

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO.

FARHOD KARIMOV, and all others similarly  
situated

Plaintiff,

vs.

OBK CENTER CORPORATION d/b/a Bahor  
Restaurant, a Florida Corporation, and IRINA  
ELIUTINA, individually,

Defendants.

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**COMPLAINT**

COMES NOW Plaintiff, FARHOD KARIMOV, by and through his undersigned attorney,  
and hereby sues Defendants, OBK CENTER CORPORATION d/b/a Bahor Restaurant  
(hereinafter referred to as “BAHOR”), and IRINA ELIUTINA, and as grounds alleges:

**JURISDICTIONAL ALLEGATIONS**

1. This is an action to recover monetary damages, liquidated damages, interests, costs  
and attorney’s fees for willful violations of overtime wages under the laws of the United States,  
the Fair Labor Standards Act, 29 U.S.C. §§201-219) (“the FLSA”).

2. Plaintiff is a resident of Broward County, Florida within the jurisdiction of the  
Southern District of Florida.

3. The Defendant corporation operated a restaurant located within Miami-Dade  
County, Florida.

4. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §1331 because this  
action involves the Fair Labor Standards Act, 29 U.S.C. §§201, *et seq.*, a federal statute.

5. Venue is proper in this district pursuant to 28 U.S.C. §1391(c) and (d).

6. BAHOR is a Florida corporation which regularly conducted business within the Southern District of Florida by operating a restaurant within Miami-Dade County, Florida. BAHOR serves Russian and Uzbek dishes.

7. BAHOR is and, at all times pertinent to this Complaint, was engaged in interstate commerce. At all times pertinent to this Complaint, BAHOR operated as an organization which sells and/or markets and/or handles its services and/or goods and/or materials to customers from throughout the United States and also provides its services for goods sold and transported from across state lines of numerous other states, and BAHOR 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. BAHOR purchased food ingredients, food preparation tools, and materials which travelled in interstate commerce. Two or more kitchen employees of BAHOR used food ingredients

8. Upon information and belief, the annual gross revenue of BAHOR was at all times material hereto in excess of \$500,000.00 per annum. Upon information and belief, the gross annual revenue for BAHOR was in excess of \$500,000.00 during the years 2015 and 2016. Upon information and belief, based upon the prior gross income of BAHOR, the gross annual revenue for BAHOR is expected to be in excess of \$500,000.00 for the year 2017.

9. By reason of the foregoing, BAHOR 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) and/or Plaintiff is within interstate commerce.

10. The individual Defendant, ELIUTINA, is an “employer,” as defined in 29 U.S.C. § 203(d), as she has operational control over the Defendant corporation and is directly involved in decisions affecting employee compensation and hours worked by employees such as Plaintiff and opt-in plaintiffs. Defendant ELIUTINA controlled the purse strings for the corporate Defendant. Defendant ELIUTINA hired and fired employees, determined the rate of compensation and was responsible for ensuring that employees were paid the wages required by the FLSA.

**COUNT I: UNPAID OVERTIME WAGES**

11. Plaintiff re-alleges and re-aver paragraphs 1 through 10 as fully set forth herein.

12. FARHOD KARIMOV worked as a kitchen cook who was employed from October 1, 2015 through January 4, 2017. KARIMOV was paid a rate of \$18/hr. during the period of October 1, 2015 through April 2016, at which time his rate was reduced to \$16/hr. KARIMOV estimates that he worked approximately 430 overtime hours where he was paid a straight time rate, and is owed an additional half-time rate for these hours. KARIMOV estimates that he worked approximately 400 overtime hours for which he was not paid any wages, and is owed wages at a rate of time-and-one half the regular rate.

13. Defendants were required to pay Plaintiff overtimes wages. Plaintiff was not paid overtime wages at a rate of time and one half, when he worked more than 40 hours per week.

14. The FLSA requires that employees be paid overtime hours worked in excess of forty (40) hours weekly at a rate of time-and-one-half the regular rate. At all times material hereto, Defendants 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 performed services and worked in excess of the maximum hours provided by the FLSA but no provision was made by the Defendants to properly pay him at the rate of time and one-half for all hours worked in excess of forty (40) per workweek as provided in the FLSA.

15. Defendants 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. Defendants were aware of Plaintiff's work schedules and further aware that Plaintiff was working more than 40 hours per week. Defendants were aware of Plaintiff's pay records and the rate that he was being paid for his hours. Defendants would manipulate the time records to reduce the appearance of overtime hours worked. Further, Defendants would pay their employees' wages, in part, by cash, in order to reduce the appearance of overtime hours. Despite Defendants' having knowledge of Plaintiff hours and their failure to pay overtime wages, Defendants did not change its pay practices and continued to fail to pay Plaintiff, and those similarly situated, the overtime wages he was due. In addition, Defendants have been previously been sued for overtime wages, but did not correct their practices with respect to the payment of overtime wages.

16. The similarly situated individuals are those individuals whom were employed by the Defendants as restaurant employees like the Plaintiff, and whom were not paid overtime wages.

17. Plaintiff has retained the law offices of the undersigned attorneys to represent him in this action and is entitled to award of reasonable attorney's fees.

WHEREFORE, Plaintiff requests compensatory and liquidated damages, and reasonable attorney's fees and costs from Defendants, jointly and severally, pursuant to the Fair Labor Standards Act as cited above, to be proven at the time of trial for overtime owing from Plaintiff's entire employment period with Defendants, or as much as allowed by the Fair Labor Standards Act, whichever is greater, along with court costs. In the event that Plaintiff does not recover liquidated damages, then Plaintiff will seek an award of prejudgment interest for the unpaid overtime, and any and all other relief which this Court deems reasonable under the circumstances.

Dated: January 24, 2017

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Isaac Mamane, Esq.  
Florida Bar No. 44561

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 FARHOD KARIMOV DEFENDANTS OBK CENTER CORP, IRINA ELIUTINA

(b) County of Residence of First Listed Plaintiff Miami Dade County (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. Attorneys (If Known)

(c) Attorneys (Firm Name, Address, and Telephone Number) Mamane Law LLC, 1150 Kane Concourse, Fourth Floor, Bay Harbor Islands, FL 33154. Tel: 305-773-6661

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

Form with checkboxes for Basis of Jurisdiction (Federal Question, Diversity) and Citizenship of Principal Parties (Citizen of This State, Citizen of Another State, Foreign Nation).

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

Large grid form for Nature of Suit with categories: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, 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 [ ] 8 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 unpaid overtime wages; FLSA 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): 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

January 24, 2017 /s/ Isaac Mamane

FOR OFFICE USE ONLY

RECEIPT # AMOUNT IFP JUDGE MAG JUDGE

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UNITED STATES DISTRICT COURT

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Southern District of Florida

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Plaintiffs,

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Defendants.

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**SUMMONS IN A CIVIL ACTION**

To: OBK CENTER CORP.  
ISHUTINA EKATERINA, registered agent  
3933 NE 163<sup>rd</sup> Street  
North Miami Beach, Florida 33160

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:

MAMANE LAW LLC  
1150 Kane Concourse, Fourth Floor  
Bay Harbor Islands, FL 33154

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*

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Defendants.

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**SUMMONS IN A CIVIL ACTION**

To: IRINA ELIUTANA  
3933 NE 163<sup>rd</sup> Street  
North Miami Beach, Florida 33160

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:

MAMANE LAW LLC  
1150 Kane Concourse, Fourth Floor  
Bay Harbor Islands, FL 33154

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: [Bahor Restaurant Hit with Lawsuit Citing OT Pay Violations](#)

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