

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

ALFREDO MONTESINO MARANTES,
individually and on behalf of other similarly
situated individuals,

Plaintiff,
-against-

R&G ESPANOLA, LLC, a Florida limited
Liability company, and MARCO CIVOLI,
Individually.

Defendants.

Civil Action No.:

Removed From:

Circuit Court of the 11th
Judicial Circuit in and for
Miami-Dade County, Florida
Case No.: 2016-008273-CA-01

NOTICE OF REMOVAL

**TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA**

PLEASE TAKE NOTICE THAT pursuant to 28 U.S.C. §§ 1331, 1441, 1446, 29 U.S.C. §§ 201, *et seq.*, and 18 U.S.C. § 1964, Defendants, R&G Espanola, LLC d/b/a PICCOLA CUCINA (“R&G”) and Marco Civoli (“Civoli”) (collectively, “Defendants”) hereby remove the above-captioned action from the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, where the action is now pending, to the United States District Court for the Southern District of Florida on the basis of federal question jurisdiction. In support of this Notice of Removal, Defendants respectfully show the Court as follows:

BACKGROUND

1. On April 1, 2016, Plaintiff, Alfredo Montesino Marantes (“Plaintiff”) filed this action against Defendants in the Circuit Court for the Eleventh Judicial Circuit in and for Miami-Dade County, Florida (the “Action”). See **Exhibit A**, Plaintiff’s Complaint. Plaintiff has untimely served the Complaint on R&G. Plaintiff has not served the Complaint on Civoli and Plaintiff’s time period to serve such Complaint on Civoli has lapsed under state law.

Defendants appear for the purpose of removal only and for no other purpose and reserve all rights and defenses available to them, including the right to amend or supplement this Notice of Removal and the right to seek the dismissal of this action for lack of personal jurisdiction.

2. This Action arises in relation to Plaintiff's employment with R&G as a busboy. Counts I and II of the Complaint are brought pursuant to the Fair Labor Standards Act, 29 U.S.C. §§ 201, *et seq.* ("FLSA") whereas Count III is brought pursuant to the Racketeering Influenced and Corrupt Organizations Act, 18 U.S.C. §§ 1961, *et seq.* ("RICO").

3. Defendants remove this case on federal question jurisdiction, on the ground that Plaintiff's claims arise under the laws of the United States.

BASIS FOR REMOVAL: FEDERAL QUESTION JURISDICTION

4. Pursuant to 28 U.S.C. § 1441(a), "any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending." Further, 28 U.S.C. § 1331 provides that "[t]he district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States."

5. As set out above, Defendants' claims arise under the laws of the United States, to wit the FLSA and RICO. Accordingly, for these reasons, removal by Defendants is proper pursuant to 28 U.S.C. §§ 1331, 1441, 1446, 29 U.S.C. §§ 201, *et seq.*, and 18 U.S.C. § 1964.

PROCEDURAL COMPLIANCE

6. This Notice is being timely filed under 28 U.S.C. § 1446(b), and this Court has jurisdiction over the parties.

7. In accordance with 28 U.S.C. § 1441(a), the State Court in which this Action was commenced is within this Court's district.

8. Civoli has not been served with any process, pleadings, or orders from the Action in the Circuit Court for the Eleventh Judicial Circuit in and for Miami-Dade County, Florida. In accordance with 28 U.S.C. § 1446(a), Defendants attach hereto a copy of the Complaint, Civil Cover Sheet, Summons, and Return of Service on R&G filed in the State Court in this Action as **Exhibit A** hereto. There are no other pleadings, orders, or process on file in the Circuit Court for the Eleventh Judicial Circuit in and for Miami-Dade County, Florida.

9. In accordance with 28 U.S.C. § 1446(d), Defendants promptly will file a copy of this Notice with the Clerk of the Courts for the Circuit Court for the Eleventh Judicial Circuit in and for Miami-Dade County, Florida. As evidenced by the attached certificate of service, a copy of this Notice of Removal is being served by electronic mail on counsel for Plaintiff as required by 28 U.S.C. § 1446(d).

WHEREFORE, for the foregoing reasons, Defendants request that this cause proceed in its entirety in this Court.

Dated: December 31, 2016.

Respectfully submitted,

LAW OFFICES OF RODRIGO S. DA SILVA, P.A.
1001 Brickell Bay Drive, 9th Floor
Miami, Florida 33131
E-mail: rodrigo@rdasilvalaw.com
Telephone: (305) 615-1434
Facsimile: (305) 615-1435

By: /s/ Rodrigo S. Da Silva
Rodrigo S. Da Silva, Esq.
Florida Bar No. 0088600
*Counsel for Defendants, R&G Espanola, LLC and
Marco Civoli*

CERTIFICATE OF SERVICE

I hereby certify that on December 31, 2016, I filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on Plaintiff's counsel via electronic mail to Anthony M. Georges-Pierre, Esq. (agp@rgpattorneys.com) and Rainier Regueiro, Esq. (rregueiro@rgpattorneys.com).

/s/ Rodrigo S. Da Silva
Rodrigo S. Da Silva, Esq.

