

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO.:

YAMILEYSI AGUIAR,
and other similarly-situated individuals,

Plaintiff (s),

v.

EL REY DE LAS FRITAS CORPORATION,
and MERCEDES GONZALEZ,
individually

Defendants,

COMPLAINT

(OPT-IN PURSUANT TO 29 U.S.C § 216(b))

COMES NOW the Plaintiff YAMILEYSI AGUIAR, and other similarly-situated individuals, by and through the undersigned counsel, and hereby sues Defendant EL REY DE LAS FRITAS CORPORATION, and MERCEDES GONZALEZ individually, and alleges:

1. This is an action to recover money damages for unpaid overtime wages, and retaliation, under the laws of the United States. This Court has jurisdiction pursuant to the Fair Labor Standards Act, 29 U.S.C. § 201-219 (Section 216 for jurisdictional placement) (“the Act”).
2. Plaintiff YAMILEYSI AGUIAR is a resident of Miami-Dade County, Florida, within the jurisdiction of this Honorable Court. Plaintiff is a covered employee for purposes of the Act.

3. Defendant EL REY DE LAS FRITAS CORPORATION, (hereinafter, EL REY DE LAS FRITAS, or Defendant) is a Florida corporation, having place of business in Miami-Dade County, Florida, where Plaintiff worked for Defendant. At all times material hereto, Defendant was and is engaged in interstate commerce.
4. The individual Defendant MERCEDES GONZALEZ, was and is now, the owner/partner/officer, and she directed operations of EL REY DE LAS FRITAS CORPORATION. This individual Defendant was the employer of Plaintiff and others similarly situated within the meaning of Section 3(d) of the “Fair Labor Standards Act” [29 U.S.C. § 203(d)].
5. All the action raised in this complaint took place in Miami-Dade County Florida, within the jurisdiction of this Court.

ALLEGATIONS COMMON TO ALL COUNTS

6. This cause of action is brought by Plaintiff as a collective action to recover from Defendants regular wages, overtime compensation, liquidated damages, and the costs and reasonably attorney’s fees under the provisions of Fair Labor Standards Act, as amended, 29 U.S.C. § 201 *et seq* (the “FLA or the “ACT”) on behalf of Plaintiff and all other current and former employees similarly situated to Plaintiff (“the asserted class”) and who worked in excess of forty (40) hours during one or more weeks on or after May 2016, (the “material time”) without being properly compensated.
7. Corporate Defendant EL REY DE LAS FRITAS is a business entity that operates at least three Cuban restaurants within the Miami-Dade area.

8. Defendant EL REY DE LAS FRITAS EL REY DE LAS FRITAS employed Plaintiff YAMILEYSI AGUIAR as cook helper, from approximately May 10, 2016, through August 19, 2017, or more than 66 weeks. However, Plaintiff's last day of employment was August 12, 2017.
9. Plaintiff worked at EL REY DE LAS FRITAS located at 421 W. 29 ST Hialeah, Florida 33012.
10. Plaintiff's duties included those corresponding to a cook helper. Plaintiff also was responsible for the productions of food preparations to be taken to other EL REY DE LAS FRITAS' locations, including EL REY DE LAS FRITAS's food truck.
11. While employed by Defendants, Plaintiff worked more than 40 hours every week period. Plaintiff worked regularly 6 days per week, from Monday to Saturday from 8:00 AM to 4:30 PM, or later (8.5 hrs. daily). Plaintiff did not take bona fide lunch breaks. Thus, Plaintiff worked a minimum of 51 hours weekly.
12. Plaintiff's regular rate was \$8.10 an hour, Plaintiff overtime rate should be \$12.15 an hour. Plaintiff was paid weekly for 48 hours, or \$388.00.
13. Defendants paid Plaintiff for Eight (8) overtime hours at her regular rate. The remaining 3 hours were not paid to Plaintiff at any rate, not even the minimum wage rate.
14. Therefore, Defendants failed to pay Plaintiff at the rate of time and a half her regular rate, for every hour in excess of 40, that she worked in a week period, according to the Fair Labor Standards Act.
15. Plaintiff was not allowed to punch in and out, and she was paid strictly on cash basis. Defendant did not provide Plaintiff with any paystub showing basic

information about the real number of working hours per week, wage rate, employment taxes deducted etc. Every week, Plaintiff just was required to sign a receipt showing 48 paid hours.

16. Plaintiff complained about missing hours and overtime payment to the manager of the business, Edelkis Almentero, multiple times, but no relief was provided.

17. On or about August 12, 2017, Plaintiff requested, for the last time, to be paid for overtime hours. Then, Plaintiff left for a pre-approved one week vacation.

