

IN THE UNITED STATES DISTRICT COURT
FOR SOUTHERN DISTRICT OF FLORIDA

LEONARDO BONOMI,
and other similarly situated individually,

Plaintiff,

v.

Case No.:

MAGNOLIA HI-FI, LLC
a Foreign Limited Liability Company,

Defendant.

NOTICE OF REMOVAL

Defendant, Magnolia Hi-FI, LLC (“Defendant”), by and through its undersigned counsel, hereby files, pursuant to 28. U.S.C. § 1331, 1441, and 1446, this notice of removal in the above-styled action in the office of the Clerk of the United States District Court for the Southern District of Florida. As grounds therefore, Defendant states as follows:

1. On or about September 26, 2017, an action was commenced in the Circuit Court for the Eleventh Judicial Circuit, in and for Miami-Dade County, Florida initiating the State Court Action entitled Leonardo Bonomi v. Magnolia HI-FI, LLC, Case No.: 2017-022803-CA. (the “State Action”).

2. On January 17, 2018, Plaintiff filed its Amended Summons and First Amended Complaint with the Court.

3. On January 25, 2018, Plaintiff served a copy of said Amended Summons and Amended Complaint from the state court upon Defendant.

4. The parties have agreed a response to the Amended Complaint must be filed on or before March 15, 2018, which is after the February 23, 2018 Removal deadline. The Order

granting this motion was entered on February 21, 2108. *See* Unopposed Motion for Extension of Time, State Docket No. 13 and Order granting same, State Docket 15, Composite Exhibit A.

5. Thirty (30) days have not expired since service of the Amended Complaint, and as such, the removal is timely. *See* 28 U.S. C. § 1446(b).

6. This action is a civil action of which this Court has original Jurisdiction under 28 U.S.C. § 1331, and is one which may be removed to this Court by defendant pursuant to the provisions of 28 U.S.C. § 1441(b).

7. Pursuant to 28 U.S.C. § 1446(a), a true and legible copy of all process, pleadings, motions, and orders on file in the State Court Action are attached herein as Composite Exhibit “A”

8. Pursuant to 28 U.S.C. § 1446(d), Defendant is concurrently filing a Notice of Filing of the Notice of Removal with the Clerk of Court for the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade, County, Florida, attached hereto as Composite Exhibit “B”.

9. The undersigned Defendant is the only named defendant in the state court action referenced above in paragraph 1 of this notice.

WHEREFORE, Magnolia Hi-Fi, LLC prays that this action be removed to the United States District Court for the Southern District of Florida.

Dated this 22nd day of February, 2018

Respectfully submitted,

/s/ Jennifer Monroe Moore

Jennifer Monroe Moore
Florida Bar No. 035602
jennifer.moore@ogletreedeakins.com
OGLETREE, DEAKINS, NASH, SMOAK &
STEWART, P.C.
100 North Tampa Street, Suite 3600
Tampa, Florida 33602
Telephone: (813) 289-1247
Facsimile: (813) 289-6530

Attorneys for Defendant

CERTIFICATE OF SERVICE

I FURTHER CERTIFY that on February 22, 2018, a true and correct copy of the foregoing documents were sent via electronic mail and U.S. Mail, postage prepaid, to the following:

Jason S. Remer, Esquire
Brody M. Shulman, Esquire
Remer & Georges-Pierre, PLLC
44 West Flagler Street, Suite 2200
Miami, Florida 33130

/s/ Jennifer Monroe Moore

Attorney

32973190.1

JS 44 (Rev. 06/17) FLSD Revised 06/01/2017

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 NEXT PAGE OF THIS FORM.) NOTICE: Attorneys MUST Indicate All Re-filed Cases Below.

I. (a) PLAINTIFFS

LEONARDO BONOMI, and other similarly situated individuals

DEFENDANTS

MAGNOLIA HI-FI, LLC, a Foreign Limited Liability Company

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

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

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

(c) Attorneys (Firm Name, Address, and Telephone Number) Jason S. Remer/Brody M. Shulman, Remer & Georges-Pierre, PLLC 44 W. Flagler Street, Suite 2200, Miami, Florida 33130; (305) 416-5000

Attorneys (If Known) Jennifer M. Moore, Ogletree, Deakins, Nash, Smoak & Stewart, P.C., 100 N. Tampa Street, Suite 3600, Tampa, Florida 33602; (813) 289-1247

(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
[] 2 U.S. Government Defendant
[X] 3 Federal Question (U.S. Government Not a Party)
[] 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)

- Citizen of This State [] PTF [] DEF
Citizen of Another State [] PTF [] DEF
Citizen or Subject of a Foreign Country [] PTF [] DEF
Incorporated or Principal Place of Business In This State [] PTF [] DEF
Incorporated and Principal Place of Business In Another State [] PTF [] DEF
Foreign Nation [] PTF [] DEF

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

CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES

V. ORIGIN

- [] 1 Original Proceeding [X] 2 Removed from State Court [] 3 Re-filed (See VI below) [] 4 Reinstated or Reopened [] 5 Transferred from another district (specify) [] 6 Multidistrict Litigation Transfer [] 7 Appeal to District Judge from Magistrate Judgment [] 8 Multidistrict Litigation - Direct File [] 9 Remanded from Appellate Court

VI. RELATED/RE-FILED CASE(S)

(See instructions): a) Re-filed Case [] YES [X] NO b) Related Cases [] YES [X] NO 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. sec. 201, et seq.; alleged violation of the Fair Labor Standards Act LENGTH OF TRIAL via 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

DATE 2/22/2018 SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY RECEIPT #

AMOUNT IFP JUDGE MAG JUDGE

COMPOSITE EXHIBIT “A”

Filing # 62003190 E-Filed 09/26/2017 01:10:21 PM

FORM 1.997. CIVIL COVER SHEET

The civil cover sheet and the information contained in it neither replace nor supplement the filing and service of pleadings or other documents as required by law. This form must be filed by the plaintiff or petitioner for the use of the Clerk of Court for the purpose of reporting judicial workload data pursuant to section 25.075, Florida Statutes. (See instructions for completion.)

