
6206 SW 161st Place
Miami, FL 33193

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.
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2751 South Dixie Highway, Suite 400
West Palm Beach, FL 33405

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Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) JARDON'S MEDICAL FOR PLASTIC & BARIATRIC SURGERY CORP.
by serving its Registered Agent:
LUIS R. JARDON
8435 SW 24th Street
Miami, FL 33155

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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)*:

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

GIANNINA SOPO, on behalf of herself and all others
similarly situated,

Plaintiff(s)

v.

LUX COSMETIC SURGERY CENTER CORP., a
Florida Profit Corporation; SEDUCTION COSMETIC
CENTER CORP., a Florida Profit Corporation; NEW
YOU PLASTIC SURGERY & SPA CORP., et. al.,

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) BUTTERFLY COSMETIC CENTER CORP.
by serving its Registered Agent:
DIANA JARDON
18205 Biscayne Blvd., #100
Aventura, FL 33160

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:

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

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

GIANNINA SOPO, on behalf of herself and all others
similarly situated,

Plaintiff(s)

v.

LUX COSMETIC SURGERY CENTER CORP., a
Florida Profit Corporation; SEDUCTION COSMETIC
CENTER CORP., a Florida Profit Corporation; NEW
YOU PLASTIC SURGERY & SPA CORP., et. al.,

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) GRETEL JARDON, individually
by serving her at her place of residence:
8141 SW 54th Avenue
Miami, FL 33143

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

GIANNINA SOPO, on behalf of herself and all others
similarly situated,

Plaintiff(s)

v.

LUX COSMETIC SURGERY CENTER CORP., a
Florida Profit Corporation; SEDUCTION COSMETIC
CENTER CORP., a Florida Profit Corporation; NEW
YOU PLASTIC SURGERY & SPA CORP., et. al.,

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) LUIS R. JARDON, individually
by serving him at his place of residence:
8141 SW 54th Avenue
Miami, FL 33143

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

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ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Fmr. Office Administrator Claims Six Plastic Surgery Companies Misclassified Employees](#)
