

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. **09-23117**

CEDOINE MILFORT, on his own behalf and
others similarly situated,

Plaintiff(s),

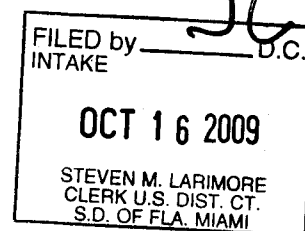
v.

AMERICAN ENGINEERING & DEVELOPMENT CORP.,
a Florida Corporation, and RONALD GLAZER, individually,

Defendants.

CIV - LENARD

**MAGISTRATE JUDGE
GARBER**



PLAINTIFF'S COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, Cedoine Milfort ("Plaintiff"), by and through his undersigned counsel and pursuant to Rule 7, Federal Rules of Civil Procedure, hereby submits this, his Complaint and Demand for Jury Trial against Defendants American Engineering & Development Corp. and Ronald Glazer ("Defendants") and states the following:

1. Plaintiff was an employee of Defendants, and brings this action on behalf of himself and other current and former employees of Defendants similarly situated to him for overtime compensation and other relief under the Fair Labor Standards Act, as amended, 29 U.S.C. §201, et seq. ("FLSA").
2. Plaintiff performed non-exempt construction worker duties for Defendants in Miami-Dade County, Florida during the three (3) year statute of limitations period.
3. Defendants have at all times material hereto owned and/or operated a business in Miami-Dade County, Florida within the jurisdiction of this Court.

4. This action is brought to recover from Defendants overtime compensation, liquidated damages, and the costs and reasonable attorneys' fees of this action under the provisions of the FLSA.

5. Jurisdiction is conferred on this Court by 28 U.S.C. §1337 and by 29 U.S.C. §216(b).

6. At all times material to this Complaint, Defendants had two (2) or more employees who regularly sold, handled, or otherwise worked on goods and/or materials that had/have been moved in or produced for interstate commerce.

7. Based upon information and belief, the annual gross sales volume of Defendant American Engineering & Development Corp. was in excess of \$500,000.00 per annum at all times material hereto.

8. At all times pertinent to this Complaint, Defendant American Engineering & Development Corp. has been an enterprise engaged in interstate commerce or in the production of goods for commerce as defined by the FLSA.

9. At all times material hereto, Ronald Glazer has managed and/or operated American Engineering & Development Corp. on a day-to-day basis, and regularly exercised the authority to hire and fire employees, determine the work schedules of employees, set the rate of pay of employees, and control the finances and operations of American Engineering & Development Corp. By virtue of such control and authority, Ronald Glazer was an employer of Plaintiff as such term is defined by the FLSA.

10. The additional persons who may become plaintiffs in this action are Defendants' non-exempt employees who, in one or more work weeks worked in excess of forty (40) hours

per week but did not receive time and one-half of their regular rate of pay for all of their overtime hours worked.

11. Plaintiff and the other similarly situated employees regularly worked in excess of forty (40) hours per week in one or more weeks during their employment with Defendants.

12. However, Defendants did not pay time and one-half wages for any of the overtime hours worked by Plaintiff and the other employees similarly situated to him.

13. The records, if any, concerning the hours worked by Plaintiff and the other similarly situated employees to Plaintiff are in the possession and custody of Defendants.

14. The records, if any, concerning the compensation actually paid to Plaintiff and the other similarly situated employees to Plaintiff are in the possession and custody of Defendants.

COUNT I
RECOVERY OF OVERTIME COMPENSATION UNDER THE FLSA AGAINST ALL
DEFENDANTS

15. Plaintiff adopts and realleges the allegations contained in paragraphs 1 through 14 as if fully set forth herein.

16. Plaintiff is entitled to be paid time and one-half of his regular rate of pay for each hour worked in excess of forty (40) hours per work week.

17. All similarly situated employees of Defendants are similarly owed their overtime rate for each overtime hour they worked and were not properly paid.

18. Defendants knowingly and willfully failed to pay Plaintiff and the other employees similarly situated to him at time and one-half of their regular rate of pay for all hours worked in excess of forty (40) per week.

19. By reason of the said intentional, willful and unlawful acts of Defendants, all Plaintiffs (the named Plaintiff and those similarly situated to him) have suffered damages plus incurring costs and reasonable attorneys' fees.

20. As a result of Defendants' willful violations of the FLSA, all Plaintiffs (the named Plaintiff and those similarly situated to him) are entitled to liquidated damages.

21. Plaintiff has retained the undersigned counsel to represent him in this action, and pursuant to 29 U.S.C. §216(b), Plaintiff is entitled to recover all reasonable attorneys' fees and costs incurred in this action.

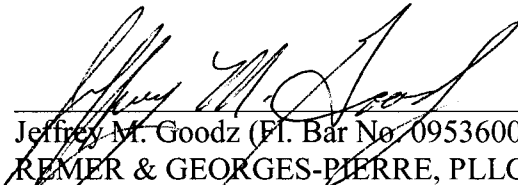
WHEREFORE, Plaintiff and those similarly situated to him who have or will opt into this action, demand judgment, jointly and severally, against Defendants for the payment of all overtime hours at one and one-half times their regular rate of pay due them for the hours worked by them for which they have not been properly compensated, liquidated damages, reasonable attorneys' fees and costs of suit, and for all proper relief including prejudgment interest.

JURY TRIAL DEMANDED

Plaintiff demands a jury trial.

Respectfully submitted,

Dated: October 12, 2009



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CIVIL COVER SHEET

09-23117

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 THE REVERSE OF THE FORM.) NOTICE: Attorneys MUST Indicate All Re-filed Cases Below

I. (a) PLAINTIFFS Cedoine Milfort, on his own behalf and others similarly situated

DEFENDANTS American Engineering & Development Corp. and Ronald Glazer

(b) County of Residence of First Listed Plaintiff Broward

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

(c) Attorney's (Firm Name, Address, and Telephone Number) Jeffrey M. Goertz Remer & Georges-Pierre, PLLC 11900 Biscayne Boulevard, Suite 288 North Miami, Florida 33181 (305) 416-5000

NOTE: IN LAND ACQUISITION CASES, D.C. THE LOCATION OF THE TRACT LAND INTAKED. FILED BY OCT 16 2009 STEVEN M. LARIMORE CLERK U.S. DIST. CT. S.D. OF FLA. MIAMI

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

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)

- 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

Dade 09-23117-CV-Lenard Gerber

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

Table with columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, 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
7 Appeal to District Judge from Magistrate Judgment

VI. RELATED/RE-FILED CASE(S). (See instructions second page):
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. Unpaid overtime
LENGTH OF TRIAL via 3-4 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 SIGNATURE OF ATTORNEY OF RECORD DATE

Signature of Jeffrey M. Goertz, Date October 12, 2009, Amount \$350.00, Receipt # 10101614, 10/16/09