I. CASE STYLE

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT,
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

Case No.: _____
Judge: _____

LEONARDO BONOMI

Plaintiff

vs.

BEST BUY LLC

Defendant

II. TYPE OF CASE

- Condominium
- Contracts and indebtedness
- Eminent domain
- Auto negligence
- Negligence – other
 - Business governance
 - Business torts
 - Environmental/Toxic tort
 - Third party indemnification
 - Construction defect
 - Mass tort
 - Negligent security
 - Nursing home negligence
 - Premises liability – commercial
 - Premises liability – residential
- Products liability
- Real Property/Mortgage foreclosure
 - Commercial foreclosure \$0 - \$50,000
 - Commercial foreclosure \$50,001 - \$249,999
 - Commercial foreclosure \$250,000 or more
 - Homestead residential foreclosure \$0 – 50,000
 - Homestead residential foreclosure \$50,001 - \$249,999
 - Homestead residential foreclosure \$250,000 or more
 - Non-homestead residential foreclosure \$0 - \$50,000
 - Non-homestead residential foreclosure \$50,001 - \$249,999

- Non-homestead residential foreclosure \$250,00 or more
- Other real property actions \$0 - \$50,000
- Other real property actions \$50,001 - \$249,999
- Other real property actions \$250,000 or more
- Professional malpractice
 - Malpractice – business
 - Malpractice – medical
 - Malpractice – other professional
- Other
 - Antitrust/Trade Regulation
 - Business Transaction
 - Circuit Civil - Not Applicable
 - Constitutional challenge-statute or ordinance
 - Constitutional challenge-proposed amendment
 - Corporate Trusts
 - Discrimination-employment or other
 - Insurance claims
 - Intellectual property
 - Libel/Slander
 - Shareholder derivative action
 - Securities litigation
 - Trade secrets
 - Trust litigation

COMPLEX BUSINESS COURT

This action is appropriate for assignment to Complex Business Court as delineated and mandated by the Administrative Order. Yes No

III. REMEDIES SOUGHT (check all that apply):

- Monetary;
- Non-monetary declaratory or injunctive relief;
- Punitive

IV. NUMBER OF CAUSES OF ACTION: ()
(Specify)

1

V. IS THIS CASE A CLASS ACTION LAWSUIT?

- Yes
- No

VI. HAS NOTICE OF ANY KNOWN RELATED CASE BEEN FILED?

- No
- Yes – If “yes” list all related cases by name, case number and court:

VII. IS JURY TRIAL DEMANDED IN COMPLAINT?

- Yes
- No

I CERTIFY that the information I have provided in this cover sheet is accurate to the best of my knowledge and belief, and that I have read and will comply with the requirements of Florida Rule of Judicial Administration 2.425.

Signature s/ Jason S Remer FL Bar No.: 165580
Attorney or party

(Bar number, if attorney)

Jason S Remer 09/26/2017
(Type or print name)

Date

Filing # 62003190 E-Filed 09/26/2017 01:10:21 PM

IN THE CIRCUIT COURT OF THE
11TH JUDICIAL CIRCUIT IN AND FOR
MIAMI DADE COUNTY, FLORIDA

LEONARDO BONOMI,
and other similarly situated individuals,

Plaintiff,

vs.

Case No.

BEST BUY, LLC
a Florida Limited Liability Company.

Defendant.

COMPLAINT

Plaintiff, LEONARDO BONOMI ("Plaintiff"), by and through the undersigned counsel, hereby sues Defendant, BEST BUY, LLC ("Defendant"), and in support avers as follows:

GENERAL ALLEGATIONS

1. This is an action by the Plaintiff and other similarly-situated individuals for damages exceeding \$15,000 excluding attorneys' fees or costs for unpaid wages under the Fair Labor Standards Act, 29 U.S.C. §§ 201-219 ("FLSA").
2. This Court has jurisdiction over Plaintiff's FLSA claims pursuant to the 29 U.S.C. § 216.
3. Plaintiff was at all times relevant to this action, and continues to be, a resident of Miami Dade County Florida, within the jurisdiction of this Honorable Court. Plaintiff is a covered employee for purposes of the FLSA.
4. Defendant, BEST BUY, LLC a Florida Limited Liability Company having its main place of business in Miami Dade County, Florida, where Plaintiff worked for Defendant and at all times material hereto was and is engaged in interstate commerce.

5. Venue is proper in Miami Dade County because all of the actions that form the basis of this Complaint occurred within Miami Dade County and payment was due in Miami Dade County.
6. Declaratory, injunctive, legal and equitable relief sought pursuant to the laws set forth above together with attorneys' fees, costs and damages.
7. All conditions precedent for the filing of this action before this Court have been previously met, including the exhaustion of all pertinent administrative procedures and remedies.

