

DC SUPERIOR COURT - CIVIL DIVISION

MARKO KOSKA, individually, and on behalf of  
all others similarly situated,

2300 24th Road South #1112, Arlington, VA  
22206

Plaintiff,

vs.

476 K, LLC, dba CLOAKROOM;

476 K Street Northwest, Washington, DC  
20001

ANTONIOS CAVASILIOS;

449 Salk Drive  
Gaithersburg, Maryland 20878

CARLOS HORCASITAS; and

2700 Southwest 27<sup>th</sup> Avenue, Apt. 816  
Miami, Florida 33133

MAYMAY HORCASITAS;

400 Florida Avenue Northeast  
Washington, DC 20002

Defendants.

Case No.: **2022 CA 003682 B**

COMPLAINT – CLASS ACTION

JURY TRIAL DEMANDED

**COLLECTIVE AND CLASS ACTION COMPLAINT**

Plaintiff, Marko Koska (hereinafter referred to as “Plaintiff”), individually and on behalf of all others similarly situated, by and through his attorneys, BROWN, LLC, hereby files this Collective and Class Action Complaint against Defendants, 476 K, LLC, doing business as “Cloakroom,” and its owners Antonios Cavasilios, Carlos Horcasitas, and Maymay Horcasitas (hereinafter referred to as “Defendants”), and alleges of his own knowledge and conduct and upon information and belief as to all other matters, as follows:

## INTRODUCTION

1. Plaintiff brings this action, individually and as a collective action on behalf of all other hourly-paid employees whose tips were unlawfully confiscated by Defendants and their managers, and seeks recovery of all such tips, plus liquidated damages, and reasonable attorneys' fees and costs pursuant to Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 216(b). ("Any employer who violates section 203(m)(2)(B) of this title shall be liable to the employee or employees affected in the amount of the sum of any tip credit taken by the employer and all such tips unlawfully kept by the employer, and in an additional equal amount as liquidated damages.").

2. Additionally, Plaintiff brings this action, individually, jointly, and on a collective and class pursuant to D.C. Code § 32-1308(a)(1)(C) and Rule 23 of the Superior Court Rules of Civil Procedure on behalf of all hourly-paid employees who were paid a "tipped minimum wage" pursuant to D.C. Minimum Wage Revision Act ("DCMWA"), D.C. Code § 32-1003(f) despite Defendants' failure to comply with the prerequisites set forth in D.C. Code § 32-1003(g), i.e. providing notice and allowing workers to keep their tips, and seeks recovery of all such tips, and the difference between their actual pay rates and the standard minimum wage applicable under D.C. Code § 32-1003(a)(5), plus treble damages, statutory penalties and reasonable attorneys' fees and costs, pursuant to D.C. Code § 32-1012 and the District of Columbia Wage Payment and Collection Law ("DCWPCL"), D.C. Code § 32-1308.

3. Defendants operate "Cloakroom," a multi-level adult entertainment venue located at 476 K Street Northwest, Washington, DC 20001.

4. Plaintiff and Defendants' other hourly-paid employees are/were victims of Defendants' common policies of:

- a. Keeping hourly-paid employees' tips, in violation of 29 U.S.C. § 203(m)(2)(B) ("An employer may not keep tips received by its employees for any purposes, including allowing managers or supervisors to keep any portion of employees' tips, regardless of whether or not the employer takes a tip credit.");
- b. Paying a "tipped minimum wage" pursuant to D.C. Minimum Wage Revision Act ("DCMWA"), D.C. Code § 32-1003(f) despite failing to comply with the prerequisites set forth in D.C. Code § 32-1003(g), i.e. providing adequate notice of the DCMWA's requirements and allowing workers to keep their tips.

5. Plaintiff brings his FLSA claims individually and on a collective basis pursuant to 29 U.S.C. § 216(b), on behalf of all of Cloakroom's current and former hourly-paid employees during the period of three (3) years before the filing of this action through the date of judgment.

6. Plaintiff brings his DCMWA and DCWPCL claims individually, jointly, and on a collective and class basis pursuant to D.C. Code § 32-1308(a)(1)(C) and Rule 23 of the Superior Court Rules of Civil Procedure, on behalf of all of Cloakroom's current and former hourly-paid employees during the period of February 26, 2015 through the date of judgment. *See* D.C. Code § 32-1308(c)(1) ("Any action commenced in a court of competent jurisdiction on or after February 26, 2015, to enforce any cause of action for unpaid wages or liquidated damages ... must be commenced within 3 years after the cause of action accrued, or of the last occurrence if the violation is continuous...."). Plaintiff seeks to toll the applicable limitations period under D.C. Code § 32-1308(c)(2)(B) based on Defendants' failure to provide hourly-paid employees with actual or constructive notice of their rights under D.C. Code § 32-1003(g).

### **JURISDICTION**

7. This Court has jurisdiction over this action pursuant to D.C. Code § 11-921.

8. This Court has personal jurisdiction over Defendants because they maintained systematic and continuous contacts with the District of Columbia by owning and operating Cloakroom (which is located in the District of Columbia), and Plaintiff's and the other hourly-paid employees' claims arise from those contacts.

### **PARTIES**

9. Plaintiff Marko Koska is a resident of Arlington County, Virginia, and was employed by Defendants as a "VIP Host" at the Cloakroom from approximately late 2017 to March 2020.

10. Pursuant to 29 U.S.C. § 216(b), Plaintiff has signed a consent form to join this lawsuit, which is attached as **Exhibit 1**.

11. Defendants operate "Cloakroom," a multi-level adult entertainment venue located at 476 K Street Northwest, Washington, DC 20001.

12. Defendant 476 K, LLC, doing business as "Cloakroom," is a District of Columbia for-profit limited liability company with a principal business address of 476 K Street Northwest, Washington, DC 20001.

