

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. \_\_\_\_\_-CIV-\_\_\_\_\_/\_\_\_\_\_

FRANCISCO GONZALEZ, on behalf of himself  
and others similarly situated,

Plaintiff,

v.

JOE'S BLUE MARKET CORP., a Florida Corporation,  
and TERRY THOMPSON, individually

Defendants.

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**COMPLAINT**

1. Plaintiff, FRANCISCO GONZALEZ (referred to as "Plaintiff"), is an individual residing in Miami-Dade County, Florida.

2. Defendant, JOE'S BLUE MARKET CORP. (referred to as "JBM"), a Florida Corporation, has at all times material to this Complaint had its principal address at 5830 NW 22nd Avenue, Miami, Florida 33142 and has operated a market and kitchen selling packaged and cooked foods, household goods and beverages to its customers at its two (2) locations in Miami, Florida location in Miami-Dade County, Florida, within the jurisdiction of this Court.

3. Defendant, TERRY THOMPSON (referred to as "THOMPSON") has at all times material to this Complaint owned, managed, and operated JBM and Defendant THOMPSON has regularly exercised the authority to hire and fire employees, determined the manner in which employees are compensated, determined how employees' hours worked are tracked or recorded, and controlled the finances and operations of JBM. By virtue of such control and authority, Defendant THOMPSON is an employer of Plaintiff and the other similarly situated employees

within the meaning of the Fair Labor Standards Act, 29 U.S.C. §203(d).

4. Plaintiff brings this action on behalf of himself and other current and former employees of JBM and THOMPSON (collectively referred to as “Defendants”) for unpaid minimum and overtime wages, liquidated damages, and the costs and reasonable attorneys’ fees of this action under the provisions of the Fair Labor Standards Act (“FLSA”), as amended, 29 U.S.C. §216(b),<sup>1</sup> and Fla. Const. Art X §24(c) (“Employers *shall* pay Employees Wages no less than the Minimum Wage for *all* hours worked in Florida.”) (emphasis added).

5. Jurisdiction is conferred on this Court by 28 U.S.C. §216(b), 29 U.S.C. §1337, and 29 U.S.C. §1367.

6. A substantial part of the events giving rise to this action, occurred in Miami-Dade County, within the jurisdiction of the United States District Court for the Southern District of Florida.

7. At all times material to this Complaint, including but not necessarily limited to during the years 2013, 2014, 2015, 2016 and 2017, JBM has had two (2) or more employees who have regularly sold, handled, or otherwise worked on goods and/or materials that had been moved in or produced for commerce. In this regard, Plaintiff alleges based upon information and belief and subject to discovery, that at all times material to this Complaint, JBM has employed two (2) or more employees who, *inter alia*, have regularly: (a) regularly handled and worked on kitchen and commercial equipment—including but not limited to refrigerator and freezer, fryers, blenders, coffee machines, stove—that were goods and/or materials moved in or produced for commerce; (b) regularly handled and worked with household goods, packaged foods, beverages—including but not limited to toilet paper, napkins, oils, detergents, milk, Pepsi products, wines and imported

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<sup>1</sup> Attached hereto is a signed Consent to Join of Plaintiff FRANCISCO GONZALEZ.

beers including but not limited to Heineken, Presidente and Coronas, packaged foods such as cereals, chips, canned soups and tuna, and crackers—that were goods and/or materials moved in or produced for commerce; and (c) regularly processed credit card transactions for payments by and for Defendants' customers through banks and merchant services for credit card companies such as Visa, Mastercard, and American Express.

8. Based upon information and belief, the annual gross sales volume of JBM has been in excess of \$500,000.00 per annum at all times material to this Complaint, including but not necessarily limited to during the years 2013, 2014, 2015, 2016 and 2017.

9. At all times material to this Complaint, including but not necessarily limited to during the years 2013, 2014, 2015, 2016 and 2017, JBM has constituted an enterprise engaged in interstate commerce or in the production of goods for commerce as defined by the FLSA, 29 U.S.C. §203(s).