FACTUAL ALLEGATIONS COMMON TO ALL COUNTS

8. Plaintiff performed work for Defendant as a non-exempt Audio System Sales Representative at the Magnolia Department from on or about May 2015 to on or about March 2017.
9. At all times material hereto, Plaintiff and Defendants were engaged in an implied agreement whereby Plaintiff would be employed by Defendants and that Plaintiff would be properly paid as provided for by, and not in violation of, the laws of the United States and the State of Florida.
10. Throughout Plaintiff's employment, Plaintiff was not compensated at a rate equal to or greater than the applicable minimum wage as set forth by state and federal law.
11. Plaintiff should be compensated at the correct minimum wage for those hours that Plaintiff worked and was not properly compensated for.
12. During Plaintiff's employment, Plaintiff sold numerous products for which Plaintiff is still owed commission.

13. Plaintiff is owed approximately \$5,000.00 in unpaid commissions, in addition to any court costs, reasonable attorney's fees and any expenses incurred by the Plaintiff in taking this action.

COUNT I
Wage & Hour Federal Statutory Violation Against
BEST BUY, LLC

14. Plaintiff re-adopts each and every factual allegation as stated in paragraphs 1 through 13 of this complaint as if set out in full herein.
15. This action is brought by Plaintiff to recover from Defendants unpaid minimum wage 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 a half times the regular rate at which he is employed."
16. Jurisdiction is conferred on this Court by Title 29 U.S.C. § 216(b).
17. At all times pertinent to this Complaint, Defendant operated as an organization which sells and/or markets its services and/or goods to customers from throughout the United States and also provides its services for goods sold and transported from across state lines of other states, and 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, particularly with respect to its employees.

18. Upon information and belief, the annual gross revenue of the Defendant was at all times material hereto in excess of \$500,000 per annum, and, by virtue of working in interstate commerce, otherwise satisfies the FLSA's coverage requirements.
19. By reason of the foregoing, the Defendant is and was, during all times hereafter mentioned, an enterprise engaged in commerce or in the production of goods for commerce as defined in §§ 3 (r) and 3(s) of the FLSA, 29 U.S.C. § 203(r) and 203(s). Defendant's business activities involve those to which the Fair Labor Standards Act applies. The Plaintiff's work for the Defendant likewise affects interstate commerce.
20. Plaintiff seeks to recover for unpaid wages accumulated from the date of hire.
21. Defendant knew and/or showed reckless disregard of the provisions of the FLSA concerning the payment of overtime wages as required by the Fair Labor Standards Act and remain owing Plaintiff these unpaid wages since the commencement of Plaintiff's employment with Defendant as set forth above. As such, Plaintiff is entitled to recover double damages.
22. Defendant never posted any notice, as required by the Fair Labor Standards Act and Federal Law, to inform employees of their federal rights to overtime and minimum wage payments.

WHEREFORE, Plaintiffs respectfully prays for the following relief against Defendant:

- A. Adjudge and decree that Defendant has violated the FLSA and has done so willfully, intentionally and with reckless disregard for Plaintiff's rights;
- B. Award Plaintiff actual damages in the amount shown to be due for unpaid minimum wage, with interest; and
- C. Award Plaintiff an equal amount in double damages/liquidated damages; and

- D. Award Plaintiff the costs of this action, together with a reasonable attorneys' fees;
and
- E. Grant Plaintiff such additional relief as the Court deems just and proper under the
circumstances.

JURY DEMAND

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

Dated

9-22-17

Respectfully submitted,



Jason S. Remer, Esq.

Florida Bar No.: 165580

jrem@rgpattorneys.com

Brody M. Shulman, Esq.

Florida Bar No.: 92044

bshulman@rgpattorneys.com

REMER & GEORGES-PIERRE, PLLC

44 West Flagler Street, Suite 2200

Miami, FL 33130

Telephone: (305) 416-5000

Facsimile: (305) 416-5005

IN THE CIRCUIT COURT OF THE
11TH JUDICIAL CIRCUIT IN AND FOR
MIAMI DADE COUNTY, FLORIDA

LEONARDO BONOMI,
and other similarly situated individuals,

Plaintiff,

vs.

Case No.

BEST BUY, LLC
a Florida Limited Liability Company.

Defendant.

SUMMONS IN A CIVIL CASE

TO: BEST BUY, LLC., through its Registered Agent:

BART M. BRUIJN DE
1716 PARK STR, N
ST PETERSBURG, FL 33710

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY

JASON S. REMER, ESQ.
REMER & GEORGES-PIERRE, PLLC.
44 WEST FLAGLER STREET
SUITE 2200
MIAMI, FL 33130

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

CLERK

DATE

(BY) DEPUTY CLERK

Filing # 62935496 E-Filed 10/17/2017 01:45:37 PM

IN THE CIRCUIT COURT OF THE
11TH JUDICIAL CIRCUIT IN AND FOR
MIAMI DADE COUNTY, FLORIDA

LEONARDO BONOMI,
and other similarly situated individuals,

Plaintiff,

vs.

Case No. 2017-022803-CA-01

BEST BUY, LLC
a Florida Limited Liability Company.

Defendant.