13. Defendant 476 K, LLC's registered agent for service of process in the District of Columbia is Antonios Cavasilios, 476 K Street Northwest, Washington, DC 20001.

14. Defendant Antonios Cavasilios ("AC") is an owner of 476 K, LLC.

15. AC exerted operational and management control over Cloakroom, including day to day management.

16. AC was, and is, frequently present at, owned, directed, controlled and managed the operations at Cloakroom.

17. AC controlled the nature, pay structure, and employment relationship of hourly-paid employees.

18. AC had at all times relevant to this lawsuit, the authority to hire and fire employees at Cloakroom, the authority to direct and supervise the work of employees, the authority to sign on the business' checking accounts, including payroll accounts, and the authority to make decisions regarding employee compensation and capital expenditures. Additionally, he was responsible for the day-to-day affairs of Cloakroom.

19. AC was responsible for determining whether Cloakroom complied with the FLSA, the DCMWA, and the DCWPCL.

20. Defendant Carlos Horcasitas ("CH") is an owner of 476 K, LLC.

21. CH exerted operational and management control over Cloakroom.

22. CH controlled the nature, pay structure, and employment relationship of hourly-paid employees.

23. CH had the authority to hire and fire employees at Cloakroom, the authority to direct and supervise the work of employees, the authority to sign on the business' checking accounts, including payroll accounts, and the authority to make decisions regarding employee compensation and capital expenditures.

24. CH was responsible for determining whether Cloakroom complied with the FLSA, the DCMWA, and the DCWPCL.

25. Defendant Maymay Horcasitas ("MH") is an owner of 476 K, LLC.

26. MH exerted operational and management control over Cloakroom.

27. MH controlled the nature, pay structure, and employment relationship of hourly-paid employees.

28. MH had the authority to hire and fire employees at Cloakroom, the authority to direct and supervise the work of employees, the authority to sign on the business' checking accounts, including payroll accounts, and the authority to make decisions regarding employee compensation and capital expenditures.

29. MH was responsible for determining whether Cloakroom complied with the FLSA, the DCMWA, and the DCWPCL.

### **GENERAL ALLEGATIONS**

30. The foregoing paragraphs are hereby incorporated by reference as though the same were fully set forth at length herein.

31. Defendants employed Plaintiff and other members of the FLSA Class to assist with the operations of Cloakroom.

32. At all times relevant to this action, Cloakroom was an enterprise whose annual gross volume of sales made or business done exceeded \$500,000.

33. At all times relevant to this action, Cloakroom was an enterprise that has had employees engaged in commerce or in the production of goods for commerce, and handling, selling, or otherwise working on goods or materials that have been moved in or produced for commerce, including but not limited to Grey Goose and Absolut vodka, and Patron tequila.

34. Defendants' hourly-paid employees are individually engaged in commerce.

35. For example, Defendants' VIP Hosts are responsible for regularly processing electronic payments from customers, many of whom do not reside in the District of Columbia.

36. Defendants classified hourly-paid employees as non-exempt employees and paid them on an hourly basis without any guaranteed, predetermined amount of pay per week.

37. In addition, hourly-paid employees received tips from customers of Cloakroom.

38. Defendants paid many of their hourly-paid employees a “tipped minimum wage” pursuant to the DCMWA, D.C. Code § 32-1003(f), rather than at the standard minimum wage rates set forth in D.C. Code § 32-1003(a)(5).

39. For example, Plaintiff was paid an hourly rate of \$11 per hour when he last worked at Cloakroom in 2020.

40. In 2020, the DCMWA “tipped minimum wage” was \$5 per hour, and the standard minimum wage was \$15 per hour.

41. Defendants did not allow hourly-paid employees to keep all of the tips they received from customers of Cloakroom.

42. Defendants required hourly-paid employees to share their tips with salaried managers of Cloakroom, including but not limited to “George” and “Dan.”

43. In addition, Defendant AC collected portions of hourly-paid employees’ tips.

44. Defendant AC designated the portions of tips he collected as belonging to the “house” and did not distribute them to any hourly-paid employees or any other employees who customarily receive tips.

45. Defendants required hourly-paid employees to share their tips with the Cloakroom’s owners, managers, and/or supervisors, as alleged herein.

46. Defendants also required hourly-paid employees to share portions of their tips amongst each other.

47. Defendants failed to provide hourly-paid employees members with notice, in accordance with D.C. Code § 32-1008(c), of the provisions of D.C. Code § 32-1003(f).

48. Defendants did not provide hourly-paid employees with notice, in accordance with D.C. Code § 32-1008(c), that they were to retain all tips received.

49. Defendants did not provide hourly-paid employees with notice, in accordance with D.C. Code § 32-1008(c), of Defendants' tip-sharing policy.

50. Defendants did not post their tip-sharing policy.

51. Defendants failed to provide hourly-paid employees with notice, in accordance with D.C. Code § 32-1008(c), of the percentage by which tips paid via credit card would be reduced by credit card fees.

52. Defendants failed to provide hourly-paid employees with actual or constructive notice of their rights under the DCMWA, for purposes of D.C. Code § 32-1308(c)(2)(B).

53. Defendants were aware that the FLSA and DCMWA imposed requirements regarding its hourly-paid employees wages and tips, and knowingly failed to comply with those requirements, as alleged herein.

54. Defendants willfully violated the FLSA.

55. Defendants willfully violated the DCMWA.

#### **FLSA CLASS ACTION ALLEGATIONS**

56. The foregoing paragraphs are hereby incorporated by reference as though the same were fully set forth at length herein.

57. This action is brought individually and as a collective action pursuant to 29 U.S.C. § 216(b) to recover unlawfully confiscated tips and liquidated damages owed to Plaintiff and all similarly situated current and former employees of Defendants, plus reasonable attorneys' fees and costs.

58. The FLSA Class is defined as:

All of Cloakroom's current and former hourly-paid employees during the period of three (3) years before the filing of this action through the date of judgment.