18. On or about August 19, 2017, upon her return from vacation, Plaintiff was fired using as pretext that Plaintiff did not have authorization to take vacations.

19. Plaintiff YAMILEYSI AGUIAR intends to recover unpaid overtime hours, retaliatory damages, and any other relief as allowable by law.

20. The additional persons who may become Plaintiffs in this action are employees and/or former employees of Defendants who are and who were subject to the unlawful payroll practices and procedures of Defendants and were not paid regular or overtime wages at the rate of time and one half of their regular rate of pay for all overtime hours worked in excess of forty.

COUNT I:

WAGE AND HOUR FEDERAL STATUTORY VIOLATION of 29 U.S.C. § 207

(a)(1)FAILURE TO PAY OVERTIME; AGAINST ALL DEFENDANTS

21. Plaintiff re-adopts each and every factual allegation as stated in paragraphs 1-20 above as if set out in full herein.

22. This action is brought by Plaintiff and those similarly-situated to recover from the Employers unpaid overtime compensation, as well as an additional amount as liquidated damages, costs, and reasonable attorney's fees under the provisions of

29 U.S.C. § 201 et seq., and specifically under the provisions of 29 U.S.C. § 207. 29 U.S.C. § 207 (a)(1) states, “No employer shall employ any of his employees... for a work week longer than 40 hours unless such employee receives compensation for his employment in excess of the hours above-specified at a rate not less than one and one half-times the regular rate at which he is employed.”

23. The Employer EL REY DE LAS FRITAS, at all times pertinent to this Complaint, was engaged in interstate commerce or in the production of goods for commerce as defined in §§ 3 (r) and 3(s) of the Act, 29 U.S.C. § 203(r) and 203(s). The Defendant is a Cuban restaurant, and through its business activity, affects interstate commerce. Defendant has more than two employees recurrently engaged in interstate commerce. The Defendant obtains and solicits funds from non-Florida sources, accepts funds from non-Florida sources, uses telephonic transmissions going over state lines to do its business, transmits funds outside the State of Florida, and otherwise regularly engages in interstate commerce. Upon information and belief, the annual gross revenue of the Employer/Defendant was at all time material hereto in excess of \$500,000 per annum. Therefore, there is FLSA enterprise coverage.

24. Plaintiff was employed by an enterprise engaged in interstate commerce, and the Plaintiff’s work for the Defendant likewise affects interstate commerce. Plaintiff was a restaurant employee and through her daily activities, she regularly handled, or otherwise worked on goods and/or materials that have been moved across State lines at any time in the course of business. Therefore, there is FLSA individual coverage.

25. Defendant EL REY DE LAS FRITAS employed Plaintiff YAMILEYSI AGUIAR as cook helper, from approximately May 10, 2016, through August 19, 2017, or more than 66 weeks. However, Plaintiff's last day of employment was August 12, 2017.
26. Plaintiff's duties included those corresponding to a cook helper. Plaintiff also was responsible for the productions of food preparations to be taken to other EL REY DE LAS FRITAS locations, including EL REY DE LAS FRITAS's food truck.
27. While employed by Defendant, Plaintiff worked more than 40 hours every week period. Plaintiff worked regularly 6 days per week, from Monday to Saturday from 8:00 AM to 4:30 PM, or later (8.5 hrs. daily). Plaintiff did not take bona fide lunch breaks. Thus, Plaintiff worked a minimum of 51 hours weekly.
28. Plaintiff's regular rate was \$8.10 an hour, Plaintiff overtime rate should be \$12.15 an hour. Plaintiff was paid weekly for 48 hours, or \$388.00.
29. Defendant paid Plaintiff Eight (8) overtime hours at her regular rate. The remaining 3 hours were not paid to Plaintiff at any rate, not even the required minimum wage.
30. Therefore, Plaintiff was not paid for overtime hours at the rate of time and one-half his regular rate for every hour that she worked in excess of forty (40), in violation of Section 7 (a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(a)(1)).
31. Plaintiff was not allowed to punch in and out, and she was paid strictly on cash basis. Defendant did not provide Plaintiff with any paystub showing basic information about the real number of worked hours per week, wage rate, employment taxes deducted etc. Every week, Plaintiff just was required to sign a receipt showing 48 paid hours.

32. The records, if any, concerning the number of hours actually worked by Plaintiff YAMILEYSI AGUIAR, and all other similarly- situated employees, and the compensation actually paid to such employees should be in the possession and custody of Defendant. However, upon information and belief, Defendant did not maintain accurate and complete time records of hours worked by Plaintiff and other employees in the asserted class.

