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Fla. Gas Stations Settle Cashier's Overtime Suit

By **Irene Spezzamonte**

Law360 (August 29, 2022, 2:32 PM EDT) -- A former cashier's proposed collective action accusing three gas stations of flouting overtime obligations was dismissed from Florida federal court Monday, two days after the stations reached a settlement with the worker.

In an order Sunday, U.S. Magistrate Judge Kyle C. Dudek **agreed to dismiss with prejudice** Estrella Acosta's overtime suit against gas stations Edison Petroleum, Evergreen Gas & Food Mart and Del Prado Gas & Food Mart and their owner. The parties said in a **joint stipulation of dismissal** Friday that they had reached a settlement.

The undisclosed settlement amount would cover 100% of Acosta's claimed unpaid overtime wages and liquidated damages, according to the filing. The gas stations also said they would pay Acosta's attorney fees and litigation costs, which were negotiated separately from the amount she would receive.

Acosta **sued the gas stations** in June, alleging the businesses failed to pay her and other workers time-and-a-half their regular rate of pay for the overtime work they performed, in violation of the Fair Labor Standards Act.

Acosta, who started working at the three gas stations in June 2020, said she typically worked 84 hours per week.

In her suit, Acosta said she quit her job as gas station attendant and cashier in May after she texted Hamza Rashid — the owner of the three gas stations, who was also a named defendant in the suit — and asked when she would receive compensation for her overtime.

Rashid ridiculed her for asking about overtime pay, saying, "No one in 30 years has gotten overtime ... how would you get it," Acosta said.

Acosta said refusing to pay workers overtime was a common policy at the stations and the three businesses failed to accurately track the hours employees worked.

The three gas stations and Rashid denied Acosta's allegations in a July response, saying her "claims are barred in whole or in part by virtue of her own unclean hands."

It was Acosta's responsibility to report her own hours, and she spent "a substantial amount of time" performing "activities that had nothing to do with her job such as creating a giant poster tracking lottery numbers," the gas stations and their owner said.

Matthew S. Toll of Toll Law, who is representing the gas stations and Rashid, said Monday, "This case was successfully settled through the work of competent counsel dealing with the minefield of incomplete information."

Jordan Richards of USA Employment Lawyers-Jordan Richards PLLC, who is representing Acosta, declined to comment Monday.

Acosta is represented by Jordan Richards and Jake Blumstein of USA Employment Lawyers-Jordan Richards PLLC.

Evergreen is represented by Matthew S. Toll of Toll Law.

The case is Acosta v. Evergreen Gas & Food Mart LLC et al., case number 2:22-cv-00365, in the U.S. District Court for the Middle District of Florida.

--Additional reporting by Grace Elletson. Editing by Roy LeBlanc.

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