59. Plaintiff reserves the right to amend this definition as necessary.



60. With respect to the claims set forth in this action, a collective action under the FLSA is appropriate because the putative members of the FLSA Class are “similarly situated” to Plaintiff under 29 U.S.C. § 216(b) because: (a) they have been or are employed in the same or similar positions; (b) they were or are subject to the same or similar unlawful practices, policy, or plan; and (c) their claims are based upon the same factual and legal theories.

61. The employment relationship between Defendants and every FLSA Class member is the same and differ only by name and rate of pay. The key issues – whether Defendants unlawfully confiscated hourly-paid employees’ tips – do not vary substantially among the FLSA Class members.

62. Plaintiff will request the Court to authorize notice to all current and former similarly situated employees employed by Defendants, informing them of the pendency of this action and their right to “opt-in” to this lawsuit pursuant to 29 U.S.C. § 216(b), for the purpose of seeking unlawfully confiscated tips and liquidated damages under the FLSA.

#### **DC CLASS ACTION ALLEGATIONS**

63. The foregoing paragraphs are hereby incorporated by reference as though fully set forth at length herein.

64. Plaintiff brings his DCMWA and DCWPCL claims individually, jointly, and on a collective and class pursuant to D.C. Code § 32-1308(a)(1)(C) and Rule 23 of the Superior Court Rules of Civil Procedure, to recover unlawfully confiscated tips, and the difference between their actual pay rates and the standard minimum wage applicable under D.C. Code § 32-1003(a)(5), plus treble damages, statutory penalties and reasonable attorneys’ fees and costs, pursuant to D.C. Code § 32-1012 and the DCWPCL, D.C. Code § 32-1308.

65. The DC Class is defined as:

All of Cloakroom's current and former hourly-paid employees during the period of February 26, 2015 through the date of judgment.<sup>1</sup>

66. The members of the DC Class are so numerous that joinder of all members is impractical. The DC Class members may be informed of the pendency of this class action by direct mail, e-mail, and text message.

67. There are questions of law and fact common to the DC Class, including, but not limited to:

- a. Whether Defendants paid hourly-paid employees a "tipped minimum wage" pursuant to the DCMWA;
- b. Whether Defendants complied with the DCMWA's requirements for paying hourly-paid employees a "tipped minimum wage"; and
- c. Whether Defendants unlawfully kept hourly-paid employees' tips.

68. Plaintiff's claims are typical of the claims of the DC Class members. Plaintiff is a former employee of Defendants and was employed as an hourly-paid employee and suffered similar injuries as those suffered by the DC Class members as a result of Defendants' failure to comply with the DCMWA's requirements for paying hourly-paid employees a "tipped minimum wage." Defendants' conduct of violating the DCMWA has impacted the DC Class in the exact same way.

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<sup>1</sup> See D.C. Code § 32-1308(c)(1) ("Any action commenced in a court of competent jurisdiction on or after February 26, 2015, to enforce any cause of action for unpaid wages or liquidated damages . . . must be commenced within 3 years after the cause of action accrued, or of the last occurrence if the violation is continuous. . ."). Plaintiff seeks to toll the applicable limitations period under D.C. Code § 32-1308(c)(2)(B) based on Defendants' failure to provide hourly-paid employees with actual or constructive notice of their rights under D.C. Code § 32-1003(g).

69. Plaintiff will fairly and adequately represent and protect the interests of the DC Class. Plaintiff is similarly situated to the DC Class and has no conflict with the DC Class members.

70. Plaintiff is committed to pursuing this action and has retained competent counsel experienced in class action litigation.

71. This action is properly maintained as a class action because:

A. The prosecution of separate actions by or against individual members of the DC Class would create a risk of inconsistent or varying adjudication with respect to individual members of the DC Class that would establish incompatible standards of conduct for Defendant;

B. Defendants, by failing to pay wages and overtime compensation when they became due and owing in violation of the DCMWA, have acted or refused to act on grounds generally applicable to the DC Class, thereby making equitable relief appropriate with respect to the DC Class as a whole; and

C. The common questions of law and fact set forth above applicable to the DC Class predominate over any questions affecting only individual members and a class action is superior to other available methods for the fair and efficient adjudication of the case, especially with respect to considerations of consistency, economy, efficiency, fairness and equity, as compared to other available methods for the fair and efficient adjudication of the controversy.

72. A class action is also superior to other available means for the fair and efficient adjudication of this controversy because individual joinder of the parties is impractical. The DC Class action treatment will allow a large number of similarly situated persons to prosecute their common claims in a single forum simultaneously, efficiently, and without the unnecessary duplication of effort and expense if these claims were brought individually.

73. Additionally, the damages suffered by each DC Class member may be relatively small, the expenses and burden of individual litigation would make it difficult for the DC Class members to bring individual claims. The presentation of separate actions by individual DC Class members could create a risk of inconsistent and varying adjudications, establish incompatible standards of conduct for Defendants, and/or substantially impair or impede the ability of each member of the DC Class to protect his or her interests.

**COUNT I**  
**VIOLATIONS OF THE FLSA**  
***(Brought on an Individual and Collective Basis Pursuant to 29 U.S.C. § 216(b))***

74. The foregoing paragraphs are hereby incorporated by reference as if fully set forth at length herein.

75. At all times relevant to this action, Defendants were employers under 29 U.S.C. § 203(d) of the FLSA, subject to the provision of 29 U.S.C. § 201, *et seq.*

76. Plaintiff and other members of the FLSA Class were “employees” of Defendants within the meaning of 29 U.S.C. § 203(e)(1) of the FLSA.

77. Defendants “suffered or permitted” Plaintiff and other members of the FLSA Class to work and thus “employed” them within the meaning of 29 U.S.C. § 203(g) of the FLSA.