33. Defendant violated the record keeping requirements of FLSA, 29 CFR Part 516.

34. Prior to the completion of discovery and to the best of Plaintiff's knowledge, at the time of the filing of this complaint, Plaintiff's good faith estimate of unpaid wages are as follows:

a. Total amount of alleged unpaid wages:

Four Thousand Four Hundred Seventy-Five Dollars and 25/100 (\$4,475.25)

b. Calculation of such wages:

Total weeks of employment: 66 weeks

Total relevant weeks of employment: 65 weeks

Total hours worked: 51 hours weekly

Total Overtime hours: 11 hours weekly

(8 O/T hours paid at Reg. rate + 3 O/T hours paid at \$0.00

Wage rate: \$8.10 an hour x 1.5= 12.15 O/T rate

O/T rate: 12.15 an hour / Half-time \$4.05 an hour

1.- Half-time O/T hours for 8 hours paid at regular rate x 65 weeks

\$4.05 half-time x 8 O/T hours=\$32.40 weekly x 65 weeks=\$2,106.00

2.- Overtime for 3 hours paid at \$0.00 x 65 weeks

\$12.15 O/T rate x 3 O/T hours=\$36.45 weekly x 65 weeks=\$2,369.25

Total Overtime 1 and 2: \$4,475.25

c. Nature of wages (e.g. overtime or straight time):

This amount represents the unpaid overtime hours.

35. At all times material hereto, the Employer/Defendant EL REY DE LAS FRITAS failed to comply with Title 29 U.S.C. §§ 201-219 and 29 C.F.R. § 516.2 and § 516.4 et seq. in that Plaintiff and those similarly-situated performed services and worked in excess of the maximum hours provided by the Act, but no provision was made by the Defendant to properly pay them at the rate of time and one half for all hours worked in excess of forty hours (40) per workweek as provided in said Act.
36. Defendant EL REY DE LAS FRITAS knew and/or showed reckless disregard of the provisions of the Act concerning the payment of overtime wages as required by the Fair Labor Standards Act and remains owing Plaintiff and those similarly-situated these overtime wages since the commencement of Plaintiff's employment with Defendant as set forth above, and Plaintiff and those similarly-situated are entitled to recover double damages.
37. Defendant never posted any notice, as required by the Fair Labor Standards Act to inform employees of their federal rights to overtime and minimum wage payments.
38. Defendant violated the Posting requirements of 29 U.S.C. § 516.4.
39. At the times mentioned, individual Defendant MERCEDES GONZALEZ, was owner/partner/officer, and she directed operations of EL REY DE LAS FRITAS. Defendant MERCEDES GONZALEZ was the employer of Plaintiff and others similarly situated individuals within the meaning of Section 3(d) of the "Fair Labor Standards Act" [29 U.S.C. § 203(d)]. In that, this individual Defendant acted directly in the interests of EL REY DE LAS FRITAS in relation to its employees, including Plaintiff and others similarly situated. Defendant MERCEDES

GONZALEZ had financial and operational control of the business, provided Plaintiff with her work schedule, and she is jointly liable for Plaintiff's damages.

40. Defendants EL REY DE LAS FRITAS, and MERCEDES GONZALEZ willfully and intentionally refused to pay Plaintiff overtime wages as required by the law of the United States as set forth above and remain owing Plaintiff these overtime wages since the commencement of Plaintiff's employment with Defendant.

41. Plaintiff has retained the law offices of the undersigned attorney to represent her in this action and is obligated to pay a reasonable attorneys' fee.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff YAMILEYSI AGUIAR and those similarly-situated individuals respectfully request that this Honorable Court:

- A. Enter judgment for Plaintiff YAMILEYSI AGUIAR and other similarly-situated and against the Defendants EL REY DE LAS FRITAS, and MERCEDES GONZALEZ on the basis of Defendants' willful violations of the Fair Labor Standards Act, 29 U.S.C. § 201 et seq.; and
- B. Award Plaintiff actual damages in the amount shown to be due for unpaid half-time overtime compensation for hours worked in excess of forty weekly, with interest; and
- C. Award Plaintiff an equal amount in double damages/liquidated damages; and
- D. Award Plaintiff reasonable attorneys' fees and costs of suit; and
- E. Grant such other and further relief as this Court deems equitable and just and/or available pursuant to Federal Law.

JURY DEMAND

Plaintiff YAMILEYSI AGUIAR and those similarly-situated demand trial by jury of all issues triable as of right by jury.

COUNT II:
FEDERAL STATUTORY VIOLATION PURSUANT TO 29 U.S.C. 215 (a)(3)
RETALIATORY DISCHARGE; AGAINST ALL DEFENDANTS

42. Plaintiff YAMILEYSI AGUIAR re-adopts each and every factual allegation as stated in paragraphs 1-20 of this complaint as if set out in full herein.

