

**IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FT. MYERS DIVISION**

**LUNIE LATORTUE, ON BEHALF  
OF HERSELF AND THOSE  
SIMILARLY SITUATED,**

**CASE NO.:**

**Plaintiff,**

**vs.**

**COMMUNITY LOANS OF  
AMERICA, INC., A FLORIDA  
CORPORATION,**

**Defendant.**

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**COMPLAINT AND DEMAND FOR JURY TRIAL**

Plaintiff, LUNIE LATORTUE, on behalf of herself and those similarly situated, by and through the undersigned attorney, sues the Defendant, Community Loans of America, Inc., a Florida Corporation, and alleges:

1. Plaintiff, LUNIE LATORTUE, was an employee of Defendant, Community Loans of America, Inc., and brings this action for unpaid overtime compensation, declaratory relief, unpaid wages and other relief under the Fair Labor Standards Act, as amended, 29 U.S.C. § 216(b) ("FLSA").

2. Plaintiff was an hourly paid employee performing customer service representative activities within the last three years for Defendant in County, Florida.

3. Defendant, Community Loans of America, Inc., is a Florida Corporation that operates and conducts business in, among others, Lee 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, unpaid wages and reasonable attorneys' fees and costs. This action is intended to include each and every hourly paid employee who worked for Defendant at any time within the past three (3) years.

5. This Court has jurisdiction over Plaintiff's claims pursuant to 28 U.S.C. §1337 and the FLSA and the authority to grant declaratory relief under the FLSA pursuant to 28 U.S.C. §2201 et seq.

6. 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). Additionally, Plaintiff was engaged in interstate commerce during her employment with Defendant.

7. At all times relevant to this action, Defendant failed to comply with 29 U.S.C. §§201-209 because Plaintiff, and those similarly situated employees, performed services for Defendant for which no provisions were made by Defendant to properly pay Plaintiff, and those similarly situated employees, for those hours in excess of forty (40) within a work week.

8. During their employment with Defendant, Plaintiff, and those similarly situated employees, 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.

9. The additional persons who may become plaintiffs in this action are employees who held positions similarly situated to Plaintiff and who worked in excess of  
forty (40) hours during one or more work weeks during the relevant time periods but who did not receive pay at one and one-half times their regular rate for their hours worked in excess of forty (40) hours.

10. 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

employees, are in the possession and custody of Defendant.

**COUNT I - RECOVERY OF OVERTIME COMPENSATION**

11. Plaintiff reincorporates and readopts all allegations contained within Paragraphs 1-10 above.

12. Plaintiff, and those similarly situated employees, 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 employees, worked overtime hours but were not paid time and one-half compensation for same.

13. As a result of Defendant's intentional, willful and unlawful acts in refusing to pay Plaintiff, and those similarly situated employees, 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 week, Plaintiff, and those similarly situated employees, have suffered damages plus incurring reasonable attorneys' fees and costs.

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

15. Plaintiff demands a trial by jury.

WHEREFORE, Plaintiff, LUNIE LATORTUE, on behalf of herself and those similarly situated, demands 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

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Defendant did not properly compensate them, liquidated damages, reasonable attorneys' fees and costs incurred in this action, declaratory relief, and any and all further relief that this Court determines to be just and appropriate.

**COUNT II - RECOVERY OF UNPAID WAGES (STATE LAW)**

16. Plaintiff reincorporates and readopts all allegations contained within

Paragraphs 1-11 above.

17. Plaintiff, and those similarly situated employees, performed work for Defendant and did not receive proper compensation. Defendant, therefore, wrongfully deprived Plaintiff of wages to which she was lawfully entitled.

18. Specifically, Plaintiff, and those similarly situated employees, performed work off-the-clock for which they were not paid.

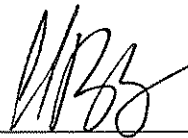
19. Plaintiff has been damaged as a result of Defendant's failure to pay her the agreed upon wages to which she was entitled.

20. Pursuant to Section 448.08, Florida Statutes, Plaintiff is entitled to the costs of this action and a reasonable attorneys' fee.

21. Plaintiff demands a trial by jury.

WHEREFORE, Plaintiff, LUNIE LATORTUE, and all other similarly situated employees, demand judgment against Defendant for the unpaid wages found to be due and owing, prejudgment interest, 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 7<sup>th</sup> day of March, 2009.



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