

**IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

**JERRY JOINER, on his own behalf  
and on behalf of those similarly  
situated,**

**CASE NO.:**

**Plaintiffs,**

**vs.**

**GROUP WARE INTERNATIONAL,  
INC.**

**Defendant.**

\_\_\_\_\_ /

**COMPLAINT & DEMAND FOR JURY TRIAL**

1. Plaintiff, JERRY JOINER, on his own behalf and on behalf of those similarly situated (“Plaintiff”), was an employee of Defendant, GROUP WARE INTERNATIONAL, INC. (“Defendant”), and brings this action for unpaid overtime compensation, declaratory relief and other relief under the Fair Labor Standards Act, as amended, 29 U.S.C. § 216(b) (the “FLSA”).

2. Plaintiff was a cable installer/technician and performed related activities for Defendant in Hillsborough County, Florida.

3. Defendant, GROUP WARE INTERNATIONAL, INC., is a Florida corporation that operates and conducts business in, among others, Hillsborough County, Florida, and is therefore, within the jurisdiction of this Court.

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

5. This action is intended to include each and every cable installer/technician who worked for the Defendant, **nationwide**, at any time within the past three (3) years.

6. This Court has jurisdiction over Plaintiff's claims pursuant to 28 U.S.C. §1337 and the FLSA.

7. At all material times relevant to this action, Defendant was an enterprise covered by the FLSA, and as defined by 29 U.S.C. § 203(r) and 203 (s).

8. Defendant earned annual gross earnings of at least \$500,000 for the last three years preceding this lawsuit.

9. Defendant employed at least two employees who were engaged in interstate commerce at all times for the last three years.

10. At all times relevant to this action, Defendant failed to comply with 29 U.S.C. §§ 201-209, because Plaintiff, and those similarly situated to him, performed services for Defendant for which no provisions were made by Defendant to properly pay Plaintiff, and those similarly situated to him, for those hours worked in excess of forty within a work week.

11. During their employment with Defendant, Plaintiff, and those similarly situated to him, were not paid time and one-half their regular rate of pay for all hours worked in excess of forty (40) per work week during one or more work weeks.

12. Upon information and belief, the records, to the extent any exist, concerning the number of hours worked and amounts paid to Plaintiff and other similarly situated to him, are in the possession and custody of Defendant.

**COUNT I - RECOVERY OF OVERTIME COMPENSATION**

13. Plaintiff reincorporates and readopts all allegations contained within Paragraphs 1-12 above.

14. Plaintiff, and those similarly situated to him, are/were entitled to be paid time and one-half their regular rate of pay for each hour worked in excess of forty (40) per work week. During their employment with Defendant, Plaintiff, and those similarly situated to him, regularly worked overtime hours but were not paid time and one half compensation for same.

15. As a result of Defendant's intentional, willful, and unlawful acts in refusing to pay Plaintiff, and those similarly situated to him, time and one half their regular rate of pay for each hour worked in excess of forty (40) per work week in one or more work weeks, Plaintiff, and those similarly situated to him, have suffered damages plus incurring reasonable attorneys' fees and costs.

16. As a result of Defendant's willful violation of the FLSA, Plaintiff, and those similarly situated to him, are entitled to liquidated damages.

17. Plaintiff demands a trial by jury.

WHEREFORE, Plaintiff, and all other similarly situated employees, demand judgment against Defendant for the payment of all overtime hours at one and one-half the regular rate of pay for the hours worked by them for which Defendant did not properly

compensate them, liquidated damages, reasonable attorneys' fees and costs incurred in this action, and any and all further relief that this Court determines to be just and appropriate.

Dated this \_\_\_\_ day of March, 2010.

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