43. The Employer EL REY DE LAS FRITAS, at all times pertinent to this Complaint, was engaged in interstate commerce or in the production of goods for commerce as defined in §§ 3 (r) and 3(s) of the Act, 29 U.S.C. § 203(r) and 203(s). The Defendant is a Cuban restaurant, and through its business activity, affects interstate commerce. Defendant has more than two employees recurrently engaged in interstate commerce. The Defendant obtains and solicits funds from non-Florida sources, accepts funds from non-Florida sources, uses telephonic transmissions going over state lines to do its business, transmits funds outside the State of Florida, and otherwise regularly engages in interstate commerce. Upon information and belief, the annual gross revenue of the Employer/Defendant was at all time material hereto in excess of \$500,000 per annum. Therefore, there is FLSA enterprise coverage.

44. The Plaintiff's work for the Defendant likewise affects interstate commerce. Plaintiff was a restaurant employee and through her daily activities, she regularly handled, or otherwise worked on goods and/or materials that have been moved across State lines at any time in the course of business. Therefore, there is FLSA individual coverage.

45. 29 U.S.C. § 207 (a) (1) states, "if an employer employs an employee for more than forty hours in any work week, the employer must compensate the employee for hours in excess of forty at the rate of at least one and one-half times the employee's regular rate..."
46. Likewise, 29 U.S.C. 215(a)(3) states... it shall be unlawful for any person— “to discharge or in any other manner discriminate against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this chapter, or has testified or is about to testify in any such proceeding,.....”
47. Defendant EL REY DE LAS FRITAS EL REY DE LAS FRITAS employed Plaintiff YAMILEYSI AGUIAR as cook helper, from approximately May 10, 2016, through August 19, 2017, or more than 66 weeks. Plaintiff’s regular rate was \$8.10 an hour.
48. During her time of employment with Defendant, Plaintiff worked 6 days per week, for an average of 51 hours weekly. However, Plaintiff was compensated for 48 hours every workweek.
49. Plaintiff was paid for 8 overtime hours at her regular rate, but she did not received compensation for the remaining 3 overtime hours, in violation of the Fair Labor Standards Act.
50. In order to avoid the payment for overtime hours, Defendant did not allow Plaintiff to punch in and out, and paid Plaintiff on cash basis.
51. Plaintiff complained to her manager, Edelkys Almentero, about her unpaid overtime hours, many times, but Plaintiff’s requests were ignored.

52. On or about August 12, 2017 Plaintiff complained about unpaid overtime hours to the manager of the business, for the last time.
53. These complaints constituted protected activity under FLSA, 29 U.S.C. 215(a)(3).
54. After her last complaint, Plaintiff took a previously approved one-week vacation.
55. On or about August 19, 2017, upon her return to work, Plaintiff was fired by Defendant, using as a pretext that Plaintiff took days off, without authorization.
56. At all times during her employment, Plaintiff performed her work satisfactorily. There was no reason other than a retaliatory action to terminate Plaintiff's employment with Defendant.
57. The termination of Plaintiff YAMILEYSI AGUIAR by the Defendant, was directly and proximately caused by Defendant's unjustified retaliation against her, because of her multiple complains about overtime payment, in violation of Federal Law.
58. Plaintiff's termination came just in closed proximity after Plaintiff's participation in protected activity.
59. At the times mentioned, individual Defendant MERCEDES GONZALEZ, was owner/partner/officer, and she directed operations of EL REY DE LAS FRITAS. Defendant MERCEDES GONZALEZ was the employer of Plaintiff and others similarly situated individuals within the meaning of Section 3(d) of the "Fair Labor Standards Act" [29 U.S.C. § 203(d)]. In that, this individual Defendant acted directly in the interests of EL REY DE LAS FRITAS in relation to its employees, including Plaintiff and others similarly situated. Defendant MERCEDES GONZALEZ had financial and operational control of the business, provided Plaintiff with her work schedule, and she is jointly liable for Plaintiff's damages.

60. Defendants EL REY DE LAS FRITAS, and MERCEDES GONZALEZ willfully and maliciously retaliated against Plaintiff because she engaged in protected activity.

61. The Defendant's termination of Plaintiff 's employment, was in direct violation of 29 U.S.C. 215 (a) (3) and, as a direct result, Plaintiff has been damaged.