78. The FLSA provides that “[a]n employer may not keep tips received by its employees for any purposes, including allowing managers or supervisors to keep any portion of employees’ tips, regardless of whether or not the employer takes a tip credit.” 29 U.S.C. § 203(m)(2)(B).

79. Further, “[a]ny employer who violates section 203(m)(2)(B) of this title shall be liable to the employee or employees affected in the amount of the sum of any tip credit taken by

the employer and all such tips unlawfully kept by the employer, and in an additional equal amount as liquidated damages.”

80. Defendants kept portions of tips received by Plaintiff and other members of the FLSA Class.

81. Defendants’ managers or supervisors kept portions of tips received by Plaintiff and other members of the FLSA Class.

82. Defendants’ violations of the FLSA were knowing and willful. Defendants were aware that the FLSA imposed requirements regarding its hourly-paid employees wages and tips, and knowingly failed to comply with those requirements, as alleged herein.

83. Plaintiff’s and the FLSA Class members’ claims are governed by a three-year statute of limitations. *See* 29 U.S.C. § 255.

84. Defendants are jointly and severally liable to Plaintiff and the FLSA Class for unlawfully confiscated tips, liquidated damages, reasonable attorneys’ fees, and costs. *See* 29 U.S.C. § 216(b).

**COUNT II**  
**VIOLATIONS OF THE DCMWA**  
**(Brought individually, Jointly, and on a Collective and Class Basis Pursuant to D.C. Code § 32-1308(a)(1)(C) and Rule 23)**

85. The foregoing paragraphs are hereby incorporated by reference as if fully set forth at length herein.

86. At all times relevant to this action, Defendants were employers under the DCMWA and DCWPCL.

87. Plaintiff and other members of the DC Class were “employees” of Defendants under the DCMWA and DCWPCL.

88. Defendants employed Plaintiff and other members of the DC Class, for purposes of the DCMWA and DCWPCL.

89. D.C. Code § 32-1003(a)(5) sets forth the standard minimum wage rates for employees working in the District of Columbia, which is currently \$15 per hour.

90. D.C. Code § 32-1003(f) a “tipped minimum wage” for employees who receive gratuities, which is currently \$5 per hour.

91. D.C. Code § 32-1003(g) prohibits employers from paying a “tipped minimum wage” unless:

(1) The employer has provided the employee with notice of the following, included in the notice furnished pursuant to § 32-1008(c):

(A) The provisions of subsection (f) of this section;

(B) If tips are not shared, that the tipped employee shall retain all tips received;

(C) If tips are shared, the employer’s tip-sharing policy; and

(D) The percentage by which tips paid via credit card will be reduced by credit card fees;

(2) If the employer uses tip sharing, the employer has posted the tip-sharing policy; and

(3) All gratuities received by the employee have been retained by the employee, except that this provision shall not be construed to prohibit the sharing of gratuities among employees who customarily receive gratuities.

92. D.C. Code § 32-1008(c) requires “[e]very employer” to “furnish to each employee” a notice concerning their rate of pay, the basis of that rate, the timing of pay, and relevant business and employment information, such as the name of the employer and the address of its main office. D.C. Code § 32-1008(c).

93. Defendants paid Plaintiff and other DC Class members a “tipped minimum wage” pursuant to the DCMWA, D.C. Code § 32-1003(f), rather than the standard minimum wage rates set forth in D.C. Code § 32-1003(a)(5).

94. Defendants required Plaintiff and other DC Class members to share their tips with the Cloakroom’s owners, managers, and/or supervisors, as alleged herein.

95. Defendants also required Plaintiff and other DC Class members to share portions of their tips amongst each other.

96. Defendants failed to provide Plaintiff and other DC Class members with notice, in accordance with D.C. Code § 32-1008(c), of the provisions of D.C. Code § 32-1003(f).

97. Defendants did not provide Plaintiff and other DC Class members with notice, in accordance with D.C. Code § 32-1008(c), that they were to retain all tips received.

98. Defendants did not provide Plaintiff and other DC Class members with notice, in accordance with D.C. Code § 32-1008(c), of Defendants’ tip-sharing policy.

99. Defendants did not post their tip-sharing policy.

100. Defendants failed to provide Plaintiff and other DC Class members with notice, in accordance with D.C. Code § 32-1008(c), of the percentage by which tips paid via credit card would be reduced by credit card fees.

101. Defendants kept portions of tips received by Plaintiff and other members of the DC Class.

102. Defendants’ managers or supervisors to keep portions of tips received by Plaintiff and other members of the DC Class.

103. Defendants' violations of the DCMWA were knowing and willful. Defendants were aware that the DCMWA imposed requirements regarding its hourly-paid employees wages and tips, and knowingly failed to comply with those requirements, as alleged herein.

104. Pursuant to D.C. Code § 32-1308(c), the claims Plaintiff and other members of the DC Class are governed by a three-year statute of limitations applicable to continuing violations, plus any period of tolling based on Defendants' failure to provide them with actual or constructive notice of their rights under the DCMWA.

105. Defendants are jointly and severally liable to Plaintiff and the DC Class for unlawfully confiscated tips, and the difference between their actual pay rates and the standard minimum wage applicable under D.C. Code § 32-1003(a)(5), plus treble damages, statutory penalties and reasonable attorneys' fees and costs, pursuant to D.C. Code § 32-1012 and the DCWPCL, D.C. Code § 32-1308.

### **RELIEF REQUESTED**

WHEREFORE, Plaintiff, on behalf of himself and the FLSA Class and DC Class, respectfully requests that this Court grant the following relief against Defendant:

A. Certify the FLSA claims (Count I) as a collective action pursuant to 29 U.S.C. § 216(b).

B. Certify the DCMWA claims (Count II) as a collective action, and then a class action pursuant to D.C. Code § 32-1308(a)(1)(C) and Rule 23 of the Superior Court Rules of Civil Procedure.