10. In or around December 2016, Defendants hired Plaintiff on a weekly salary of \$300.00 per week.

11. At all times material to this Complaint, Plaintiff was an employee of Defendants within the meaning of the FLSA, 29 U.S.C. §203(e), the Florida Minimum Wage Act, and Fla. Const. Art X §24(c).

12. During the three (3) year statute of limitations period between approximately December 2016 and mid-January 2017, Plaintiff's primary duties for Defendants as a Stocker and Cashier were non-exempt in nature, consisting of: (a) stocking (i) beverages, wines and beers into coolers; and (ii) a variety of packaged foods and goods such as toilet paper, napkins, paper plates, dishwashing liquid, detergents, soap, oils, sugar, salt, canned tuna and soups, cereals, soups, crackers, and pastas; (b) cleaning and mopping the store; and (d) receiving and processing

payments for food, goods, and beverages sold to Defendants' customers.

13. During the three (3) year statute of limitations period between approximately December 2016 and mid-January 2017, Plaintiff regularly worked six (6) days per week with start times regularly around 12:00 p.m. and stop time around 12:00 a.m., averaging approximately Seventy-Two (72) hours per week.

14. Plaintiff alleges Defendants paid him weekly wages of \$300.00 per week without compensation for all of his actual hours worked as required by the FLSA, as a result of which Defendants failed to pay Plaintiff (a) at least the minimum wage of \$8.05/hour in 2016 and \$8.10/hour 2017 for all of the hours Plaintiff worked each week for Defendants; and (b) time and one-half wages for all of the actual hours Plaintiff worked in excess of Forty (40) hours per week for Defendants.

15. Based upon Defendants owing Plaintiff unpaid minimum wages at the rates of \$3.88/hour and \$3.93/hour [ $(\$300.00/72 \text{ hours} = \$4.17/\text{hour})$  ( $\$8.05/\text{hour} - \$4.17/\text{hour} = \$3.88/\text{hour}$ ) ( $\$8.10/\text{hour} - \$4.17/\text{hour} = \$3.93/\text{hour}$ )], Plaintiff's unpaid minimum wages total \$845.28 [ $(\$3.88/\text{hour} \times 72 \text{ hours} \times 1 \text{ week} = \$279.36) + (\$3.93/\text{hour} \times 72 \text{ hours/week} \times 2 \text{ weeks} = \$565.92)$ ].

16. In addition, based upon Defendants owing Plaintiff an average of Thirty-Two (32) overtime hours per week at applicable rates of \$4.03/hour and \$4.05/hour [ $(\$8.05/\text{hour} \times 1.5 = \$12.08/\text{hour} - \$8.05/\text{hour} = \$4.03/\text{hour})$  ( $\$8.10/\text{hour} \times 1.5 = \$12.15/\text{hour} - \$8.10/\text{hour} = \$4.05/\text{hour}$ )], Plaintiff's unpaid overtime wages total \$388.16 [ $(\$4.03/\text{hour} \times 32 \text{ OT hours} \times 1 \text{ week} = \$128.96) + (\$4.05/\text{hour} \times 32 \text{ OT hours/week} \times 2 \text{ weeks} = \$259.20)$ ].

17. Between the unpaid minimum and overtime wages due and owing from Defendants, along with liquidated damages pursuant to 29 U.S.C. §216(b), the total amount of

Plaintiff's underlying claims is \$2,466.88 [ $\$1,233.44 \times 2 = \$2,466.88$ ].

18. The additional persons who may become Plaintiffs in this action are the current and former non-exempt employees, however variously titled, who have worked for Defendants in one or more weeks between April 2014 and the present without being (a) at least the minimum wage required by law for each hour worked for Defendants; and (b) time and one-half wages for all of their actual hours worked in excess of Forty (40) hours per week.

19. Defendants have not complied with the requirements of the Fair Labor Standards Act by, *inter alia*: (a) failing to maintain accurate time records of the actual start times, stop times, number of hours worked each day, and total hours worked each week by Plaintiff and other similarly situated non-exempt employees between April 2014 and the present, as required by the FLSA, 29 C.F.R. §516.2; and (b) failing to pay the minimum wages required by law and time and one-half wages for all of the actual overtime hours worked by Plaintiff and other similarly situated non-exempt employees in one or more weeks between April 2014 and the present.

