

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

TARRALYN JONES,

Plaintiff,

v.

Case No. 6:14-cv-1311-Orl-37DAB

ORLANDO REHABILITATION GROUP,
INC. d/b/a ORLANDO HEALTH &
REHABILITATION CENTER,

Defendant.

ORDER

This cause is before the Court on the following:

1. Defendant Orlando Rehabilitation Group, Inc., d/b/a Orlando Health and Rehabilitation Center's Motion to Dismiss and Incorporated Memorandum of Law (Doc. 11), filed September 5, 2014; and
2. Plaintiff's Response to Defendant's Motion to Dismiss (Doc. 12), filed September 20, 2014.

Plaintiff Tarralyn Jones initiated this Fair Labor Standards Act ("FLSA") action against her former employer, Defendant Orlando Rehabilitation Group, Inc., d/b/a Orlando Health and Rehabilitation Center to recover allegedly unpaid overtime on her own behalf (Doc. 1, ¶¶ 9–17 ("Count I")), and on behalf of other employees of Defendant (*id.* ¶¶ 18–27 ("Count II")). Defendant moved to dismiss the Complaint (Doc. 11), and Plaintiff responded (Doc. 12).

Defendant argues that the Court should dismiss Plaintiff's five-page Complaint because it merely paraphrases the FLSA and provides insufficient factual allegations to

support her overtime and collective action claims. (Doc. 11.) Plaintiff counters that her allegations provide Defendant with sufficient information concerning her employment, and she has no obligation to specify in her Complaint the hours she worked or the dates of Defendant's alleged FLSA violations. (Doc. 12.) To avoid dismissal under Rule 12(b)(6), Plaintiff must allege sufficient facts to "state a claim to relief that is plausible on its face." *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007); *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). Plaintiff has met this standard; thus, the motion is due to be denied.

CONCLUSION

It is hereby **ORDERED AND ADJUDGED**:

1. Defendant Orlando Rehabilitation Group, Inc., d/b/a Orlando Health and Rehabilitation Center's Motion to Dismiss and Incorporated Memorandum of Law (Doc. 11) is **DENIED**.
2. Defendant is **DIRECTED** to file its Answer to the Complaint on or before **October 31, 2014**.

DONE AND ORDERED in Chambers in Orlando, Florida, on October 14, 2014.



ROY B. DALTON JR.
United States District Judge

Copies:

Counsel of Record