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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

BLANCA JEREZ

Plaintiffs,

-v-

DEMARIA'S HEMLOCK HILL FARM,
LLC (DBA Hemlock Hill Farm) JOHN N.
DEMARIA and LAURA DEMARIA, *in*
their individual and professional capacity,
Defendants.

COMPLAINT

JURY TRIAL DEMANDED

NATURE OF THE ACTION

1. Plaintiff BLANCA JEREZ (collectively "Plaintiff") brings this action under the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 216 (b) in order to remedy Defendants' wrongful withholding of Plaintiffs' lawfully earned wages and overtime compensation. Plaintiff also bring these claims under New York Labor Law ("NYLL"), Article 6, §§ 190 *et seq.*, and Article 19 §§ 650 *et seq.* as well as the supporting New York State Department of Labor Regulations for violations of minimum wages, overtime wages, spread-of-hours pay, misappropriation of tips, and notice and record-keeping requirements.

SUMMARY

2. Plaintiff was employed by Defendants, DEMARIA'S HEMLOCK HILL FARM, LLC, JOHN N. DEMARIA and LAURA DEMARIA (collectively "Defendants") as a clerk at the butcher shop for Defendants' farm.

3. Plaintiffs' job duties included, but were not limited to, feed the animals.

4. The farm had a time clock system intended for employees to clock in their hours.

5. Plaintiff was not paid properly for the entire number of hours she worked.

6. Plaintiff worked long hours exceeding fifty-four (54) hours per week for Defendants.

7. Defendants have repeatedly deprived Plaintiff of her lawfully earned wages, overtime and spread-of-hours premium.

8. Defendants also repeatedly delayed paying Plaintiffs their lawfully earned wages even after continuous reminders from Plaintiff.

9. The Individual Defendants are associated and are joint employers, act in the interest of each other with respect to Corporate Defendants' employees, and have common policies and practices as to wages and hours.

10. Defendants accepted the benefits of Plaintiffs' labor, and in return Plaintiff received less than what was legally required in compensation.

11. As a result of Defendants' actions, Plaintiff has suffered great hardship and damages.

JURISDICTION AND VENUE

Federal Question Jurisdiction and Supplemental Jurisdiction

12. This Court has original subject matter jurisdiction over this action under 28 U.S.C. § 1331 because the civil action herein arises under the laws of the United States, namely, the Fair Labor Standards Act and 29 U.S.C. §201 *et seq.* Additionally, this Court also has supplemental jurisdiction over Plaintiffs' state law claims under 28 U.S.C. §1367.

Personal Jurisdiction

13. This Court may properly maintain personal jurisdiction over Defendants under Rule 4 of the Federal Rules of Civil Procedure because Defendants' contacts with this state and this judicial district are sufficient for exercise of jurisdiction over Defendants so as to comply with traditional notions of fair play and substantial justice.

Venue

14. Venue is proper in the Southern District of New York under 8 U.S.C. §§1391 (b) (1) and (2) because Defendants reside and conduct business in this judicial district and because a substantial part of the acts or omissions giving rise to the claims set forth herein occurred in this judicial district.

THE PARTIES

(Plaintiffs)

BLANCA JEREZ

15. Plaintiff Blanca Jerez ("Jerez") is an adult individual residing in the state of New York, Westchester County.

16. Jerez is a covered employee within the meaning of the FLSA and the NYLL.

17. Jerez worked for Defendants from June 11, 2019 until March 16, 2022.

1 18. Jerez was employed at Hemlock Hill Farm a farm owned by Defendants, located
2 at 500 Croton Avenue Cortlandt, NY 10567.

3 19. Jerez's duties included, but were not limited to: feeding the farm animals

4 20. During the period of her employment with Defendants, Jerez worked six days per
5 week for an average of nine hours per day. From the second week of January 2022 until the date
6 of termination she worked Monday through Friday.
7

8 21. Ledesma was scheduled to work from 7:30 a.m. to 5 p.m. Nevertheless, Jerez was
9 frequently required to stay working past her shift to attend to customers.

10 22. Throughout her employment with Defendants, Jerez was being compensated at a
11 rate of Seventeen Dollars (\$17) per hour. In 2021, they raised her hourly wage to twenty-one
12 (\$21) per hour. She was paid in cash.
13

14 23. In 2020, she worked 1 or 2 hours of overtime a week. From April 2021 until
15 January 2022, she worked more hours, sometimes working on Sunday and leaving her post at 5
16 or 6 P.M.
17

18 24. Defendant repeatedly suffered or permitted Jerez to work over fifty-four (54)
19 hours per week, which is in excess of the standard forty (40) hours per week, as a farmworker
20 without paying her the appropriate premium overtime pay of one- and one-half times the
21 statutory minimum.
22

23 25. Jerez was not provided with a notice containing the rate and basis of her pay; the
24 designated pay date; and the employer's name, address and telephone number at the time of
25 hiring or at any point thereafter.

26 26. Jerez was never provided with wage statements detailing dates worked, money
27 received and the employer's details at any point during the time of her employment with
28

1 Defendants.

2 27. Upon information and belief, while Defendants employed Jerez, they failed to
3 post notices explaining the minimum wage rights of employees under the FLSA and NYLL and
4 failed to inform Jerez of such rights.

5 28. Throughout the duration of her employment, Jerez did not have any supervisory
6 authority nor did she exercise discretion or independent judgment with respect to matters of
7 significance.

8 29. Jerez consents to be a party to the FLSA claims in this action, pursuant to 29
9 U.S.C. §216(b).

10
11 **(Corporate Defendant)**

12 **DEMARIA'S HEMLOCK HILL FARM, LLC**

13 30. DEMARIA'S HEMLOCK HILL FARM, LLC ("Hemlock Hill Farm") is a
14 corporation doing business in New York as "Hemlock Hill Farm".

15 31. DEMARIA'S HEMLOCK HILL FARM, LLC owns and operates Hemlock Hill
16 Farm, a farm, located at 500 Croton Avenue Cortlandt, NY 10567.

17 32. At all relevant times, Hemlock Hill Farm was a covered employer and "an
18 enterprise engaged in commerce" within the meaning of the FLSA and the NYLL.

19 33. At all relevant times, Hemlock Hill Farm maintained control, oversight, and
20 direction over the Plaintiff, including timekeeping, payroll and other employment practices that
21 applied to them.

22 34. Upon information and belief, at all relevant times, DEMARIA'S HEMLOCK
23 HILL FARM, LLC 's annual gross volume of sales made, or business done, was not less than
24 \$500.000, exclusive of separate retail excise taxes, within the meaning of the FLSA, 29 U.S.C.

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