SUMMONS IN A CIVIL CASE

TO: BEST BUY, LLC., through its Registered Agent:

BART M. BRUIJN DE
1716 PARK STR, N
ST PETERSBURG, FL 33710

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY

JASON S. REMER, ESQ.
REMER & GEORGES-PIERRE, PLLC.
44 WEST FLAGLER STREET
SUITE 2200
MIAMI, FL 33130

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

CLERK DATE

(BY) DEPUTY CLERK

Filing # 62935496 E-Filed 10/17/2017 01:45:37 PM

IN THE CIRCUIT COURT OF THE
11TH JUDICIAL CIRCUIT IN AND FOR
MIAMI DADE COUNTY, FLORIDA

LEONARDO BONOMI,
and other similarly situated individuals,

Plaintiff,

vs.

Case No. 2017-022803-CA-01

BEST BUY, LLC
a Florida Limited Liability Company.

Defendant.

SUMMONS IN A CIVIL CASE

TO: BEST BUY, LLC., through its Registered Agent:

BART M. BRUIJN DE
1716 PARK STR, N
ST PETERSBURG, FL 33710

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY

JASON S. REMER, ESQ.
REMER & GEORGES-PIERRE, PLLC.
44 WEST FLAGLER STREET
SUITE 2200
MIAMI, FL 33130

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

Harvey Ruvin,
Clerk of Courts

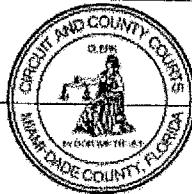
10/20/2017

CLERK

Gonelle Brown 164659

DATE

(BY) DEPUTY CLERK



Filing # 65570037 E-Filed 12/19/2017 11:37:50 AM

RETURN OF NON-SERVICE

State of Florida

County of MIAMI-DADE

Circuit Court

Case Number: 2017-22803-CA-01



Plaintiff:
LEONARDO BONOMI

vs.

Defendant:
BEST BUY, LLC

For:
Jason S. Remer
REMER & GEORGES-PIERRE, PLLC
44 West Flagler Street
Ste 2200
Miami, FL 33130

Received by OJF SERVICES INC on the 25th day of October, 2017 at 4:54 pm to be served on **BEST BUY, LLC C/O BART M. BRUIJN DR, AS REGISTERED AGENT, 1716 PARK ST N, ST PETERSBURG, FL 33710.**

I, MICHELE CARPINTIER, do hereby affirm that on the **6th day of December, 2017 at 9:37 am, I:**

NON-SERVED the **SUMMONS AND COMPLAINT** for the reason that I failed to find **BEST BUY, LLC C/O BART M. BRUIJN DR, AS REGISTERED AGENT** or any information to allow further search. Read the comments below for further details.

Additional Information pertaining to this Service:
ATTEMPTED AT 1716 PARK ST N, ST PETERSBURG, FL 33710. THIS IS A GATED RESIDENTIAL COMMUNITY. SERVER SPOKE TO BART BRUIJN ON THE CALL BOX AT THE GATE. HE STATED HE WILL NOT ACCEPT SERVICE BECAUSE THIS IS THE WRONG BUSINESS FOR THIS SERVICE. APPARENTLY HE HAS GONE THROUGH THIS WITH A PREVIOUS PROCESS SERVER. WRONG COMPANY.

RETURN OF NON-SERVICE For 2017-22803-CA-01

Under penalty of perjury, I declare that I have read the foregoing and that the facts stated in it are true, that I am a Sheriff Appointed Process Server in the county in which this defendant/witness was served and have no interest in the above action. Pursuant to FS 92.525(2), no notary is required.


MICHELE CARPINTIER
26478

OJF SERVICES INC
13727 S W 152nd St
Pmb #354
Miami, FL 33177
(954) 929-4215

Our Job Serial Number: OJF-2017013836

Heaven

Filing # 62935496 E-Filed 10/17/2017 01:45:37 PM

IN THE CIRCUIT COURT OF THE
11TH JUDICIAL CIRCUIT IN AND FOR
MIAMI DADE COUNTY, FLORIDA

LEONARDO BONOMI,
and other similarly situated individuals,

Plaintiff,

vs.

Case No. 2017-022803-CA-01

BEST BUY, LLC
a Florida Limited Liability Company.

NON-SERVED

Defendant.

DATE: *12.6.17* TIME: *9:37 AM*

INITIALS: *MC* ID # *aps 26478*

SUMMONS IN A CIVIL CASE

TO: BEST BUY, LLC., through its Registered Agent:

BART M. BRUIN DE
1716 PARK STR, N
ST PETERSBURG, FL 33710

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY

JASON S. REMER, ESQ.
REMER & GEORGES-PIERRE, PLLC.
44 WEST FLAGLER STREET
SUITE 2200
MIAMI, FL 33130

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

Harvey Ruvin,
Clerk of Courts

10/20/2017

CLERK

Donelle Brown 164659

DATE

(BY) DEPUTY CLERK



1383de

Filing # 66621053 E-Filed 01/17/2018 09:53:50 AM

IN THE CIRCUIT COURT OF THE
11TH JUDICIAL CIRCUIT IN AND FOR
MIAMI DADE COUNTY, FLORIDA

LEONARDO BONOMI,
and other similarly situated individuals,

Plaintiff,

vs.

Case No.-2017-022803-CA 01

MAGNOLIA HI-FI, LLC
a Foreign Limited Liability Company.

Defendant.