20. At all times material to this Complaint, Defendants had knowledge of the actual hours worked by Plaintiff and other similarly situated non-exempt employees in multiple work weeks between April 2014 and the present, all of which work was for the benefit of Defendants. Nonetheless, Defendants knowingly and willfully failed to compensate Plaintiff and the other similarly situated employees with the minimum wages required by law and time and one-half wages for all of their actual overtime hours worked, instead accepting the benefits of the work performed by Plaintiff and the others similarly situated to him without paying the compensation required by the FLSA.

**COUNT I**  
**OVERTIME VIOLATIONS OF THE FAIR LABOR STANDARDS ACT**

Plaintiff, FRANCISCO GONZALEZ readopts and realleges the allegations contained in

Paragraphs 1 through 20 above.

21. Plaintiff is entitled to be paid time and one-half of his applicable regular rate(s) of pay for each and every hour he worked for Defendants in excess of Forty (40) hours per work week during the three (3) year statute of limitations period between approximately December 2016 and mid-January 2017.

22. All similarly situated current and former non-exempt employees, however variously titled, who have worked in excess of Forty (40) hours per week for Defendants in one or more weeks between April 2014 and the present are also entitled to be paid time and one-half of their applicable regular rates of pay for each and every overtime hour they worked for Defendants but were not properly compensated for working on Defendants' behalf during any work weeks within the three (3) year statute of limitations period.

23. At all times material to this Complaint, Defendants have had actual notice that their compensation practices did not provide Plaintiff and the other similarly situated non-exempt employees with time and one-half wages for all of their actual overtime hours worked between April 2014 and the present based upon, *inter alia*: (a) Defendants facilitating the creation, oversight, and administration of compensation practices, timekeeping practices, and employment policies governing Plaintiff and the other employees similarly situated to him which knowingly and willfully did not provide time and one-half compensation for all hours worked in excess of Forty (40) hours per week; and (b) Defendants' failure to maintain accurate records of the actual start times, stop times, number of hours worked each day, and total hours worked each week by Plaintiff and the other similarly situated employees for Defendants as required by the Fair Labor Standards Act for each work week within the three (3) year statute of limitations period between April 2014 and the present.

24. By reason of the intentional, willful and unlawful acts of Defendants, all Plaintiffs (the named Plaintiff and those similarly situated to him) have suffered damages plus incurring costs and reasonable attorneys' fees.

25. Defendants did not have a good faith basis for their failure to pay time and one-half wages for all of the actual overtime hours worked by Plaintiff and Defendants' other non-exempt employees, however variously titled, as a result of which Plaintiff and the other similarly situated employees are entitled to the recovery of liquidated damages from Defendants pursuant to 29 U.S.C. §216(b).

26. Plaintiff has retained the undersigned counsel to represent him in this action, and pursuant to 29 U.S.C. §216(b), Plaintiff is entitled to recover from Defendants all reasonable attorneys' fees and costs incurred as a result of Defendants' violations of the FLSA.

27. Plaintiff demands a jury trial.

WHEREFORE, Plaintiff, FRANCISCO GONZALEZ and any current or former non-exempt employees similarly situated to him who join this action as Opt-In Plaintiffs, demand judgment, jointly and severally, against Defendants, JOE'S BLUE MARKET CORP. and TERRY THOMPSON, for the payment of all unpaid overtime compensation, liquidated damages, reasonable attorneys' fees and costs of suit, and for all proper relief including prejudgment interest.

**COUNT II**  
**VIOLATION OF THE FLORIDA CONSTITUTION, ART. X, § 24 – MINIMUM WAGES**

Plaintiff, FRANCISCO GONZALEZ, realleges and reincorporate all allegations contained within Paragraphs 1 through 20 above as though fully stated herein.

