

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: **07-60679**

VAHID RAHRAVEN, on behalf of himself
and all others similarly situated,

Plaintiff,

vs.

U.S. INSTALLATION GROUP, INC.,
and BRUCE DELUCA, Individually,,

Defendants.

CIV - JORDAN

Torres

FILED BY *JA*
2007 MAY 11 PM 3:16
CLARENCE MADDOX
CLERK U.S. DIST. CT.
S.D. OF FLA.-FT. L.

COMPLAINT

Plaintiff, VAHID RAHRAVEN, (hereinafter referred to as "Plaintiff"), is a former employee of Defendants, U.S. INSTALLATION GROUP, INC., and BRUCE DELUCA, Individually, (hereinafter referred to as "Defendants"), and brings this action on behalf of himself and all other employees and former employees of Defendants similarly situated to him for compensation and other relief under the Fair Labor Standards Act as amended, 29 U.S.C. § 216(b).

1. Plaintiff is a citizen and resident of Broward County, Florida and within the jurisdiction of this Honorable Court.

2. Defendant, U.S. INSTALLATION GROUP, INC., is a Florida corporation licensed to do business and doing business in the State of Florida, with a principal place of business in Broward County, Florida and within the jurisdiction of this Honorable Court.

3. Defendant, BRUCE DELUCA, upon information and belief, was at all times material hereto a principal senior management staff, and/or owner of the corporation, and/or officer and/or director of the corporation, of U.S. INSTALLATION GROUP, INC., and determined its

payroll, and controlled the terms and conditions of Plaintiff's employment.

4. All Defendants' were employers of the Plaintiff as defined in 29 U.S.C. § 203(d), and Plaintiff was an employee of Defendants as defined in 29 U.S.C. § 203 (e)(1). At all times hereafter, when referring to "employer", the Plaintiff will be referring to all Defendants.

5. This action is brought to recover from Defendants unpaid overtime compensation, commission, liquidated damages, and costs and reasonable attorney's fees under the provisions of Title 29 U.S.C § 201 et seq., and specifically under the provisions of Title 29 U.S.C. § 216(b) (the "Act").

6. Jurisdiction is conferred on this Court by Title 28 U.S.C. § 1337 and by Title 29 U.S.C. § 216(b). Defendants are, and at all times pertinent to this Complaint was, engaged in interstate commerce. At all times pertinent to this Amended Complaint, Defendants, U.S. INSTALLATION GROUP, INC., and BRUCE DELUCA, Individually, regularly operates numerous business. Based upon information and belief the annual gross revenue of Defendants was in excess of \$500,000.00 per annum.

7. By reason of the foregoing, Defendants was, during all times hereafter mentioned, an enterprise engaged in commerce or in the production of goods for commerce as defined in § 3(r) and § 3(s) of the Act, 29 U.S.C. § 203(r) and § 203(s).

8. The additional persons who may become Plaintiffs in this action are other weekly paid and/or salaried employees and/or former employees of the Defendants who are and who were subject to the payroll practices and procedures and who were not paid time and one-half of their regular rate of pay for all overtime hours worked beginning on or after May 2004.

9. At all times pertinent to this Amended Complaint Defendants failed to comply with Title 29 U.S.C. §§ 201-219 and DOL Regulation 29 C.F.R. §§ 516.2 and 516.4 in that Plaintiff and

those similarly situated to Plaintiff performed services for Defendants for which no provisions was made by the Defendants to properly pay Plaintiffs for those hours.

10. From March, 2006 through December, 2006, Plaintiff, VAHID RAHRAVEN, was employed by Defendants. By reason of such employment, Plaintiff was employed during such period by an enterprise engaged in commerce with the meaning of 29 U.S.C. §§ 206(a) and 207(a). Further, Plaintiff, himself was engaged in commerce. The work performed by Plaintiff was directly essential to Defendants, U.S. INSTALLATION GROUP, INC., and BRUCE DELUCA, Individually, in interstate commerce, which was directly essential to the business performed by Defendants.

