



DEBT BUSTING

NEWSLETTER

John's Hot Topic

When your employer Cheats YOU!

It is very likely you might be an hourly worker. And, if you are not, you probably know of several. What you might not know is that businesses large and small steal tens and sometimes hundreds of thousands of dollars from their employees by shaving the recorded hours an employee has worked and, in many cases, simply telling an employee to clock out and keep working. Of course, there are also countless numbers of employees who routinely come in early, work through lunch, stay late or take work home with them and never get paid for these efforts.

This summer saw a resurgence in overtime violations for our clients. As many of you know, before consumer law became such a dominating force and effective way to assist our clients, we focused heavily on employment law related matters. In fact, we recently filed two motions seeking "Conditional Class Certification" to obtain "Class Action Status" for the following cases:

Loruso v. Sun Holdings, LLC., is known internally as our "Golden Corral" case because Sun Holdings, LLC., (aka, Sun Steaks, LLC) operates no less than eight Golden Corral locations in the State of Florida, including locations at Largo/Tampa/Temple Terrace/Pompano Beach and Pembroke Pines. In this case, the



lead Plaintiff and at least eight other "opt-ins" have made allegations that Golden Corral required the servers (waiters/waitresses) to "clock out and keep on working". Each employee has claimed that Golden Corral forced them to work off the clock for between five and ten hours a week.

Roberto Robbins et al v. Hurricane Lounge, Inc., is also a "class action" case and there are approximately 27 current and former employees who have "opted-in" to this case. The Hurricane is a local landmark in Pass-a-Grille and has been in business for over fifty years. Our "Hurricane Victims" are everyday people who currently work or did work for the Hurricane, in a waitstaff position. Each of the 27 employees we represent have alleged that their supervisors collected a portion of the waitstaff tips unlawfully. In other words, each

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has alleged that The Hurricane Management took tips from the servers without permission or consent. In addition, the "Hurricane Victims" allege that they have been required to pay for "walk-outs" and to pay the management tips on the gross sales, even if no tip was ever collected.

"Overtime cases" and/or "minimum wage cases" are typically governed by the Fair Labor Standards Act. In essence, the purpose of the FLSA is to ensure that hourly workers are compensated for every hour they work, at the appropriate rate of pay. Wage and hour violations come in many forms. First, many folks come in to work early or stay late or even take work home with them, without compensation or after being "clocked out". Second, many workers, especially those working in the food service industry, are forced to pay for "walk-outs" or share tips inappropriately. Indeed, many restaurant workers are even required to do "side-work" which amounts to common labor. The problem?

Those same workers are not paid the minimum wage required by law, but instead paid at the waitress/waiter rate, which is essentially half of the minimum wage. As a result of this type of practice, restaurant workers can be cheated out of hundreds or even thousands of dollars and when those amounts are multiplied by the number of workers these restaurants employ, you can quickly see where the business is unjustly benefiting from the sweat of their employees, who often feel powerless.

The good news is, no one should feel powerless if they are not being paid for all of the hours they work. The Fair Labor Standards Act is strong legislation. Employers can be forced to pay not only back wages, but also liquidated damages as well as court costs and attorney fees. This month, our office has been working actively on two multi-plaintiff class cases involving many workers who were not paid for all of the hours they worked or who were otherwise cheated out of their wages.

Accepting Cases Statewide

Many of you reside in either Tampa or Hillsborough County. What you may not know is that the Law Office of W. John Gadd will accept cases throughout the State of Florida. In fact, our office has taken cases as far north as Jacksonville and as far south as Miami and Key West. The cases that we focus on are not limited to just a few counties, but are issues statewide. Folks in South Florida have debt collectors in their life just as those in Tallahassee. Indeed, many of you may have friends and family in other counties that are dealing with debt collectors or who need to improve their credit score. Likewise, you may have friends or family that are being cheated by their employer. By use of general aviation, our office has been able to repeatedly service clients who might otherwise have a hard time finding legal assistance.



This communication is intended for existing clients of W. John Gadd, Esq. If you have received this communication by mistake, please contact my office at 727-524-6300. Though this newsletter is intended for existing clients only, please keep in mind that the hiring of a lawyer is an important decision that should not be based solely upon advertisements. Before you decide, ask us to send you free written information about our qualifications and experience.

Debt Busting is defined by this office as taking the necessary steps to protect yourself from unsubstantiated or challenged debt and taking the steps necessary to learn your rights and to enforce them by using the consumer law statutes in your favor when applicable, including but not limited to Fla. Statute Section 559-72 as well as the Telephone Consumer Protection Act, the Fair Debt Collection Practices Act and the Fair Credit Reporting Act.

Our success stories





Consumer Law

BASICS

As our existing clients know, consumer law is an important topic at our office. Everyone needs to know the basics of their consumer law rights. Why? Every one of us is a consumer and we will remain consumers throughout the entirety of our active lives. Accordingly, everyone needs to be aware of the following:

1. Pull your credit report at least once a year.
2. Bring your debt collection letters into the office.
3. Do not delete your cell phone log.
4. **Participate!** If you do not stay in touch with our office and if you do not heed steps 1-3, your odds of improving your credit or improving your consumer lot in life is going to be slim to none. However, those that do participate, we have a proven record of obtaining results and resolutions.



Pet of the Month

Our "Pet of the Month" belongs to Wanda Sherlock. Wanda and Harley have been with our office for approximately two years. Harley is a licensed service animal who has the ability to detect dangerous situations with Wanda's personal condition. Harley, has the innate ability to assist Wanda with her activities of daily living. Ms. Sherlock recently did battle with a local Home Owners Association who was determined to evict Ms. Sherlock on account of Harley, in violation of the Fair Housing Act. Much to the surprise of the Home Owners Association, it turns out that the disabled and even service dogs have rights too! Who would have guessed that?

Spotting Luna

Luna had a full and complete summer by the standards of any dog. Luna lived up to her legend by snagging three ducks from the office as well as two chickens and countless lizards closer to home. With the Weimaraner breed, there is a clear pecking order to life: If you're smaller than the Weimaraner, you'd better move fast. Despite the hunting instincts, the breed is absolutely friendly to people of any shape or size, especially if any manner of treat or food is involved.



The results our clients have obtained are not necessarily representative of results obtained by the lawyer in each case. Every case is different, and each client's case must be evaluated and handled on its own merits. Each consumer's individual facts and circumstances may differ. These featured testimonials are not necessarily representative of all clients' experience with this law office.





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From Nikkie's Desk

The past months have been busier than ever and the office relocation is finally complete. The additional space has been a great advantage for office operational needs as well as the comfort of the clients, who can often spend great amounts of time going over credit reports and issuing cease and desist letters or validation letters or otherwise challenging debt collectors and protecting their rights.

While most of you have heard the lecture before, I want to take this opportunity to stress that each of you (who have an interest in credit repair or moving your consumer cases along) really must stay in touch with the office and you need to make sure to save your debt

OFFICE LUNCHEON March 5, 2015 @ 1:00 pm

Come have lunch on us and learn how to
**Repair Your Credit and Get Debt
Collectors to Stop Calling You.**
First 20 clients to respond can bring a
friend who may be in need of help.

**Space is limited so, CALL TODAY
to reserve your spot
(727) 524-6300**

collection letters and preserve your phone logs. If you are careless and if you throw your debt collection letters away or delete your phone logs, it may be impossible for us to help you. *However, if you stay in touch with our office, preserve your debt collection letters and phone logs, there is a great chance that we can assist you and/or your family, just as we have with countless others.* Having worked in this office for nearly two years, I can attest that those who help us help themselves succeed the most.