

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
Miami Division

Case No.:

NATALIA TOLOSA, individually, and on  
behalf of all similarly situated persons,

Plaintiffs,

v.

BUENAVISTA INVESTMENT HOLDING  
LLC, a Florida limited liability company;  
ANTONIO TURBAY, individually; and  
LEON GOMEZ MARTINEZ, individually,

Defendants.

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**COMPLAINT FOR COLLECTIVE ACTION**

Plaintiff, Natalia Tolosa (“Tolosa” of “Plaintiff”), individually, and on behalf of all other similarly situated employees, files this Complaint and sues Defendants, Buenavista Investment Holdings, LLC (“BIH”), Antonio Turbay (“Turbay”), and Leon Gomez Martinez (“Martinez”) (collectively, the “Defendants”) for violations of the Fair Labor Standards Act and in support state:

1. This action is brought to recover minimum wages, liquidated damages, unlawfully withheld wages, statutory penalties, other damages, and attorney’s fees owed to Plaintiff and all other similarly situated persons employed or formerly employed by Defendants.
2. Jurisdiction is proper in this Court as claims are brought pursuant to the Fair Labor Standards Act, as amended, 29 U.S.C. §201 *et seq.* (“FLSA”) to recover minimum wages, an additional equal amount as liquidated damages, and reasonable attorney’s fees and costs.

3. The jurisdiction of the Court over this controversy is based upon 29 U.S.C. §216(b) and 28 U.S.C. §1331.

4. Plaintiff was a non-exempt employee of Defendants who had her wages unlawfully withheld and was not paid a minimum wage in direct violation of the FLSA within the past three (3) years.

5. Plaintiff Tolosa was employed as a bar tender at BIH's place of business known as La Victoria Social Club.

6. Plaintiff Tolosa began her employment with BIH in March 2015 and ended February 2018.

7. Plaintiff and other similarly situated persons employed or formerly employed by Defendants had tips unlawfully deducted by Defendants for which they were lawfully entitled pursuant to the FLSA and Plaintiffs were not permitted to retain all tips received by the Employee.

8. Defendants purport to claim a tip credit allowed by the FLSA. The FLSA, 29 U.S.C. §203(m), allows an Employer to pay less than the required minimum wage by taking a tip credit in order to satisfy its minimum wage obligation. However, in order to utilize the tip credit, an Employer must strictly comply with the conditions imposed by the FLSA.

9. The FLSA lays out two (2) prerequisites that must be met in order to claim the tip credit: (1) the employer must inform the employee that the employee will be paid at a reduced minimum wage; and (2) all tips received by the employee must be retained by the employee. 29 U.S.C. §203(m).

10. Florida allows a tip credit of \$3.02 an hour and Plaintiff was paid \$5.03 per hour by Defendants from January 15, 2017 to April 16, 2017. Prior to and afterward, Defendants' paystubs fail to indicate Plaintiff's hourly rate of pay and Plaintiff is unaware of same. In addition, Plaintiff received tips.

11. A condition precedent to the tip credit availability is that all tips received by the Employee have been retained by the Employee.

12. Defendants willfully and intentionally failed to pay the compensation required by the FLSA as they routinely deducted amounts from the tips received by Plaintiff and other similarly situated persons employed or formerly employed by Defendants, and shared those tips with Defendant BIH and others who do not regularly and customarily receive tips.

13. Venue is proper in this Court, pursuant to 28 U.S.C. §1391, as Defendants are either, a Florida limited liability company that maintains offices and regularly conducts business within the Southern District of Florida or individuals residing within this District; additionally the wrongful acts occurred within this District.

14. At all times material hereto, Defendant BIH has been and continues to be a Florida limited liability company engaged in business in Miami-Dade County, Florida.

15. At all times material hereto, Defendant Turbay has been a resident and is engaged in business within the jurisdiction of the United States District Court for the Southern District of Florida.

16. At all times material hereto, Defendant Martinez has been a resident and is engaged

in business within the jurisdiction of the United States District Court for the Southern District of Florida.

17. At all times material hereto, Defendants Turbay and Martinez regularly exercised the authority to hire and fire employees, determine the work schedules of employees, set the rate of pay of employees, and control finances and operations of Defendant BIH. Additionally, Defendant Turbay controlled all financial aspects of BIH and its purse strings. By virtue of such control and authority, Defendants Turbay and Martinez are Plaintiff's employer as such term is defined by the FLSA.

18. Further Defendant Martinez acts as the manager of BIH.

19. At all times material hereto, Defendants Turbay and Martinez regularly exercised the authority to determine the work schedules of employees, set the rate of pay of employees, and control finances and operations of Defendant BIH. By virtue of such control and authority, Defendants Turbay and Martinez are Plaintiff's employers as such term is defined by the FLSA.