FIRST AMENDED COMPLAINT

Plaintiff, LEONARDO BONOMI (“Plaintiff”), by and through the undersigned counsel, hereby sues Defendant, MAGNOLIA HI-FI, LLC (“Defendant”), and in support avers as follows:

GENERAL ALLEGATIONS

1. This is an action by the Plaintiff and other similarly-situated individuals for damages exceeding \$15,000 excluding attorneys’ fees or costs for unpaid wages under the Fair Labor Standards Act, 29 U.S.C. §§ 201-219 (“FLSA”).
2. This Court has jurisdiction over Plaintiff’s FLSA claims pursuant to the 29 U.S.C. § 216.
3. Plaintiff was at all times relevant to this action, and continues to be, a resident of Miami Dade County Florida, within the jurisdiction of this Honorable Court. Plaintiff is a covered employee for purposes of the FLSA.
4. Defendant, MAGNOLIA HI-FI, LLC a Foreign Limited Liability Company having its main place of business in Miami Dade County, Florida, where Plaintiff worked for Defendant and at all times material hereto was and is engaged in interstate commerce.

5. Venue is proper in Miami Dade County because all of the actions that form the basis of this first amended Complaint occurred within Miami Dade County and payment was due in Miami Dade County.
6. Declaratory, injunctive, legal and equitable relief sought pursuant to the laws set forth above together with attorneys' fees, costs and damages.
7. All conditions precedent for the filing of this action before this Court have been previously met, including the exhaustion of all pertinent administrative procedures and remedies.

FACTUAL ALLEGATIONS COMMON TO ALL COUNTS

8. Plaintiff performed work for Defendant as a non-exempt Audio System Sales Representative at the Magnolia Department from on or about May 2015 to on or about March 2017.
9. At all times material hereto, Plaintiff and Defendants were engaged in an implied agreement whereby Plaintiff would be employed by Defendants and that Plaintiff would be properly paid as provided for by, and not in violation of, the laws of the United States and the State of Florida.
10. Throughout Plaintiff's employment, Plaintiff was not compensated at a rate equal to or greater than the applicable minimum wage as set forth by state and federal law.
11. Plaintiff should be compensated at the correct minimum wage for those hours that Plaintiff worked and was not properly compensated for.
12. During Plaintiff's employment, Plaintiff sold numerous products for which Plaintiff is still owed commission.

13. Plaintiff is owed approximately \$5,000.00 in unpaid commissions, in addition to any court costs, reasonable attorney's fees and any expenses incurred by the Plaintiff in taking this action.

COUNT I

***Wage & Hour Federal Statutory Violation Against
MAGNOLIA HI-FL, LLC***

14. Plaintiff re-adopts each and every factual allegation as stated in paragraphs 1 through 13 of this first amended complaint as if set out in full herein.
15. This action is brought by Plaintiff to recover from Defendants unpaid minimum wage 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 a half times the regular rate at which he is employed."
16. Jurisdiction is conferred on this Court by Title 29 U.S.C. § 216(b).
17. At all times pertinent to this first amended Complaint, Defendant operated as an organization which sells and/or markets its services and/or goods to customers from throughout the United States and also provides its services for goods sold and transported from across state lines of other states, and 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, particularly with respect to its employees.

18. Upon information and belief, the annual gross revenue of the Defendant was at all times material hereto in excess of \$500,000 per annum, and, by virtue of working in interstate commerce, otherwise satisfies the FLSA's coverage requirements.
19. By reason of the foregoing, the Defendant is and was, during all times hereafter mentioned, an enterprise engaged in commerce or in the production of goods for commerce as defined in §§ 3 (r) and 3(s) of the FLSA, 29 U.S.C. § 203(r) and 203(s). Defendant's business activities involve those to which the Fair Labor Standards Act applies. The Plaintiff's work for the Defendant likewise affects interstate commerce.
20. Plaintiff seeks to recover for unpaid wages accumulated from the date of hire.
21. Defendant knew and/or showed reckless disregard of the provisions of the FLSA concerning the payment of overtime wages as required by the Fair Labor Standards Act and remain owing Plaintiff these unpaid wages since the commencement of Plaintiff's employment with Defendant as set forth above. As such, Plaintiff is entitled to recover double damages.
22. Defendant never posted any notice, as required by the Fair Labor Standards Act and Federal Law, to inform employees of their federal rights to overtime and minimum wage payments.

WHEREFORE, Plaintiffs respectfully prays for the following relief against Defendant:

- A. Adjudge and decree that Defendant has violated the FLSA and has done so willfully, intentionally and with reckless disregard for Plaintiff's rights;
- B. Award Plaintiff actual damages in the amount shown to be due for unpaid minimum

wage, with interest; and

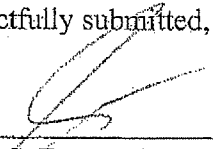
- C. Award Plaintiff an equal amount in double damages/liquidated damages; and
- D. Award Plaintiff the costs of this action, together with a reasonable attorneys' fees; and
- E. Grant Plaintiff such additional relief as the Court deems just and proper under the circumstances.

JURY DEMAND

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

Dated 1-16-18

Respectfully submitted,



Jason S. Remer, Esq.

Florida Bar No.: 165580

jrem@rgpattoorneys.com

Brody M. Shulman, Esq.

Florida Bar No.: 92044

bshulman@rgpattoorneys.com

REMER & GEORGES-PIERRE, PLLC

44 West Flagler Street, Suite 2200

Miami, FL 33130

Telephone: (305) 416-5000

Facsimile: (305) 416-5005

Filing # 66621053 E-Filed 01/17/2018 09:53:50 AM

IN THE CIRCUIT COURT OF THE
11TH JUDICIAL CIRCUIT IN AND FOR
MIAMI DADE COUNTY, FLORIDA

LEONARDO BONOMI,
and other similarly situated individuals,

Plaintiff,

vs.