62. Plaintiff has retained the law offices of the undersigned attorney to represent her in this action and is obligated to pay a reasonable attorneys' fee.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff YAMILEYSI AGUIAR respectfully requests that this Honorable Court:

- A. Issue a declaratory judgment that Defendants' acts, policies, practices and procedures complained of herein violated provisions of the Fair Labor Standards Act;
- B. Enter judgment against Defendants EL REY DE LAS FRITAS, and MERCEDES GONZALEZ that Plaintiff recovers compensatory damages and an equal amount of liquidated damages as provided under the law and in 29 U.S.C. § 216(b);
- C. That Plaintiff recovers an award of reasonable attorney fees, costs, and expenses.
- D. Order the Defendants EL REY DE LAS FRITAS, and MERCEDES GONZALEZ to make whole the Plaintiff by providing appropriate back pay and other benefits wrongly denied in an amount to be shown at trial and other affirmative relief;
- E. Plaintiff YAMILEYSI AGUIAR further prays for such additional relief as the interests of justice may require.

JURY DEMAND

Plaintiff YAMILEYSI AGUIAR demands trial by jury of all issues triable as of right by jury.

Dated: December 15, 2017

Respectfully submitted,

By: /s/ Zandro E. Palma
ZANDRO E. PALMA, P.A.
Florida Bar No.: 0024031
9100 S. Dadeland Blvd.
Suite 1500
Miami, FL 33156
Telephone: (305) 446-1500
Facsimile: (305) 446-1502
zep@thepalmalawgroup.com
Attorney for Plaintiff

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.) NOTICE: Attorneys MUST Indicate All Re-filed Cases Below.

I. (a) PLAINTIFFS

YAMILEYSI AGUIAR

(b) County of Residence of First Listed Plaintiff (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

The Law Office of Zandro E. Palma, P.A.
9100 South Dadeland Blvd., Suite 1500, Miami, FL 33156
Tel: (305) 446-1500

DEFENDANTS

EL REY DE LAS FRITAS CORPORATION, et al

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

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

Attorneys (If Known)

(d) Check County Where Action Arose: [X] MIAMI-DADE [] MONROE [] BROWARD [] PALM BEACH [] MARTIN [] ST. LUCIE [] INDIAN RIVER [] OKEECHOBEE HIGHLANDS

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- [] 1 U.S. Government Plaintiff
[X] 3 Federal Question (U.S. Government Not a Party)
[] 2 U.S. Government Defendant
[] 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Table with columns for PTF and DEF for Citizen of This State, Citizen of Another State, and Citizen or Subject of a Foreign Country, with sub-columns for Incorporated or Principal Place of Business.

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Large table with categories: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, SOCIAL SECURITY, LABOR, FEDERAL TAX SUITS, BANKRUPTCY, OTHER STATUTES.

V. ORIGIN (Place an "X" in One Box Only)

- [X] 1 Original Proceeding
[] 2 Removed from State Court
[] 3 Re-filed- (see VI below)
[] 4 Reinstated or Reopened
[] 5 Transferred from another district (specify)
[] 6 Multidistrict Litigation
[] 7 Appeal to District Judge from Magistrate Judgment

VI. RELATED/RE-FILED CASE(S).

a) Re-filed Case [] YES [X] NO b) Related Cases [] YES [X] NO
(See instructions second page): JUDGE DOCKET NUMBER

VII. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing and Write a Brief Statement of Cause (Do not cite jurisdictional statutes unless diversity):
29 U.S.C.
LENGTH OF TRIAL via 3 days estimated (for both sides to try entire case)

VIII. 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: [X] Yes [] No

ABOVE INFORMATION IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE

SIGNATURE OF ATTORNEY OF RECORD /s/ Zandro E. Palma, Esq.

DATE December 15, 2017

FOR OFFICE USE ONLY

AMOUNT RECEIPT # IFP

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

YAMILEYSI AGUIAR

Plaintiff

v.

EL REY DE LAS FRITAS CORPORATION, et al

Defendant

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) EL REY DE LAS FRITAS CORPORATION through its Registered Agent:

GONZALEZ, MERCEDES
2450 SW 15 ST
MIAMI, FL 33145

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

The Law Office of Zandro E. Palma, P.A.
9100 South Dadeland Boulevard
Suite 1500
Miami, FL 33156

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

YAMILEYSI AGUIAR

Plaintiff

v.

EL REY DE LAS FRITAS CORPORATION, et al

Defendant

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Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) GONZALEZ, MERCEDES

2450 SW 15 ST
MIAMI, FL 33145

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

The Law Office of Zandro E. Palma, P.A.
9100 South Dadeland Boulevard
Suite 1500
Miami, FL 33156

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Miami-Area Cuban Restaurant Company Hit with Wage and Hour Case](#)
