

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
FORT LAUDERDALE DIVISION**

CASE NO:

SAGE EPSTEIN,

Plaintiff,

v.

METHOD HEALTH, LLC.,
a Florida limited liability company,
APEX FLORIDA, LLC, a Florida
limited liability company,

Defendants.

COMPLAINT FOR DAMAGES AND DEMAND FOR JURY TRIAL

Plaintiff, SAGE EPSTEIN (“Plaintiff”) pursuant to *29 U.S.C. § 216(b)* files the following Complaint against Defendants, METHOD HEALTH, LLC, (hereinafter “METHOD HEALTH”), and APEX FLORIDA, LLC, (hereinafter “APEX”), (collectively referred to as “Defendants”), and alleges as follows:

INTRODUCTION

1. Defendants unlawfully deprived Plaintiff of overtime wages during the course of her employment. This action arises under the Fair Labor Standards Act (“FLSA”) pursuant to *29 U.S.C. §§ 201–216*, to recover all overtime wages that Defendants refused to pay Plaintiff during the course of her employment period.

PARTIES

2. During all times material hereto, Plaintiff was a resident of Broward County, Florida, over the age of 18 years, and otherwise *sui juris*.

3. During all times material hereto, Defendant, METHOD HEALTH, was a Florida limited liability company located and transacting business within Fort Lauderdale, Florida, within the jurisdiction of this Honorable Court. METHOD HEALTH is headquartered and operates its principal location at 2810 E. Oakland Park Blvd., Suite 200(A), Fort Lauderdale, Florida 33306.

4. Defendant, METHOD HEALTH, was Plaintiff's employer, as defined by 29 U.S.C. § 203(d), during all times pertinent hereto

5. During all times material hereto, Defendant, APEX, was a Florida limited liability company located and transacting business within Fort Lauderdale, Florida, within the jurisdiction of this Honorable Court. APEX is headquartered and operates its principal address at 1164 East Oakland Park Blvd., Suite 201, Oakland Park, Florida 33334.

6. During all times material hereto, Defendant, APEX was also Plaintiff's employer, as defined by 29 U.S.C. § 203(d).

7. Defendants, METHOD HEALTH and APEX, were Plaintiff's joint employers, as that term is defined by the FLSA and pertinent regulations.

JURISDICTION AND VENUE

8. All acts and/or omissions giving rise to this dispute took place within Broward County, Florida, which falls within the jurisdiction of this Honorable Court.

9. Defendants, METHOD HEALTH and APEX are headquartered and regularly transact business in Broward County, Florida. Thus, jurisdiction is proper within the Southern District of Florida pursuant to 29 U.S.C. § 216(b) and 28 U.S.C. §§ 1331 and 1337.

10. Venue is also proper within the Southern District of Florida pursuant to 29 U.S.C. § 216(b) and 28 U.S.C. § 1391(b).

GENERAL ALLEGATIONS

11. Defendant, METHOD HEALTH, purports to provide men, women and children with physician directed programs to optimize health and wellness. *See* <https://www.linkedin.com/company/methodhealth/about/> (last visited July 14, 2021).

12. Defendant, METHOD HEALTH, purports to employ 11-50 individuals. *See* <https://www.linkedin.com/company/methodhealth/about/> (last visited July 14, 2021).

13. Defendant, APEX, is a comprehensive pain management clinic and has been operating in Florida since at least 2010.

FLSA COVERAGE

14. Defendant, METHOD HEALTH, is covered under the FLSA through enterprise coverage, as METHOD HEALTH was engaged in interstate commerce during Plaintiff's employment period. More specifically, METHOD HEALTH's business and Plaintiff's work for METHOD HEALTH affected interstate commerce because the goods and materials Plaintiff and other employees used and/or handled on a constant and/or continuous basis moved through interstate commerce prior to or subsequent to Plaintiff's use of the same. Accordingly, Defendant, METHOD HEALTH, was engaged in interstate commerce pursuant to 29 U.S.C. § 203(s)(1)(A).

15. During her employment with Defendant, METHOD HEALTH, Plaintiff and multiple other employees handled and worked with various good and/or materials that moved through interstate commerce, including, but not limited to: cell phones, clothing, computers, computer keyboards, desk organizers, hand sanitizer, protective gowns, masks, gloves, face shields, stethoscopes, needles, syringes, sterilization products, Band-Aids, gauzes, Tylenol, chairs, pens, paper, pencils, folders, prescription pads, calendars, envelopes, stamps, printers, IVs, blood collection tubes, blood safety lancets, tourniquets, etc.

16. Defendant, METHOD HEALTH, regularly employed two (2) or more employees for the relevant time period, and these employees handled the same or similar goods or materials as Plaintiff, thus making Defendant, METHOD HEALTH an enterprise covered by the FLSA.

17. Defendant, METHOD HEALTH, grossed or did business in excess of \$500,000.00 during the years of 2018, 2019, 2020 and is expected to gross in excess of \$500,000.00 in 2021.

18. Defendant, APEX, is covered under the FLSA through enterprise coverage, as APEX was engaged in interstate commerce during Plaintiff's employment period. More specifically, APEX's business and Plaintiff's work for APEX affected interstate commerce because the goods and materials Plaintiff and other employees used and/or handled on a constant and/or continuous basis moved through interstate commerce prior to or subsequent to Plaintiff's use of the same. Accordingly, Defendant, APEX, was engaged in interstate commerce pursuant to 29 U.S.C. § 203(s)(1)(A).

19. During her employment with Defendant, APEX, Plaintiff and multiple other employees handled and worked with various good and/or materials that moved through interstate commerce, including, but not limited to: cell phones, clothing, computers, computer keyboards, desk organizers, hand sanitizer, protective gowns, masks, gloves, face shields, stethoscopes, needles, syringes, sterilization products, Band-Aids, gauzes, Tylenol, chairs, pens, paper, pencils, folders, prescription pads, calendars, envelopes, stamps, printers, IVs, blood collection tubes, blood safety lancets, tourniquets, etc.

20. Defendant, APEX, regularly employed two (2) or more employees for the relevant time period, and these employees handled the same or similar goods or materials as Plaintiff, thus making Defendant, APEX an enterprise covered by the FLSA.

21. Defendant, APEX, grossed or did business in excess of \$500,000.00 during the years of 2018, 2019, 2020 and is expected to gross in excess of \$500,000.00 in 2021.

22. During all material times hereto, Plaintiff was a non-exempt employee of Defendants, METHOD HEALTH and APEX, within the meaning of the FLSA.

JOINT ENTERPRISE COVERAGE

23. During all times material hereto, Defendants METHOD HEALTH and APEX performed substantially related activities, as both corporate entities focused their operation on providing health and wellness services to their patients.

24. Defendants, METHOD HEALTH and APEX used central management and/or common control to effectuate the business needs of both entities.

25. Moreover, during all times material hereto, Defendants, METHOD HEALTH and APEX, were engaged in offering substantially the same or similar services to their clients, customers, patients and employees.

26. Defendants, METHOD HEALTH and APEX also shared a common business purpose during all times material hereto.

27. During all times material hereto, Defendant, METHOD HEALTH used APEX's assistance in its operations and vice-versa.

28. During times material hereto, supervisors for APEX managed and supervised METHOD HEALTH employees, including Plaintiff, and vice-versa.

29. Upon information and belief, the gross revenue of Defendants, METHOD HEALTH and APEX, was collectively in excess of \$500,000.00 in 2018, 2019, 2020 and are expected to collectively gross in excess of \$500,000.00 in 2021.

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