Case No.-2017-022803-CA 01

MAGNOLIA HI-FI, LLC
a Foreign Limited Liability Company.

Defendant.

AMENDED SUMMONS IN A CIVIL CASE

TO: MAGNOLIA HI-FI, LLC., through its Registered Agent:

CT CORPORATION SYSTEM
1200 South Pine Island Road
Plantation, FL 33324

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY

JASON S. REMER, ESQ.
REMER & GEORGES-PIERRE, PLLC.
44 WEST FLAGLER STREET
SUITE 2200
MIAMI, FL 33130

an answer to the first amended complaint which is herewith served upon you, within **20 days** after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the first amended complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

CLERK

DATE

(BY) DEPUTY CLERK

IN THE CIRCUIT COURT OF THE
11TH JUDICIAL CIRCUIT IN AND FOR
MIAMI DADE COUNTY, FLORIDA

LEONARDO BONOMI,
and other similarly situated individuals,

Plaintiff,

vs.

Case No.-2017-022803-CA 01

MAGNOLIA HI-FI, LLC
a Foreign Limited Liability Company.

Defendant.

AMENDED SUMMONS IN A CIVIL CASE

TO: MAGNOLIA HI-FI, LLC., through its Registered Agent:

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1200 South Pine Island Road
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JASON S. REMER, ESQ.
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44 WEST FLAGLER STREET
SUITE 2200
MIAMI, FL 33130

an answer to the first amended complaint which is herewith served upon you, within **20 days** after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the first amended complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

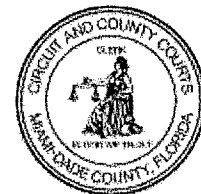
1/22/2018

CLERK

DATE

Shadeka Glass 309876

(BY) DEPUTY CLERK



Filing # 67367051 E-Filed 02/01/2018 11:27:55 AM

RETURN OF SERVICE

State of Florida

County of MIAMI-DADE

Circuit Court

Case Number: 2017-22803-CA-01

Plaintiff:
LEONARDO BONOMI

vs.

Defendant:
MAGNOLIA HI-FI, LLC

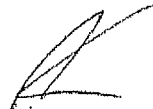
For:
Jason S. Remer
REMER & GEORGES-PIERRE, PLLC
44 West Flagler Street
Ste 2200
Miami, FL 33130

Received by OJF SERVICES, INC. on the 24th day of January, 2018 at 3:18 pm to be served on **MAGNOLIA HI-FI, LLC, 1200 S. PINE ISLAND RD, PLANTATION, FL 33324.**

I, ANDREW KARP, do hereby affirm that on the **25th day of January, 2018 at 2:15 pm, I:**

CORPORATE - REGISTERED AGENT: served by delivering a true copy of the **SUMMONS ON AMENDED COMPLAINT** with the date and hour of service endorsed thereon by me, to: **DONNA MOCH EMPLOYEE AT CT CORPORATION SYSTEM** as **Registered Agent** At the address of: **1200 S. PINE ISLAND RD, PLANTATION, FL 33324** for **MAGNOLIA HI-FI, LLC,** and informed said person of the contents therein, in compliance with state statutes.

I CERTIFY THAT I AM OVER THE AGE OF 18, HAVE NO INTEREST IN THE ABOVE ACTION, AND THAT I AM A SPECIAL PROCESS SERVER APPOINTED BY THE SHERIFF, IN GOOD STANDING, IN THE JUDICIAL CIRCUIT IN WHICH PROCESS WAS SERVED. "UNDER PENALTY OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING (DOCUMENT) AND THAT THE FACTS STATED IN IT ARE TRUE, 92.525.



ANDREW KARP
SPS #260

OJF SERVICES, INC.
13727 S.W. 152nd Street
P.M.B. 354
Miami, FL 33177
(786) 293-5750

Our Job Serial Number: OJF-2018001131



AK Filing # 66621053 E-Filed 01/17/2018 09:53:50 AM

IN THE CIRCUIT COURT OF THE
11TH JUDICIAL CIRCUIT IN AND FOR
MIAMI DADE COUNTY, FLORIDA

LEONARDO BONOMI,
and other similarly situated individuals,

Plaintiff,

vs.

MAGNOLIA HI-FI, LLC
a Foreign Limited Liability Company.

Defendant.

DATE: 1/25/18 TIME: 2:50

Donna MOC N

INITIALS: AK-260

Case No.-2017-022803-CA 01

AMENDED SUMMONS IN A CIVIL CASE

+ 1st Amended Complaint

TO: MAGNOLIA HI-FI, LLC., through its Registered Agent:

CT CORPORATION SYSTEM
1200 South Pine Island Road
Plantation, FL 33324

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY

JASON S. REMER, ESQ.
REMER & GEORGES-PIERRE, PLLC.
44 WEST FLAGLER STREET
SUITE 2200
MIAMI, FL 33130

an answer to the first amended complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the first amended complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

1/22/2018

CLERK _____ DATE

Arachna Harris 309876
(BY) DEPUTY CLERK _____



CJF SERVICES, INC.
954.929.4215
WWW.CJFSERVICES.COM

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI DADE COUNTY, FLORIDA

LEONARDO BONOMI,

Plaintiff,

v.