28. Plaintiffs and the other similarly situated non-exempt employees of Defendants are/were entitled to be paid the full minimum wage for each hour worked during their employment with Defendants within the last five (5) years.

29. Defendants willfully failed to pay Plaintiffs and those similarly situated employees—namely other Stockers and Cashiers, however variously titled—the full minimum wage for one or more weeks of work contrary to Article X, Section 24 of the Florida Constitution.

30. More specifically, Plaintiff is entitled to the minimum wage required by law for every hour he worked for Defendants each week within the three (3) year statute of limitations period between approximately December 2016 and mid-January 2017.

31. The minimum wage required by law that Defendants were obligated to pay Plaintiff and the other similarly non-exempt employees, however variously titled, in Florida was \$7.93/hour in 2014, \$8.05/hour in 2015 and 2016, and \$8.10/hour since January 1, 2017.

32. However, JBM paid Plaintiff less than the minimum wage required by law for his hours worked for Defendants between approximately December 2016 and mid-January 2017.

33. All other non-exempt employees, however variously titled, of Defendants are also entitled to be paid time at least the minimum wage required by law for every hour they have worked for Defendants within the past five (5) years.

34. At all times material to this Complaint, Defendants had knowledge that Plaintiff and other non-exempt employees, however variously titled, were performing work for the benefit of Defendants during numerous work weeks within the statute of limitations period without compensation at the minimum wage required by law.

35. Defendants have knowingly and willfully failed to pay Plaintiff and the other similarly situated non-exempt employees at least the minimum wage required by law for all of their actual hours worked for Defendants during each week within the statute of limitations period.

36. By reason of Defendants' intentional, willful and unlawful act, all Plaintiffs (the named Plaintiff and those employees similarly situated to him) have suffered damages plus



incurring costs and reasonable attorneys' fees.

37. Defendants did not have a good faith basis for their failure to pay at least the minimum wage required by law for all of the actual hours worked by Plaintiff and Defendants' other non-exempt employees, however variously titled, as a result of which Plaintiff and the other similarly situated employees are entitled to the recovery of liquidated damages in an amount equal to their unpaid minimum wages from Defendants.

38. On February 13, 2017, Plaintiff made a written demand for payment of unpaid minimum wages from Defendants but Defendants have failed to pay any amounts due and owing to Plaintiff.

39. Plaintiff has retained the undersigned counsel to represent him in this action, and pursuant to Florida law, Plaintiff is entitled to recover from Defendants all reasonable attorneys' fees and costs.

40. Plaintiff demands a jury trial.

WHEREFORE, Plaintiff, FRANCISCO GONZALEZ and any current or former non-exempt employees similarly situated to him, demand judgment, jointly and severally, against Defendants, JOE'S BLUE MARKET CORP. and TERRY THOMPSON, for the payment of all unpaid minimum wages, liquidated damages, reasonable attorneys' fees and costs of suit, and for all proper relief including prejudgment interest.

**JURY TRIAL DEMAND**

Plaintiff demands trial by jury on all issues so triable.

Dated: April 7, 2017

Respectfully submitted,

By: **s/HAZEL SOLIS ROJAS**  
Keith M. Stern, Esquire  
Florida Bar No. 321000  
E-mail: [employlaw@keithstern.com](mailto:employlaw@keithstern.com)  
Hazel Solis Rojas, Esquire  
Florida Bar No. 91663  
E-mail: [hsolis@workingforyou.com](mailto:hsolis@workingforyou.com)  
LAW OFFICE OF KEITH M. STERN, P.A.  
One Flagler  
14 NE 1st Avenue, Suite 800  
Miami, Florida 33132  
Telephone: (305) 901-1379  
Facsimile: (561) 288-9031  
Attorneys for Plaintiff

**CONSENT TO JOIN FORM**

1. I consent to be a party plaintiff in a lawsuit against Defendant(s), Joe's Blue Market Corp., as well as any related entities and individuals, to seek recovery for violations of the Fair Labor Standards Act (FLSA) pursuant to 29 U.S.C. §216(b) *et seq.*

2. I hereby designate the Law Office of Keith M. Stern, P.A. to represent me in bringing my FLSA claims and to make decisions on my behalf concerning the litigation and settlement of these claims. I agree to be bound by any adjudication by the Court, whether it is favorable or unfavorable.

