

IN THE CIRCUIT COURT  
FOR ALACHUA COUNTY, FLORIDA

Case No.: 01-2008-CA-002915A TRUE COPY

Division: J

SADIE DARNELL, SHERIFF  
ALACHUA COUNTY, FLORIDA

MICHAEL WOHL and  
DIANA OSBORN, Plaintiff(s)

Served at 1:35 P on the 10 Day

of June 20 08

BY [Signature] 7311

As Deputy Sheriff

vs.

CITY OF GAINESVILLE and  
JAMES L. GARRETT, SR., Defendant(s)

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Persons with a disability who need any accommodation in order to participate should call Jan Phillips, ADA Coordinator, Alachua County Courthouse, 201 E. University Ave., Gainesville, FL 32601 at (352) 337-6237 within two (2) working days of your receipt of this notice; if you are hearing impaired call (800) 955-8771; if you are voice impaired, call (800) 955-8770.

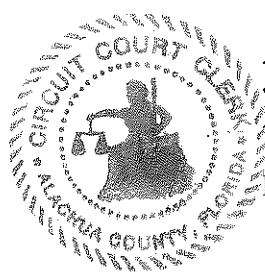
**SUMMONS**

THE STATE OF FLORIDA:

To Each Sheriff of the State:

YOU ARE COMMANDED to serve this summons and a copy of the complaint or petition in this action on Defendant(s) THE CITY OF GAINESVILLE, c/o Mayor Pegeen Hanrahan, 200 E. University Avenue, 1<sup>st</sup> Floor, Gainesville, FL 32602. Each Defendant is required to serve written defenses to the complaint or petition on plaintiffs' attorney, whose name and address is Archibald J. Thomas, III, Esquire, Thomas & Klink, Suite 255, Quadrant I, 4651 Salisbury Road, Jacksonville, FL 32256, within <sup>30</sup>~~20~~ days after service of this summons on that Defendant, exclusive of the day of service, and to file the original of the defenses with the clerk of this court either before service on Plaintiffs' attorney or immediately thereafter. If a Defendant fails to do so, a default will be entered against that Defendant for the relief demanded in the complaint or petition.

WITNESS my hand and the seal of this Court on

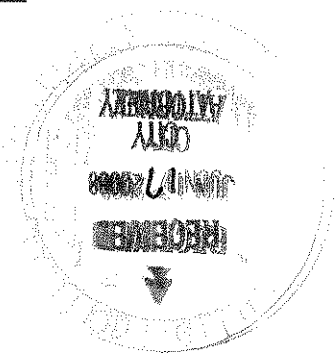


June 6, 2008

J.K. "BUDDY" IRBY  
As Clerk of the Court

By: [Signature]  
As Deputy Clerk

J.K. "BUDDY" IRBY  
Clerk of the Circuit Court



**IN THE EIGHTH JUDICIAL CIRCUIT  
IN AND FOR ALACHUA COUNTY,  
FLORIDA**

MICHAEL WOHL and  
DIANA OSBORN,

Case No.: 01-2008-CA-002915  
Division: J

Plaintiffs,

v.

CITY OF GAINESVILLE and  
JAMES L. GARRETT, SR.,

Defendants.

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**COMPLAINT AND DEMAND FOR JURY TRIAL**

1. This is a suit for damages and injunctive relief under the Fair Labor Standards Act, 29 U.S.C. §201 *et seq.*, for unpaid overtime compensation and retaliation.

**JURISDICTION**

2. This is an action for damages in excess of \$15,000.00 excluding attorney's fees and courts costs.

**PARTIES**

3. Plaintiff, Michael Wohl, is a legal resident of the United States, and resides in Gainesville, Alachua County, Florida.

4. Diana Osborn, is a legal resident of the United States, and resides in Lulu, Alachua County, Florida.

5. Defendant, City of Gainesville, is a municipality located in Alachua County, Florida. The defendant is an employer and subject to suit under the Fair Labor Standards

Act.

6. Defendant, James L. Garrett, Sr., was employed by defendant City of Gainesville and was plaintiffs' manager at all times material to this complaint.

### **STATEMENT OF FACTS**

7. Plaintiff, Michael Wohl, has been employed by defendants from on or about July 28, 2003 until the present.

8. Plaintiff, Diana Osborn, has been employed by defendants from on or about July 31, 1997 until the present.

9. Plaintiffs, Michael Wohl and Diana Osborn, were employed by defendants as Code Enforcement Officers.

10. Plaintiffs consistently worked in excess of 40 hours per week during their employment for defendants. Plaintiffs were never paid overtime despite the requirements of the FLSA requiring the defendants to pay overtime to plaintiffs for all hours worked in excess of 40 hours in a work week.

11. On more than one occasion throughout the course of their employment, plaintiffs complained to defendants about defendants' failure to pay overtime in accordance with the FLSA.

### **COUNT I**

#### **FAILURE TO PAY OVERTIME IN VIOLATION OF THE FAIR LABOR STANDARDS ACT**

12. Plaintiffs hereby restate and reallege each and every factual allegation

contained in paragraphs 1 through 11.

13. At all times material hereto, defendants have been engaged in commerce within the meaning of the Fair Labor Standards Act of 1938, as Amended (hereinafter the "Act") and is subject to the provisions of that Act relating to the payment of overtime compensation to its employees.

14. Defendants have violated Section 7 of the Act by reason of its failure to pay plaintiffs overtime compensation for hours worked by plaintiffs in excess of 40 hours per work week.

15. Defendants' violation of the Act in this regard has been a continuing violation and continued throughout plaintiffs' employment until the present time.

16. Defendants' failure to pay overtime compensation to plaintiffs required under the FLSA constitutes a willful violation of the Act thereby permitting plaintiffs to recover unpaid overtime compensation, plus liquidated damages for the full three year period preceding the filing of this lawsuit. Defendants have no reasonable basis for believing that plaintiffs were not entitled to overtime compensation.

17. By reason of defendants' violation of the Act, plaintiffs are entitled to recover all amounts provided in Section 16 of the Act including plaintiffs' unpaid overtime compensation plus an additional equal amount as liquidated damages.

18. Plaintiffs have incurred attorneys fees as a result of the above referenced violation of the FLSA and said fees will continue to be incurred by plaintiffs until this matter

is concluded.

WHEREFORE, plaintiffs demand judgment against defendants for unpaid overtime wages and liquidated damages, prejudgment interest, costs and attorneys' fees as permitted by 29 U.S.C. §216 and F.S. § 448.08 and any other such relief that the Court deems just and proper.

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a trial by jury on all issues so triable.

Respectfully submitted,

THOMAS & KLINK  
Suite 255, Quadrant I  
4651 Salisbury Road  
Jacksonville, Florida 32256  
(904) 296-2318  
(904) 296-2341 (Facsimile)  
E-mail: [thomas@job-rights.com](mailto:thomas@job-rights.com)

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Archibald J. Thomas, III  
Florida Bar No. 231657  
Trial Attorneys for Plaintiff