Case No.: 2017-CA-022803-CA 01

MAGNOLIA HI-FI, LLC,
a Foreign Limited Liability Company,

Defendant.

**UNOPPOSED MOTION FOR EXTENSION OF TIME FOR
DEFENDANT TO RESPOND TO PLAINTIFF'S FIRST AMENDED COMPLAINT**

Defendant, MAGNOLIA HI-FI, LLC, by and through undersigned counsel, files this Unopposed Motion for Extension of Time for Defendant to respond to Plaintiff's First Amended Complaint, and in support thereof, states as follows:

1. On January 17, 2018, Plaintiff filed with its First Amended Complaint with this Court seeking redress for alleged violations of the Fair Labor Standards Act ("FLSA").
2. On January 25, 2018, Plaintiff served the First Amended Complaint on Defendant. Accordingly, Defendant has until Wednesday, February 14, 2018, to file a response to Plaintiff's First Amended Complaint.
3. Counsel for Defendant was only recently retained, and Counsel for Plaintiff has agreed to an extension of time to allow Defendant and Counsel for Defendant time to investigate and respond to the complaint.
4. Additionally, Counsel for Defendant provided Counsel for Plaintiff with Plaintiff's payroll records, and the parties have conferred regarding the possibility that Plaintiff's claims may require dismissal or modification based on that information. The parties are working together to ascertain the appropriate action.

5. Therefore, Defendant requests an extension of time, up to and including March 15, 2018, for Defendant to file a response to Plaintiff's First Amended Complaint.

6. This Unopposed Motion is brought in good faith and not for the purpose of undue delay.

7. This request for an extension of time is made before the expiration of the period prescribed for responding to Plaintiff's First Amended Complaint pursuant to the Florida Rules of Civil Procedure, and Plaintiff will not be prejudiced in any way by this extension.

Dated this 13th day of February, 2018.

Respectfully submitted,

/s/ Jennifer Monroe Moore

Jennifer Monroe Moore

Florida Bar No. 035602

OGLETREE, DEAKINS, NASH, SMOAK &
STEWART, P.C.

100 North Tampa Street, Suite 3600

Tampa, FL 33602

Telephone: 813.289.1247

Facsimile: 813.289.6530

jennifer.moore@ogletreedeakins.com

Attorneys for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 13, 2018, the foregoing was filed with the Court using the Florida Courts E-Filing Portal which will serve an electronic copy upon:

Jason S. Remer
Brody M. Shulman
Remer & Georges-Pierre, PLLC
44 West Flagler Street, Suite 2200
Miami, Florida 33130

/s/ Jennifer Monroe Moore
Attorney

32966773.1

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI DADE COUNTY, FLORIDA

LEONARDO BONOMI,
and other similarly situated individually,

Plaintiff,

v.

Case No.: 2017-CA-022803-CA 01

MAGNOLIA HI-FI, LLC
a Foreign Limited Liability Company,

Defendant.

_____ /

NOTICE OF APPEARANCE

PLEASE TAKE NOTICE that Jennifer Monroe Moore, Esquire, of the law firm Ogletree, Deakins, Nash, Smoak & Stewart, P.C., hereby enters her appearance in this matter for and on behalf of Defendant, MAGNOLIA HI-FI, LLC, and requests that copies of all pleadings, motions and other documents filed in the above-captioned matter be served on her as counsel for Defendant.

Dated this 14th day of February, 2018

Respectfully submitted,

/s/ Jennifer Monroe Moore

Jennifer Monroe Moore

Florida Bar No. 035602

jennifer.moore@ogletreedeakins.com

Ogletree, Deakins, Nash, Smoak & Stewart, P.C.

100 North Tampa Street, Suite 3600

Tampa, Florida 33602

Telephone: (813) 289-1247

Facsimile: (813) 289-6530

Attorneys for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 14, 2018, the foregoing was filed with the Court using the Florida Courts E-Filing Portal which will serve an electronic copy upon:

Jason S. Remer
Brody M. Shulman
Remer & Georges-Pierre, PLLC
44 West Flagler Street, Suite 2200
Miami, Florida 33130

/s/ Jennifer Monroe Moore
Attorney

32983014.1

IN THE CIRCUIT COURT FOR THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

LEONARDO BONOMI,
and other similarly situated individually,

Plaintiff,

v.

Case No.: 2017-022803-CA

MAGNOLIA HI-FI, LLC
a Foreign Limited Liability Company,

Defendant.

**ORDER GRANTING DEFENDANT'S UNOPPOSED MOTION FOR
EXTENSION OF TIME TO RESPOND TO PLAINTIFF'S FIRST AMENDED
COMPLAINT**

THIS CAUSE having come before the Court on Defendant's Unopposed Motion for Extension of Time to Respond to Plaintiff's First Amended Complaint, and the Court having reviewed the file, and otherwise being fully advised in the premises, it is hereby,

ORDERED AND ADJUDGED that Defendant's Motion is **GRANTED**. Defendant shall respond to Plaintiff's First Amended Complaint on or before March 15, 2018.

DONE AND ORDERED in Chambers at Miami-Dade County, Florida, on 02/21/18.



