

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
GAINESVILLE DIVISION**

WILLIE JONES,

Plaintiff,

v.

Case No. 1:14cv212-MW/GRJ

**GAINESVILLE HOTEL MANAGEMENT,
LLC, D/B/A PARAMOUNT PLAZA HOTEL
& SUITES,**

Defendant.

_____ /

ORDER DENYING MOTION TO DISMISS

Plaintiff has filed suit under the Fair Labor Standards Act (“FLSA”), 29 U.S.C. §§ 201-216, alleging violations of overtime wage laws. ECF No. 1. Defendant has moved to dismiss under Federal Rule of Civil Procedure 12(b)(6), arguing that Plaintiff has failed to state a claim upon which relief can be granted. ECF No. 10. This Court has considered, without hearing, Defendant’s motion to dismiss. The motion is denied.

“To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’ A claim has facial plausibility when the plaintiff pleads factual content that allows

the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (internal citation omitted).

Plaintiff alleges that Defendant failed to pay her overtime wages as required by the FLSA. “To state a claim for failure to pay minimum (or overtime) wages under FLSA, a plaintiff must demonstrate that (1) he is employed by the defendant, (2) the defendant engaged in interstate commerce, and (3) the defendant failed to pay him minimum or overtime wages.” *Freeman v. Key Largo Volunteer Fire & Rescue Dep’t Inc.*, 494 F. App’x 940, 942 (11th Cir. 2012) (internal citation omitted).

Defendant moves to dismiss the complaint, claiming that Plaintiff has failed to plead sufficient facts that Plaintiff was owed, and Defendant failed to pay, overtime wages. However, in the amended complaint, Plaintiff pleads that he worked as a housekeeping person/lobby attendant for Defendant since approximately June or July 2012 through October 2013; he worked in excess of forty hours in various workweeks for which he was not paid overtime; and cites the applicable statute under which he brings his claim. ECF No. 7. Plaintiff more specifically pleads that instead of paying him overtime for all hours worked over forty in a workweek, Defendant “moved” said time to a different week. *Id.*

Although not overly detailed, these allegations of fact are sufficient and all that the law requires in this stage of litigation. *See Sec’y of Labor v. Labbe*, 319 F.App’x 761, 763-64 (11th Cir. 2008) (“The complaint alleges that since June 16, 2002, Labbe repeatedly violated stated provisions of the FLSA by failing to pay covered employees minimum hourly wages and to compensate employees who worked in excess of forty hours a week at the appropriate rates. . . . While these allegations are not overly detailed, we find that a claim for relief for failure to pay minimum wage [or] to provide overtime compensation . . . under the FLSA does not require more.”); *Vestey v. Publix Super Markets, Inc.*, No. 8:13-CV-2281-T-30TBM, 2013 WL 5929061, at *2 (M.D. Fla. 2013) (“The Eleventh Circuit has not required that the Plaintiff plead the exact or estimated hours of uncompensated time in his complaint.” (internal citations omitted)); *Dobbins v. Scriptfleet, Inc.*, 2012 WL 601145, at *3 (M.D. Fla. 2012) (rejecting Defendant’s argument that Plaintiff must plead an estimate of the amount of uncompensated hours a plaintiff worked.).

Accordingly, Plaintiff has alleged sufficient facts to state a claim under the

FLSA for failure to pay overtime wages.

For the reasons stated,

IT IS ORDERED:

The motion, ECF No. 10, is **DENIED**.

SO ORDERED on January 29, 2015.

s/Mark E. Walker
United States District Judge