C. Order Defendants to disclose in computer format, or in print if no computer readable format is available, the names and addresses of all FLSA Class members and DC Class members, and permitting Plaintiff to send notice of this action to all those similarly situated



individuals, including publishing of notice in a manner that is reasonably calculated to apprise the class/collective members of their rights by law to join and participate in this lawsuit;

D. Designate Plaintiff as the representative of the FLSA Class and the DC Class, and undersigned counsel as Class counsel for the same;

E. Find that Defendants willfully violated the FLSA and the Department of Labor's attendant regulations as cited herein;

F. Find that Defendants violated the DCMWA and that said violations were intentionally, willfully oppressive, fraudulent and malicious;

G. Grant judgment in favor of Plaintiff and against Defendants and award Plaintiff and the FLSA Class and the DC Class the full amount of compensatory damages, and liquidated damages, and statutory penalties available by law;

H. Award reasonable attorneys' fees and costs incurred by Plaintiff in filing this action as provided by statute;

I. Approve an incentive award for the Plaintiff for serving as representative of the FLSA Class and DC Class members in this action;

J. Award pre- and post-judgment interest to Plaintiff the FLSA Class and DC Class members on these damages; and

K. Award such other and further relief as this Court deems appropriate.

### **JURY DEMAND**

Plaintiff Marko Koska, individually and on behalf of all other FLSA Class and DC Class members, by and through his attorneys, hereby demands a trial by jury pursuant to Rule 38 of the DC Superior Court Rules of Civil Procedure and the court rules and statutes made and provided with respect to the above-entitled claims.

Dated: August 17, 2022

Respectfully submitted,

s/ Jason T. Brown

Jason T. Brown (DC Bar No. 1046838)

BROWN, LLC

111 Town Square Place, Suite 400

Jersey City, NJ 07310

T: (877) 561-0000

F: (855) 582-5297

jtb@jtblawgroup.com

*Counsel for Plaintiff*

# **Exhibit 1**

DC SUPERIOR COURT - CIVIL DIVISION

MARKO KOSKA, individually, and on behalf of  
all others similarly situated,

Plaintiff,

vs.

476 K, LLC dba CLOAKROOM; ANTONIOS  
CAVASILIOS; CARLOS HORCASITAS; and  
MAYMAY HORCASITAS,

Defendants.

Case No.: **2022 CA 003682 B**

COMPLAINT – CLASS ACTION

JURY TRIAL DEMANDED

**CONSENT TO SUE**

I hereby consent to be a Plaintiff in the Fair Labor Standards Act ("FLSA") and D.C. Minimum Wage Revision Act ("DCMWA") case captioned above. I hereby consent to the bringing of any claims I may have under the FLSA and DCMWA for unpaid tips, minimum wages, overtime wages, liquidated damages, statutory penalties, attorney's fees, costs and other relief) against the Defendants. I further consent to bringing these claims on a collective and/or class basis with other current/former employees of Defendants, to be represented by Brown, LLC, and to be bound by any settlement of this action or adjudication by the Court.

Signed:

*Marko Koska*

Dated:

08 / 11 / 2022

Name:

Marko Koska

# Superior Court of the District of Columbia

## CIVIL DIVISION- CIVIL ACTIONS BRANCH

### INFORMATION SHEET

MARKO KOSKA, individually,  
and on behalf of all others similarly situated,

Case Number: **2022 CA 003682 B**

vs

Date: August 17, 2022

476 K, LLC, dba CLOAKROOM; ANTONIOS CAVASILIOS;  
CARLOS HORCASITAS; and MAYMAY HORCASITAS;

One of the defendants is being sued  
in their official capacity.

|   |  |
|---|--|
| Name: <i>(Please Print)</i><br>Jason T. Brown | Relationship to Lawsuit                                    |
| Firm Name:<br>BROWN, LLC                      | <input checked="" type="checkbox"/> Attorney for Plaintiff |
| Telephone No.:<br>(877) 561-0000              | <input type="checkbox"/> Self (Pro Se)                     |
| Six digit Unified Bar No.:<br>1046838         | <input type="checkbox"/> Other: _____                      |

TYPE OF CASE:  Non-Jury  6 Person Jury  12 Person Jury  
Demand: \$ Unspecified Other: \_\_\_\_\_

#### PENDING CASE(S) RELATED TO THE ACTION BEING FILED

Case No.: \_\_\_\_\_ Judge: \_\_\_\_\_ Calendar #: \_\_\_\_\_

Case No.: \_\_\_\_\_ Judge: \_\_\_\_\_ Calendar#: \_\_\_\_\_

#### NATURE OF SUIT: *(Check One Box Only)*

##### A. CONTRACTS

##### COLLECTION CASES

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> 01 Breach of Contract        | <input type="checkbox"/> 14 Under \$25,000 Pltf. Grants Consent | <input type="checkbox"/> 16 Under \$25,000 Consent Denied |
| <input type="checkbox"/> 02 Breach of Warranty        | <input type="checkbox"/> 17 OVER \$25,000 Pltf. Grants Consent  | <input type="checkbox"/> 18 OVER \$25,000 Consent Denied  |
| <input type="checkbox"/> 06 Negotiable Instrument     | <input type="checkbox"/> 27 Insurance/Subrogation               | <input type="checkbox"/> 26 Insurance/Subrogation         |
| <input type="checkbox"/> 07 Personal Property         | Over \$25,000 Pltf. Grants Consent                              | Over \$25,000 Consent Denied                              |
| <input type="checkbox"/> 13 Employment Discrimination | <input type="checkbox"/> 07 Insurance/Subrogation               | <input type="checkbox"/> 34 Insurance/Subrogation         |
| <input type="checkbox"/> 15 Special Education Fees    | Under \$25,000 Pltf. Grants Consent                             | Under \$25,000 Consent Denied                             |
|   | <input type="checkbox"/> 28 Motion to Confirm Arbitration       |   |
|   | Award (Collection Cases Only)                                   |   |