JOHN W. THORNTON
CIRCUIT COURT JUDGE

No Further Judicial Action Required on **THIS**
MOTION
CLERK TO **RECLOSE** CASE IF POST
JUDGMENT

The parties served with this Order are indicated in the accompanying 11th Circuit email confirmation which includes all emails provided by the submitter. The movant shall IMMEDIATELY serve a true and correct copy of this Order, by mail, facsimile, email or hand-delivery, to all parties/counsel of record for whom service is not indicated by the accompanying 11th Circuit confirmation, and file proof of service with the Clerk of Court.

Signed and stamped original Order sent to court file by Judge Thornton's staff.

Copies furnished to:
Jennifer Monrose Moore, Esquire
Brody M. Shulman, Esquire

COMPOSITE EXHIBIT “B”

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI DADE COUNTY, FLORIDA

LEONARDO BONOMI,
and other similarly situated individually,

Plaintiff,

v.

Case No.: 2017-CA-022803-CA 01

MAGNOLIA HI-FI, LLC
a Foreign Limited Liability Company,

Defendant.

_____ /

NOTICE OF FILING NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1446(d), Defendant, Magnolia HI-FI, LLC, hereby gives notice to this Court that the above-captioned and numbered cause has been removed to the United States District Court for the Southern District of Florida, in accordance with the Notice of Removal attached hereto as Exhibit "A" (excluding exhibits).

Dated this 22nd day of February, 2018

Respectfully submitted,

/s/ Jennifer Monroe Moore

Jennifer Monroe Moore

Florida Bar No. 035602

jennifer.moore@ogletreedeakins.com

Ogletree, Deakins, Nash, Smoak & Stewart, P.C.

100 North Tampa Street, Suite 3600

Tampa, Florida 33602

Telephone: (813) 289-1247

Facsimile: (813) 289-6530

Attorneys for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 22, 2018, the foregoing was filed with the Court using the Florida Courts E-Filing Portal which will serve an electronic copy upon:

Jason S. Remer
Brody M. Shulman
Remer & Georges-Pierre, PLLC
44 West Flagler Street, Suite 2200
Miami, Florida 33130

/s/ Jennifer Monroe Moore

Attorney

33045189.1

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR SOUTHERN DISTRICT OF FLORIDA

LEONARDO BONOMI,
and other similarly situated individually,

Plaintiff,

v.

Case No.:

MAGNOLIA HI-FI, LLC
a Foreign Limited Liability Company,

Defendant.

NOTICE OF REMOVAL

Defendant, Magnolia Hi-FI, LLC (“Defendant”), by and through its undersigned counsel, hereby files, pursuant to 28. U.S.C. § 1331, 1441, and 1446, this notice of removal in the above-styled action in the office of the Clerk of the United States District Court for the Southern District of Florida. As grounds therefore, Defendant states as follows:

1. On or about September 26, 2017, an action was commenced in the Circuit Court for the Eleventh Judicial Circuit, in and for Miami-Dade County, Florida initiating the State Court Action entitled Leonardo Bonomi v. Magnolia HI-FI, LLC, Case No.: 2017-022803-CA. (the “State Action”).

2. On January 17, 2018, Plaintiff filed its Amended Summons and First Amended Complaint with the Court.

3. On January 25, 2018, Plaintiff served a copy of said Amended Summons and Amended Complaint from the state court upon Defendant.

4. The parties have agreed a response to the Amended Complaint must be filed on or before March 15, 2018, which is after the February 23, 2018 Removal deadline. The Order

granting this motion was entered on February 21, 2108. *See* Unopposed Motion for Extension of Time, State Docket No. 13 and Order granting same, State Docket 15, Composite Exhibit A.

5. Thirty (30) days have not expired since service of the Amended Complaint, and as such, the removal is timely. *See* 28 U.S. C. § 1446(b).

6. This action is a civil action of which this Court has original Jurisdiction under 28 U.S.C. § 1331, and is one which may be removed to this Court by defendant pursuant to the provisions of 28 U.S.C. § 1441(b).

7. Pursuant to 28 U.S.C. § 1446(a), a true and legible copy of all process, pleadings, motions, and orders on file in the State Court Action are attached herein as Composite Exhibit “A”

8. Pursuant to 28 U.S.C. § 1446(d), Defendant is concurrently filing a Notice of Filing of the Notice of Removal with the Clerk of Court for the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade, County, Florida, attached hereto as Composite Exhibit “B”.

9. The undersigned Defendant is the only named defendant in the state court action referenced above in paragraph 1 of this notice.

WHEREFORE, Magnolia Hi-Fi, LLC prays that this action be removed to the United States District Court for the Southern District of Florida.

Dated this 22nd day of February, 2018

Respectfully submitted,

/s/ Jennifer Monroe Moore

Jennifer Monroe Moore
Florida Bar No. 035602
jennifer.moore@ogletreedeakins.com
OGLETREE, DEAKINS, NASH, SMOAK &
STEWART, P.C.
100 North Tampa Street, Suite 3600
Tampa, Florida 33602
Telephone: (813) 289-1247
Facsimile: (813) 289-6530

Attorneys for Defendant

CERTIFICATE OF SERVICE

I FURTHER CERTIFY that on February 22, 2018, a true and correct copy of the foregoing documents were sent via electronic mail and U.S. Mail, postage prepaid, to the following:

Jason S. Remer, Esquire
Brody M. Shulman, Esquire
Remer & Georges-Pierre, PLLC
44 West Flagler Street, Suite 2200
Miami, Florida 33130

/s/ Jennifer Monroe Moore

Attorney

32973190.1

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Magnolia Hi-Fi, LLC Named in Florida Wage and Hour Lawsuit](#)