3. I also consent to join any other related action against Defendant(s), or any other potentially responsible parties, to assert my FLSA claims and for this Consent Form to be filed in any such action.

Francisco Gonzalez

Printed Name

Signature: Frank O. Gonzalez  
Frank O. Gonzalez (Jan 17, 2017)

Email: 

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** FRANCISCO GONZALEZ, on behalf of himself and others similarly situated **DEFENDANTS** JOE'S BLUE MARKET CORP., a Florida Corporation, and TERRY THOMPSON, individually  
 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)  
 (c) Attorneys (Firm Name, Address, and Telephone Number) LAW OFFICE OF KEITH M. STERN, P.A., 14 NE 1st Avenue, Suite 800, Suite 800, Miami, FL 33132, Telephone No.: (305) 901-1379  
 (d) Check County Where Action Arose:  MIAMI-DADE  MONROE  BROWARD  PALM BEACH  MARTIN  ST. LUCIE  INDIAN RIVER  OKEECHOBEE  HIGHLANDS

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only) **III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)	Citizen of This State	<input type="checkbox"/> 1 PTF	<input type="checkbox"/> 1 DEF	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4 PTF	<input type="checkbox"/> 4 DEF
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	Citizen of Another State	<input type="checkbox"/> 2 PTF	<input type="checkbox"/> 2 DEF	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5 PTF	<input type="checkbox"/> 5 DEF
		Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 PTF	<input type="checkbox"/> 3 DEF	Foreign Nation	<input type="checkbox"/> 6 PTF	<input type="checkbox"/> 6 DEF

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

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other  <b>LABOR</b> <input checked="" type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act  <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157  <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark  <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))  <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729 (a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS		
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Other:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		Appeal to District Judge from Magistrate Judgment <input type="checkbox"/> 7 <input type="checkbox"/> 8 Remanded from Appellate Court

**V. ORIGIN** (Place an "X" in One Box Only)  
 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  8 Remanded from Appellate Court

**VI. RELATED/ RE-FILED CASE(S)** (See instructions): a) Re-filed Case  YES  NO b) Related Cases  YES  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. 216 - Action for Unpaid Overtime Compensation  
 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:**  Yes  No

**ABOVE INFORMATION IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE**  
 DATE April 7, 2017 SIGNATURE OF ATTORNEY OF RECORD s/ Hazel Solis Rojas

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

FRANCISCO GONZALEZ, on behalf of himself
and others similarly situated

Plaintiff(s)

v.

JOE'S BLUE MARKET CORP., a Florida
Corporation, and TERRY THOMPSON, individually

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) JOE'S BLUE MARKET CORP.
c/o Terry Thompson, Registered Agent
5830 NW 22nd Avenue
Miami, Florida 33142

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:

Law Office of Keith M. Stern, P.A.
14 NE 1st Avenue, Suite 800
Miami, Florida 33132
Telephone: (305) 901-1379
Facsimile: (561) 288-9031
E-mail: employlaw@keithstern.com

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

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I returned the summons unexecuted because \_\_\_\_\_; or

Other *(specify)*:

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

FRANCISCO GONZALEZ, on behalf of himself
and others similarly situated

Plaintiff(s)

v.

JOE'S BLUE MARKET CORP., a Florida
Corporation, and TERRY THOMPSON, individually

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) TERRY THOMPSON
5830 NW 22nd Avenue
Miami, Florida 33142

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:

Law Office of Keith M. Stern, P.A.
14 NE 1st Avenue, Suite 800
Miami, Florida 33132
Telephone: (305) 901-1379
Facsimile: (561) 288-9031
E-mail: employlaw@keithstern.com

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

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I returned the summons unexecuted because \_\_\_\_\_; or

Other *(specify)*:

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:



# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Joe's Blue Market Corp. Cooked with FLSA Wage Class Action](#)

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