##### B. PROPERTY TORTS

- |   |   |                                      |
|---|---|--------------------------------------|
| <input type="checkbox"/> 01 Automobile                          | <input type="checkbox"/> 03 Destruction of Private Property | <input type="checkbox"/> 05 Trespass |
| <input checked="" type="checkbox"/> 02 Conversion               | <input type="checkbox"/> 04 Property Damage                 |                                      |
| <input type="checkbox"/> 07 Shoplifting, D.C. Code § 27-102 (a) |   |                                      |

##### C. PERSONAL TORTS

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> 01 Abuse of Process            | <input type="checkbox"/> 10 Invasion of Privacy                            | <input type="checkbox"/> 17 Personal Injury- (Not Automobile, Not Malpractice) |
| <input type="checkbox"/> 02 Alienation of Affection     | <input type="checkbox"/> 11 Libel and Slander                              | <input type="checkbox"/> 18 Wrongful Death (Not Malpractice)                   |
| <input type="checkbox"/> 03 Assault and Battery         | <input type="checkbox"/> 12 Malicious Interference                         | <input type="checkbox"/> 19 Wrongful Eviction                                  |
| <input type="checkbox"/> 04 Automobile- Personal Injury | <input type="checkbox"/> 13 Malicious Prosecution                          | <input type="checkbox"/> 20 Friendly Suit                                      |
| <input type="checkbox"/> 05 Deceit (Misrepresentation)  | <input type="checkbox"/> 14 Malpractice Legal                              | <input type="checkbox"/> 21 Asbestos   |
| <input type="checkbox"/> 06 False Accusation            | <input type="checkbox"/> 15 Malpractice Medical (Including Wrongful Death) | <input type="checkbox"/> 22 Toxic/Mass Torts                                   |
| <input type="checkbox"/> 07 False Arrest                | <input type="checkbox"/> 16 Negligence- (Not Automobile, Not Malpractice)  | <input type="checkbox"/> 23 Tobacco  |
| <input type="checkbox"/> 08 Fraud                       |  | <input type="checkbox"/> 24 Lead Paint   |

SEE REVERSE SIDE AND CHECK HERE IF USED

# Information Sheet, Continued

## C. OTHERS

- |   |   |
|---|---|
| <input type="checkbox"/> 01 Accounting                                  | <input type="checkbox"/> 17 Merit Personnel Act (OEA)   |
| <input type="checkbox"/> 02 Att. Before Judgment                        | (D.C. Code Title 1, Chapter 6)  |
| <input type="checkbox"/> 05 Ejectment                                   | <input type="checkbox"/> 18 Product Liability   |
| <input type="checkbox"/> 09 Special Writ/Warrants<br>(DC Code § 11-941) | <input type="checkbox"/> 24 Application to Confirm, Modify,<br>Vacate Arbitration Award (DC Code § 16-4401) |
| <input type="checkbox"/> 10 Traffic Adjudication                        | <input type="checkbox"/> 29 Merit Personnel Act (OHR)   |
| <input type="checkbox"/> 11 Writ of Replevin                            | <input type="checkbox"/> 31 Housing Code Regulations  |
| <input type="checkbox"/> 12 Enforce Mechanics Lien                      | <input type="checkbox"/> 32 Qui Tam   |
| <input type="checkbox"/> 16 Declaratory Judgment                        | <input type="checkbox"/> 33 Whistleblower   |

## II.

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> 03 Change of Name                                 | <input type="checkbox"/> 15 Libel of Information                                    | <input type="checkbox"/> 21 Petition for Subpoena<br>[Rule 28-I (b)] |
| <input type="checkbox"/> 06 Foreign Judgment/Domestic                      | <input type="checkbox"/> 19 Enter Administrative Order as<br>Judgment [ D.C. Code § | <input type="checkbox"/> 22 Release Mechanics Lien                   |
| <input type="checkbox"/> 08 Foreign Judgment/International                 | 2-1802.03 (h) or 32-151 9 (a)]  | <input type="checkbox"/> 23 Rule 27(a)(1)<br>(Perpetuate Testimony)  |
| <input type="checkbox"/> 13 Correction of Birth Certificate                | <input type="checkbox"/> 20 Master Meter (D.C. Code §                               | <input type="checkbox"/> 24 Petition for Structured Settlement       |
| <input type="checkbox"/> 14 Correction of Marriage<br>Certificate          | 42-3301, et seq.)   | <input type="checkbox"/> 25 Petition for Liquidation                 |
| <input type="checkbox"/> 26 Petition for Civil Asset Forfeiture (Vehicle)  |   |  |
| <input type="checkbox"/> 27 Petition for Civil Asset Forfeiture (Currency) |   |  |
| <input type="checkbox"/> 28 Petition for Civil Asset Forfeiture (Other)    |   |  |

## D. REAL PROPERTY

- |  |  |
|--|--|
| <input type="checkbox"/> 09 Real Property-Real Estate                | <input type="checkbox"/> 08 Quiet Title                                  |
| <input type="checkbox"/> 12 Specific Performance                     | <input type="checkbox"/> 25 Liens: Tax / Water Consent Granted           |
| <input type="checkbox"/> 04 Condemnation (Eminent Domain)            | <input type="checkbox"/> 30 Liens: Tax / Water Consent Denied            |
| <input type="checkbox"/> 10 Mortgage Foreclosure/Judicial Sale       | <input type="checkbox"/> 31 Tax Lien Bid Off Certificate Consent Granted |
| <input type="checkbox"/> 11 Petition for Civil Asset Forfeiture (RP) |  |

/s/ Jason T. Brown

Attorney's Signature

8/17/22

Date



Superior Court of the District of Columbia  
 CIVIL DIVISION  
 Civil Actions Branch  
 500 Indiana Avenue, N.W., Suite 5000 Washington, D.C. 20001  
 Telephone: (202) 879-1133 Website: www.dccourts.gov

MARKO KOSKA, individually, and on behalf of all others similarly situated,

Plaintiff

vs.