20. Defendant BIH operates as an organization that sells, markets, or handles goods, materials, or services for customers from throughout the United States, provides its services for goods sold or transported from across state lines, obtains and solicits funds from sources outside of Florida accepts fund from sources outside of Florida, transmits funds outside of Florida and otherwise regularly engages in interstate commerce.

21. Upon information and belief, BIH's annual gross revenue was in excess of \$500,000 per annum at all times material to this Action.

22. At all relevant times, Plaintiff, and all other similarly situated persons, were “Employees” of Defendants within the meaning of the FLSA.

23. At all material times Defendants continued to be “engaged in commerce” within the meaning of 29 U.S.C. §207(a)(1) of the FLSA.

24. The additional persons who may become Plaintiffs in this Action are current employees and former employees of who held positions similarly situated to Plaintiff from whom Defendants unlawfully withheld and deducted wages to which the potential Plaintiffs are entitled.

25. Defendants’ actions were willful and/or showed reckless disregard for the provisions of the FLSA in that Defendants intentionally and willfully deducted and converted monies to which the Plaintiff was entitled.

26. All conditions precedent to bringing this lawsuit have been satisfied or waived.

27. Plaintiff has retained undersigned counsel to represent her in this litigation and has agreed to pay a reasonable fee for undersigned counsel’s services.

28. Plaintiff brings this lawsuit on behalf of herself and other employees and former employees who are similarly situated for minimum wage and overtime compensation and other relief pursuant to the FLSA.

**Count I – Minimum Wage Violations**

29. Plaintiff re-alleges the allegations set forth in paragraphs 1 through 28 as if fully set forth herein and further allege:

30. During Plaintiff’s employment, Plaintiff worked for Defendants as a tipped

employee and Defendants compensated Plaintiff at a rate below the applicable minimum wage rates for both tipped and non-tipped employees.

31. Defendants failed to inform Plaintiff of their intention to claim a tip credit, as required by the FLSA, 29 U.S.C. §203(m). Defendants also took control of Plaintiff's tips.

32. Defendants failed to inform Plaintiff of the amounts claimed as tip credits per hour of the hourly rate Plaintiff would receive as wages.

33. Defendants also improperly deducted and shared tips received by the Plaintiff with the "house" or individuals who do not customarily and regularly receive tips.

34. As a result of the foregoing violations, Defendants did not satisfy the requirements of 29 U.S.C. §203(m) and cannot apply Plaintiff's earned tips towards the satisfaction of their minimum wage obligations.

35. Defendants are therefore obligated to pay Plaintiff the full minimum wage for each hour worked.

36. Defendants did not have a reasonable or objective belief that they were not required to pay Plaintiff's minimum wages.

37. Defendants remain owing Plaintiff these minimum wages since the commencement of her Employment with Defendants as set forth above.

38. As a direct and proximate cause of Defendants' failure to compensate Plaintiffs at the full minimum wage rates as applicable, Plaintiff and those similarly-situated employees have been damaged for one or more weeks of work with Defendants.

39. Plaintiff is entitled to an award for an equal amount of her unpaid minimum wages as liquidated damages.

**WHEREFORE**, Plaintiff and other similarly situated who opt in, respectfully request that this Court award them compensatory damages, including all minimum wage compensation owed, all interest on all compensation accruing from the date such amounts were due, liquidated damages in an amount equal to the compensation shown to be owed pursuant to 29 U.S.C. §216(b), attorney's fees under the FLSA against Defendants, and such other monetary and equitable relief as this Court deems just and proper.

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a jury trial on all issues and claims so triable.

Respectfully submitted March 23, 2018.

*/s/ Miguel Armenteros* \_\_\_\_\_  
Miguel Armenteros, Esq. (FBN 14929)  
*miguel@pbyalaw.com*  
*eservicemia@pbyalaw.com*  
**PERLMAN, BAJANDAS, YEVOLI &  
ALBRIGHT, P.L.**  
283 Catalonia Avenue, Suite 200  
Coral Gables, FL 33134  
Telephone: (305) 377-0086  
Facsimile: (305) 377-0781  
*Attorneys for Plaintiff*

**CIVIL COVER SHEET**

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

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** NATALIA TOLOSA, individually, and on behalf of all similarly situated persons

**DEFENDANTS** BUENAVISTA INVESTMENT HOLDING LLC, a Florida limited liability company; ANTONIO TURBAY, individually; and LEON GOMEZ MARTINEZ, individually.