11. Plaintiff's employment with Defendants provided for compensation on a weekly basis. Plaintiff was not paid time and one-half of his regular rate of pay for all hours worked in excess of forty (40) during a work week.

12. In the course of employment with Defendants, Plaintiff and all other similarly situated employees, worked the number of hours required of them but was not paid time and one-half of their regular rate of pay for all hours worked in excess of forty (40) during a work week.

13. The records, if any, concerning the number of hours actually worked by Plaintiff and the compensation actually paid to them are in the possession, custody and control of Defendants.

14. Plaintiff asserts he is entitled to his overtime premium for his dates of employment of March, 2006 through December, 2006 for a period of 42 weeks.

15. Plaintiff was being compensated at a salary of \$40,000.00 a year and worked an average of 14 hours of overtime per week. Plaintiff claims time and one-half = \$8.21 an hour x 18 hours per work week x 42 weeks = \$6,206.76. Plaintiff would be entitled to \$6,206.76 plus liquidated damages and plus attorneys fees and costs.

COUNT 1
RECOVERY OF OVERTIME COMPENSATION
As to all Defendants

Plaintiff re-adopts and re-alleges all allegations contained in Paragraph 1 through 15 above.

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

17. By reason of said intentional, willful and unlawful acts of Defendants, U.S. INSTALLATION GROUP, INC., and BRUCE DELUCA, Individually, Plaintiff suffered damages plus incurring costs and reasonable attorney's fees.

18. As a result of Defendants' willful violation of the Act, all Plaintiff's are entitled to liquidated damages in an equal amount to that set forth in Paragraph 16 above.


19. Plaintiff demands trial by jury.

WHEREFORE, for work weeks beginning on or after May, 2004, Plaintiff, VAHID RAHRAVEN, and those similarly situated demands judgment against Defendants, U.S. INSTALLATION GROUP, INC., and BRUCE DELUCA, Individually, for the wages and overtime payments due them for the hours worked by them for which they have not been properly compensated, liquidated damages and reasonable attorney's fees and costs of suit, and for all proper relief including prejudgment interest.

DATED THIS 9, day of May, 2007.

Respectfully submitted,

CHARLES H. BECHERT, III, P.A.
JOSEPH M. MAUS, P.,A
Counsel for Plaintiff
750 East Sample Road
Building # 2, Suite 103 -102
Pompano Beach, Florida 33064
Tel: (954) 941-8363
Fax: (954) 941-8337
Tripchb@aol.com

By:  Charles H. Bechert, III, Esq.
Charles H. Bechert, III, Esquire
Fla. Bar # 985971

JS 44 (Rev. 11/05)

CIVIL COVER SHEET

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

VAHID RAHRAVEN, on behalf of himself and all others similarly situated,

(b) County of Residence of First Listed Plaintiff Broward
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Charles H. Bechert III P.A. & Joseph M. Maus, P.A.
750 E. Sample Road, Bldg. 2, Ste. 103, Pompano Beach, FL 33064
Ph. 954-941-8363 / Fax: 954-941-8337

DEFENDANTS

U.S. INSTALLATION GROUP, INC., and BRUCE DELUCA, Individually

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

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT LAND INVOLVED.

Attorneys (If Different)

CIVIL - JORDAN
Torres
07-60679

FILED
2007 MAY 14 PM 3:15
CLERK OF DISTRICT COURT
INDIAN RIVER
OKEECHOBEE HIGHLANDS

(d) Check County Where Action Arose: MIAMI-DADE MONROE BROWARD PALM BEACH MARTIN ST. LUCIE INDIAN 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)

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III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|---|--------------------------------|---|--------------------------------|---|
| Citizen of This State | <input checked="" type="checkbox"/> PTF 1 | <input type="checkbox"/> DEF 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> PTF 4 | <input checked="" type="checkbox"/> DEF 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

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

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input checked="" type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

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. 216(b) Overtime Wage Claim
 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] 5-9-07

FOR OFFICE USE ONLY

AMOUNT 3600 RECEIPT # _____ IFP _____

540032