Case Number **2022 CA 003682 B**

476 K, LLC, dba CLOAKROOM, et al.

Defendant

**SUMMONS**

To the above named Defendant:

You are hereby summoned and required to serve an Answer to the attached Complaint, either personally or through an attorney, within twenty one (21) days after service of this summons upon you, exclusive of the day of service. If you are being sued as an officer or agency of the United States Government or the District of Columbia Government, you have sixty (60) days after service of this summons to serve your Answer. A copy of the Answer must be mailed to the attorney for the plaintiff who is suing you. The attorney's name and address appear below. If plaintiff has no attorney, a copy of the Answer must be mailed to the plaintiff at the address stated on this Summons.

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**Jason T. Brown**

Name of Plaintiff's Attorney

Brown, LLC, 111 Town Square Place, Suite 400

Address

Jersey City, NJ 07310

**(877) 561-0000**

Telephone

如需翻译, 请打电话 (202) 879-4828

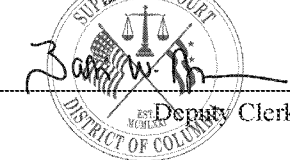
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Clerk of the Court



By

Deputy Clerk

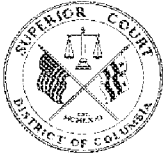
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MARKO KOSKA, individually, and on behalf of all others similarly situated,

Demandante

contra

Número de Caso: \_\_\_\_\_

476 K, LLC, dba CLOAKROOM, et al.

Demandado

**CITATORIO**

Al susodicho Demandado:

Por la presente se le cita a comparecer y se le requiere entregar una Contestación a la Demanda adjunta, sea en persona o por medio de un abogado, en el plazo de veintiún (21) días contados después que usted haya recibido este citatorio, excluyendo el día mismo de la entrega del citatorio. Si usted está siendo demandado en calidad de oficial o agente del Gobierno de los Estados Unidos de Norteamérica o del Gobierno del Distrito de Columbia, tiene usted sesenta (60) días, contados después que usted haya recibido este citatorio, para entregar su Contestación. Tiene que enviarle por correo una copia de su Contestación al abogado de la parte demandante. El nombre y dirección del abogado aparecen al final de este documento. Si el demandado no tiene abogado, tiene que enviarle al demandante una copia de la Contestación por correo a la dirección que aparece en este Citatorio.

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Jason T. Brown  
 Nombre del abogado del Demandante

*SECRETARIO DEL TRIBUNAL*  
 Por: \_\_\_\_\_  
 Subsecretario

BROWN, LLC, 111 Town Square Place, Suite 400  
 Dirección  
Jersey City, NJ 07310

(877) 561-0000  
 Teléfono

Fecha \_\_\_\_\_

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MARKO KOSKA, individually, and on behalf of all others similarly situated,

Plaintiff

vs.

Case Number 2022 CA 003682 B

ANTONIOS CAVASILIOS, et al.

Defendant

**SUMMONS**

To the above named Defendant:

You are hereby summoned and required to serve an Answer to the attached Complaint, either personally or through an attorney, within twenty one (21) days after service of this summons upon you, exclusive of the day of service. If you are being sued as an officer or agency of the United States Government or the District of Columbia Government, you have sixty (60) days after service of this summons to serve your Answer. A copy of the Answer must be mailed to the attorney for the plaintiff who is suing you. The attorney's name and address appear below. If plaintiff has no attorney, a copy of the Answer must be mailed to the plaintiff at the address stated on this Summons.

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**Jason T. Brown**

Name of Plaintiff's Attorney

Brown, LLC, 111 Town Square Place, Suite 400

Address

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Clerk of the Court



By

Deputy Clerk

Date

**08/18/2022**

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MARKO KOSKA, individually, and on behalf of all others similarly situated,

Demandante

contra

Número de Caso: \_\_\_\_\_

ANTONIOS CAVASILIOS, et al.

Demandado

**CITATORIO**

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Jason T. Brown

*SECRETARIO DEL TRIBUNAL*

Nombre del abogado del Demandante

BROWN, LLC, 111 Town Square Place, Suite 400

Por: \_\_\_\_\_

Dirección

Subsecretario

Jersey City, NJ 07310

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MARKO KOSKA, individually, and on behalf of all others similarly situated,

Plaintiff

vs.

Case Number 2022 CA 003682 B

CARLOS HORCASITAS, et al.

Defendant

**SUMMONS**

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**Jason T. Brown**

Name of Plaintiff's Attorney

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Address

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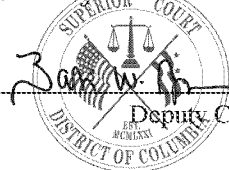
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Clerk of the Court



By

*John W. Brown*  
Deputy Clerk

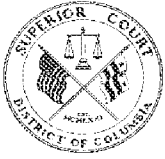
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Demandante

contra

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Jason T. Brown  
 Nombre del abogado del Demandante

*SECRETARIO DEL TRIBUNAL*  
 Por: \_\_\_\_\_  
 Subsecretario

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Vea al dorso el original en inglés  
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Superior Court of the District of Columbia  
 CIVIL DIVISION  
 Civil Actions Branch  
 500 Indiana Avenue, N.W., Suite 5000 Washington, D.C. 20001  
 Telephone: (202) 879-1133 Website: www.dccourts.gov

MARKO KOSKA, individually, and on behalf of all others similarly situated,

Plaintiff

vs.

Case Number 2022 CA 003682 B

MAYMAY HORCASITAS, et al.