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

County of Residence of First Listed Defendant Miami-Dade  
*(IN U.S. PLAINTIFF CASES ONLY)*

(c) Attorneys *(Firm Name, Address, and Telephone Number)*  
Miguel Armenteros, Esq. (TEL: 305-377-0086)  
Perlman, Bajandas, Yevoli & Albright, P.L.

NOTE: *(IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.)*  
Attorneys *(If Known)*

283 Catalonia Ave., Suite 200, Coral Gables, FL 33134

(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)*

- 1 U.S. Government Plaintiff  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)*

- |   |                                       |                            |   |                            |                                       |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
|   | PTF                                   | DEF                        |   | PTF                        | DEF                                   |
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5            |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6            |

**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"/> 310 Airplane	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 376 Qui Tam (31 USC 3729 (a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander			<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Federal Employers' Liability			<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine			<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability			<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input checked="" type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations Act
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 740 Railway Labor Act		<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 751 Family and Medical Leave Act		<input type="checkbox"/> 490 Cable/Sat. TV
<input type="checkbox"/> 195 Contract Product Liability		<input type="checkbox"/> 790 Other Labor Litigation		<input type="checkbox"/> 850 Securities/Commodities/Exchange
<input type="checkbox"/> 196 Franchise		<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act		<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 of Appeal of Agency Decision
				<input type="checkbox"/> 950 Constitutional of State Statutes

**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 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  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)*.  
Fair Labor Standards Act, as amended, 29 U.S.C. §201 et seq.

LENGTH OF TRIAL via 2 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: March 23, 2018

SIGNATURE OF ATTORNEY OF RECORD

s. Miguel Armenteros, Esq. (FBN 14929)

FOR OFFICE USE ONLY

RECEIPT # AMOUNT IFP JUDGE MAG. JUDGE



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

## INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

### Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading 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. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

**I. (a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

**II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked. Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

**III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

**IV. Nature of Suit.** Nature of Suit. Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).

**V. Origin.** Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Refiled (3) Attach copy of Order for Dismissal of Previous case. Also complete VI.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

Remanded from Appellate Court. (8) Check this box if remanded from Appellate Court.

**VI. Related/Refiled Cases.** This section of the JS 44 is used to reference related pending cases or re-filed cases. Insert the docket numbers and the corresponding judges name for such cases.

**VII. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553

Brief Description: Unauthorized reception of cable service

**VIII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

**Date and Attorney Signature.** Date and sign the civil cover sheet.

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

UNITED STATES DISTRICT COURT

for the

Southern District of Florida



NATALIA TOLOSA, individually, and on behalf of all similarly situated persons,

Plaintiff(s)

v.

BUENAVISTA INVESTMENT HOLDING LLC, a Florida limited liability company; ANTONIO TURBAY, individually; and LEON GOMEZ MARTINEZ, individually,

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) BUENAVISTA INVESTMENT HOLDING, LLC By serving its Registered Agent, Antonio Turbay 10 N.E. 40th Street Miami, FL 33137

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:

Miguel Armenteros, Esq. (FBN 14929) Perlman, Bajandas, Yevoli & Albright, P.L. 283 Catalonia Ave., Suite 200 Coral Gables, FL 33134 TEL: 305/377-0086

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



NATALIA TOLOSA, individually, and on behalf of all similarly situated persons,

Plaintiff(s)

v.

BUENAVISTA INVESTMENT HOLDING LLC, a Florida limited liability company; ANTONIO TURBAY, individually; and LEON GOMEZ MARTINEZ, individually,

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) ANTONIO TURBAY 900 Biscayne Blvd., Apt. 2907 Miami, FL 33132

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:

Miguel Armenteros, Esq. (FBN 14929) Perlman, Bajandas, Yevoli & Albright, P.L. 283 Catalonia Ave., Suite 200 Coral Gables, FL 33134 TEL: 305/377-0086

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. 06/12) Summons in a Civil Action (Page 2)

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



NATALIA TOLOSA, individually, and on behalf of all similarly situated persons,

Plaintiff(s)

v.

BUENAVISTA INVESTMENT HOLDING LLC, a Florida limited liability company; ANTONIO TURBAY, individually; and LEON GOMEZ MARTINEZ, individually,

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) LEON GOMEZ MARTINEZ 10 N.E. 40th Street Miami, FL 33137

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:

Miguel Armenteros, Esq. (FBN 14929) Perlman, Bajandas, Yevoli & Albright, P.L. 283 Catalonia Ave., Suite 200 Coral Gables, FL 33134 TEL: 305/377-0086

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: [Lawsuit Against Operators of La Victoria Social Club Centers on Allegedly Unlawful Tip Credit Policy](#)

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