

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

MARK LEVENSON,

Plaintiff,

vs.

CHARTER SCHOOLS USA, INC.,
a Foreign Corporation,

Defendants.

06-61076

CIV - ALTONAGA

MAGISTRATE JUDGE
TURNOFF

COMPLAINT AND DEMAND FOR TRIAL BY JURY

Plaintiff, MARK LEVENSON (Levenson), sues Defendant, CHARTER SCHOOLS USA, INC., a Foreign Corporation (CSUSA), and avers the following:

Introduction, Parties, Jurisdiction, and Venue

1. This is an action pursuant to the Fair Labor Standards Act, 29 U.S.C. §201, *et seq.* (“FLSA” or the “Act”), to recover damages for the retaliatory conduct of the Defendant to Plaintiff.
2. Plaintiff is a citizen and resident of Sarasota County, Florida, and is *sui juris*.
3. Defendant CSUSA is a for-profit corporation organized under the laws of the State of Delaware with its principal place of business of 6245 North Federal Highway, Fifth Floor, Fort Lauderdale, Florida.
4. Jurisdiction of this action is founded upon §216(b) of the FLSA [29 U.S.C. 216(b)] and by Title 28 U.S.C. §1337.
5. Venue is proper in this Court because the Defendant transacts business and has its principal place of business in this District.

Mark Levenson v. Charter Schools USA, Inc.
Complaint

General Allegations

6. CSUSA is a development and management company of charter schools, kindergarten through 12th grade, which span throughout the State of Florida.

7. From approximately May 1, 2004 to June 23, 2006, Plaintiff Levenson was employed by CSUSA as Senior Vice President of Human Resources and Administration.

8. During the term of Plaintiff's employment with Defendant CSUSA, he noted and complained about widespread violations of the Fair Labor Standards Act, 29 U.S.C. §201, *et. seq.*

9. Subsequent to his report of the widespread violations, Defendant CSUSA severely altered the conditions of Plaintiff's employment and created an abusive working environment.

10. On June 23, 2006, Defendant CSUSA terminated Plaintiff's employment.

Count I - Retaliation

11. Plaintiff re-alleges and incorporates herein by reference the allegations set forth in Paragraph Nos. 1 through 10 above.

12. Plaintiff Levenson was constructively discharged from his employment with Defendant CSUSA as a direct result of, and in retaliation for, his reporting of and opposition to violation of the Fair Labor Standards Act.

13. Defendant CSUSA retaliated against Plaintiff Levenson as a direct result of, and in retaliation for, his reporting of and opposition to violations of the Fair Labor Standards Act.

14. Defendant CSUSA retaliated against Plaintiff Levenson by creating a hostile work environment to interfere with his job performance and eventually terminating his employment.

15. As a result of Defendant's unlawful retaliation, Plaintiff Levenson has suffered, and continues to suffer damages.

Mark Levenson v. Charter Schools USA, Inc.
Complaint

WHEREFORE, Plaintiff, Mark Levenson, demands judgment against Defendant, Charter Schools USA, Inc., for all of his damages, compensation, lost wages, liquidated damages pursuant to the Act, benefits, pre-judgment interest, costs, attorney's fees pursuant to the FLSA, and such other and further relief that this Court deems to be just and proper.

Demand for Trial by Jury

Plaintiff requests a trial by jury on all issues so triable.

Respectfully Submitted,

**THE HODKIN KOPELOWITZ
OSTROW FIRM, P.A.**
Counsel for Plaintiff
350 East Las Olas Boulevard, Suite 980
Fort Lauderdale, FL 33301
Telephone No. (954) 525-4100
Facsimile No. (954) 525-4300

Dated: July 18, 2006

By: _____



ADAM J. HODKIN
Florida Bar No. 962597
STEPHEN J. PADULA
Florida Bar No. 182362

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)

I.(a) PLAINTIFF

Mark Levenson

CIV - ALTONAGA DEFENDANTS

Charter Schools USA, Inc.

**(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF
(EXCEPT IN US PLAINTIFF CASES)**

Broward County, Florida

**COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT
(IN US PLAINTIFF CASES ONLY)**

BROWARD

**MAGISTRATE JUDGE
TURNOFF**

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

06-61076

(c) ATTORNEYS (FIRM NAME ADDRESS AND TELEPHONE NUMBER)

The Hodkin Kopelowitz Ostrow Firm, P.A.
350 East Las Olas Boulevard, Suite 980
Ft. Lauderdale, Florida 33301
Telephone No. (954) 525-4100

ATTORNEYS (IF KNOWN)

(d) CIRCLE COUNTY WHERE ACTION AROSE DADE, MONROE, BROWARD, PALM BEACH, MARTIN, ST. LUCIE, INDIAN RIVER, OKEECHOBEE HIGHLANDS

II. BASIS OF JURISDICTION

(PLACE AN X IN ONE BOX ONLY)

- 1 US Government Plaintiff
- 2 US Government Defendant
- 3 Federal Question (US Government Not a Party)
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES
(For Diversity Cases Only)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 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. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from another district (specify)
- 6 Multidistrict Litigation
- 7 Appeal to District Judge from Magistrate Judgment

V. NATURE OF SUIT

(PLACE AN "X" IN ONE BOX ONLY)

A. CONTRACT	A. TORTS	FORFEITURE/PENALTY	A BANKRUPTCY	A 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"/> 161 Medicare Act <input type="checkbox"/> 162 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 163 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	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 891 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R R & Truck <input type="checkbox"/> 660 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other A 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	<input type="checkbox"/> 442 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 A PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark B SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395(f)) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (406(g)) <input type="checkbox"/> 864 SSD Title XVI <input type="checkbox"/> 865 RSM (406(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (US Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reappointment <input type="checkbox"/> 410 Annuity <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Services <input type="checkbox"/> 860 Securities/Commodities/Exchange <input type="checkbox"/> 876 Customer Challenge 12 USC 3410 <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"/> 960 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
A 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	A 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"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 610 Motions to Vacate Sentence HABEAS CORPUS <input type="checkbox"/> 630 General <input type="checkbox"/> 635 Death Penalty <input type="checkbox"/> 640 Mandamus & Other <input type="checkbox"/> 650 Civil Rights <input type="checkbox"/> 665 Prison Condition		<input type="checkbox"/> 896 Freedom of Information Act <input type="checkbox"/> 897 Customer Challenge 12 USC 3410 <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"/> 960 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions

VI. CAUSE OF ACTION

(CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

29 U.S.C. § 215 - FLSA Retaliation

LENGTH OF TRIAL via 2 days estimated (for both sides to try entire case)

VII. 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

VIII. RELATED CASE(S) IF ANY

(See instructions) JUDGE _____

DOCKET NUMBER _____

DATE

SIGNATURE OF ATTORNEY OF RECORD

July 18, 2006

FOR OFFICE USE ONLY
RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

537680