Defendant

**SUMMONS**

To the above named Defendant:

You are hereby summoned and required to serve an Answer to the attached Complaint, either personally or through an attorney, within twenty one (21) days after service of this summons upon you, exclusive of the day of service. If you are being sued as an officer or agency of the United States Government or the District of Columbia Government, you have sixty (60) days after service of this summons to serve your Answer. A copy of the Answer must be mailed to the attorney for the plaintiff who is suing you. The attorney's name and address appear below. If plaintiff has no attorney, a copy of the Answer must be mailed to the plaintiff at the address stated on this Summons.

You are also required to file the original Answer with the Court in Suite 5000 at 500 Indiana Avenue, N.W., between 8:30 a.m. and 5:00 p.m., Mondays through Fridays or between 9:00 a.m. and 12:00 noon on Saturdays. You may file the original Answer with the Court either before you serve a copy of the Answer on the plaintiff or within seven (7) days after you have served the plaintiff. If you fail to file an Answer, judgment by default may be entered against you for the relief demanded in the complaint.

**Jason T. Brown**

Name of Plaintiff's Attorney

Brown, LLC, 111 Town Square Place, Suite 400

Address

Jersey City, NJ 07310

**(877) 561-0000**

Telephone

如需翻译, 请打电话 (202) 879-4828

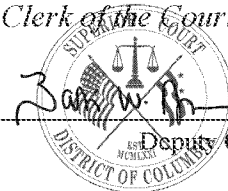
Veuillez appeler au (202) 879-4828 pour une traduction

Để có một bản dịch, hãy gọi (202) 879-4828

번역을 원하시면, (202) 879-4828 로 전화주세요

የአግባብ ትርጉም ለማግኘት (202) 879-4828 ይያው቉

Clerk of the Court



By

*Jason T. Brown*  
 Deputy Clerk

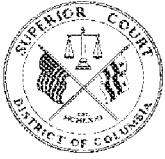
Date

**08/18/2022**

**IMPORTANT: IF YOU FAIL TO FILE AN ANSWER WITHIN THE TIME STATED ABOVE, OR IF, AFTER YOU ANSWER, YOU FAIL TO APPEAR AT ANY TIME THE COURT NOTIFIES YOU TO DO SO, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY DAMAGES OR OTHER RELIEF DEMANDED IN THE COMPLAINT. IF THIS OCCURS, YOUR WAGES MAY BE ATTACHED OR WITHHELD OR PERSONAL PROPERTY OR REAL ESTATE YOU OWN MAY BE TAKEN AND SOLD TO PAY THE JUDGMENT. IF YOU INTEND TO OPPOSE THIS ACTION, DO NOT FAIL TO ANSWER WITHIN THE REQUIRED TIME.**

If you wish to talk to a lawyer and feel that you cannot afford to pay a fee to a lawyer, promptly contact one of the offices of the Legal Aid Society (202-628-1161) or the Neighborhood Legal Services (202-279-5100) for help or come to Suite 5000 at 500 Indiana Avenue, N.W., for more information concerning places where you may ask for such help.

See reverse side for Spanish translation  
 Vea al dorso la traducción al español



**TRIBUNAL SUPERIOR DEL DISTRITO DE COLUMBIA**  
**DIVISIÓN CIVIL**  
**Sección de Acciones Civiles**  
 500 Indiana Avenue, N.W., Suite 5000, Washington, D.C. 20001  
 Teléfono: (202) 879-1133 Sitio web: [www.dccourts.gov](http://www.dccourts.gov)

MARKO KOSKA, individually, and on behalf of all others similarly situated,

Demandante

contra

Número de Caso: \_\_\_\_\_

MAYMAY HORCASITAS, et al.

Demandado

**CITATORIO**

Al susodicho Demandado:

Por la presente se le cita a comparecer y se le requiere entregar una Contestación a la Demanda adjunta, sea en persona o por medio de un abogado, en el plazo de veintiún (21) días contados después que usted haya recibido este citatorio, excluyendo el día mismo de la entrega del citatorio. Si usted está siendo demandado en calidad de oficial o agente del Gobierno de los Estados Unidos de Norteamérica o del Gobierno del Distrito de Columbia, tiene usted sesenta (60) días, contados después que usted haya recibido este citatorio, para entregar su Contestación. Tiene que enviarle por correo una copia de su Contestación al abogado de la parte demandante. El nombre y dirección del abogado aparecen al final de este documento. Si el demandado no tiene abogado, tiene que enviarle al demandante una copia de la Contestación por correo a la dirección que aparece en este Citatorio.

A usted también se le requiere presentar la Contestación original al Tribunal en la Oficina 5000, sito en 500 Indiana Avenue, N.W., entre las 8:30 a.m. y 5:00 p.m., de lunes a viernes o entre las 9:00 a.m. y las 12:00 del mediodía los sábados. Usted puede presentar la Contestación original ante el Juez ya sea antes que usted le entregue al demandante una copia de la Contestación o en el plazo de siete (7) días de haberle hecho la entrega al demandante. Si usted incumple con presentar una Contestación, podría dictarse un fallo en rebeldía contra usted para que se haga efectivo el desagravio que se busca en la demanda.

Jason T. Brown

*SECRETARIO DEL TRIBUNAL*

Nombre del abogado del Demandante

BROWN, LLC, 111 Town Square Place, Suite 400

Por: \_\_\_\_\_

Dirección

Subsecretario

Jersey City, NJ 07310

(877) 561-0000

Fecha \_\_\_\_\_

Teléfono

如需翻译, 请打电话 (202) 879-4828

Veuillez appeler au (202) 879-4828 pour une traduction

Đề có một bản dịch, hãy gọi (202) 879-4828

번역이 필요하시면 (202) 879-4828 으로 전화하십시오

የአማርኛ ትርጉም ለማግኘት (202) 879-4828 ይያውቁ

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