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 ALFREDO MONTESINO MARANTES DEFENDANTS R&G ESPANOLA, LLC AND MARCO CIVOLI

(b) County of Residence of First Listed Plaintiff (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) Anthony M. Georges-Pierre, Remer & Georges-Pierre, PLLC, 44 West Flagler Street, Suite 2200, Miami, FL 33130, (305) 416-5000 Rodrigo Da Silva Law Offices of Rodrigo S. Da Silva, P.A., 1001 Brickell Bay Drive, 9th Floor, Miami, FL 33131, (305) 615-1434

(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 (U.S. Government Plaintiff/Defendant, Federal Question, Diversity) and Citizenship of Principal Parties (Citizen of This State, Another State, Foreign Country).

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

Large grid of checkboxes for Nature of Suit categories: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

V. ORIGIN (Place an "X" in One Box Only) 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. 201, et seq. & 18 U.S.C. 1964, et seq. 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 SIGNATURE OF ATTORNEY OF RECORD

EXHIBIT A

FORM 1.997. CIVIL COVER SHEET

The 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. This form shall be filed by the plaintiff or petitioner for the use of the Clerk of the Court for the purpose of reporting judicial workload data pursuant to Florida Statutes section 25.075.

I. CASE STYLE

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

Case No.: _____

Judge: _____

ALFREDO MONTESINO MARANTES

Plaintiff

vs.

R&G ESPANOLA LLC, MARCO CIVOLI

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
- Non-monetary declaratory or injunctive relief;
- Punitive

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

3

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.

Signature s/ Anthony M Georges-Pierre
Attorney or party

FL Bar No.: 533637

(Bar number, if attorney)

Anthony M Georges-Pierre 04/01/2016
(Type or print name)

Date

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

Case No. _____

ALFREDO MONTESINO MARANTES, individually;
and other similarly situated individuals,

Plaintiff,

vs.

R&G ESPANOLA LLC
a Florida Profit Limited Liability Company,
d/b/a **PICCOLA CUCCINA**, individually;
MARCO CIVOLI, individually;

Defendant(s).

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff **ALFREDO MONTESINO MARANTES**, individually; and other similarly situated individuals, by and through the undersigned counsel, hereby sues Defendants, **R&G ESPANOLA LLC**, a Florida Profit Limited Liability Company, d/b/a **PICCOLA CUCCINA**, individually; and **MARCO CIVOLI**, individually; collectively (“Defendants”), and in support avers as follows:

1. This is an action by the Plaintiff 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 were at all times relevant to this action, residents of Miami-Dade County Florida, within the jurisdiction of this Honorable Court. Plaintiff are covered employees for purposes of the FLSA.
4. Defendant, R&G ESPANOLA LLC, a Florida Profit Limited Liability Company, d/b/a PICCOLA CUCCINA, located in Miami-Dade County, Florida where Plaintiff worked for Defendant, and at all times material hereto was and is engaged in interstate commerce.
5. Defendant, MARCO CIVOLI, is a corporate officer of, and exercised operational control over the activities of, corporate Defendant, R&G ESPANOLA LLC.
6. 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.
7. Declaratory, injunctive, legal and equitable relief sought pursuant to the laws set forth above together with attorneys' fees, costs and damages.
8. 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

9. Plaintiff performed work for Defendants as a non-exempt employee from on or about February 2015, through on or about March 8, 2016.
10. Defendants hired Plaintiff as a Busboy.
11. Plaintiff did not receive payment for all hours worked.
12. Throughout Plaintiff's employment, Plaintiff worked in excess of forty (40) hours per week.

13. Plaintiff was not paid at the proper overtime rate for hours worked in excess of forty (40) each week, as proscribed by the laws of the United States and the State of Florida.
14. Plaintiff, during relevant time period, from on or about February 2015, through on or about March 8, 2016, worked approximately twenty three (23) overtime hours each week for which he was not paid 1.5 times his regular rate as provided by the FLSA.
15. At all times relevant herein, Defendants had or should have had full knowledge of all hours worked by Named Plaintiff and Collective Plaintiff, including those hours worked in excess of forty (40) in a given work week.

COUNT 1
Wage & Hour Federal Statutory Violation against
R&G ESPANOLA LLC
d/b/a PICCOLA CUCCINA

16. Plaintiff re-adopts each and every factual allegation as stated in paragraphs 1 through 15 of this complaint as if set out in full herein.
17. This action is brought by Plaintiff to recover from Defendant unpaid wages 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.*
18. Jurisdiction is conferred on this Court by Title 29 U.S.C. § 216(b).
19. 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.

20. Upon information and belief, at all times material hereto, Defendant's annual gross revenue exceeded \$500,000 per annum on its own, or as part of a joint enterprise with the other corporate Defendants named herein, or which are as of yet unknown but will be revealed through further discovery. To the extent that Defendant operated as part of a joint enterprise, it did so with corporate entities that performed related activities, under the common control of the individual Defendants, and for common business purposes related to the work performed by Plaintiff for Defendant.
21. 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.
22. Plaintiff seeks to recover for unpaid wages accumulated from the date of hire and/or from three (3) years from the date of the filing of this complaint.
23. 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.
24. To the extent that 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, the statute of limitations for Plaintiff's FLSA claims is equitably tolled. *See, e.g., Cruz v. Maypa*, 773 F.3d 138, 147 (4th Cir. 2014) (extending failure-to-post tolling in the ADEA context to the FLSA); *Yu G. Ke v. Saigon Grill, Inc.*, 595 F. Supp. 2d 240, 259 (S.D.N.Y. 2008) ("[F]ailure to provide required notice of the governing legal requirements may be a sufficient basis for tolling."); *Kamens v. Summit Stainless, Inc.*, 586 F. Supp. 324, 328 (E.D. Pa. 1984) ("An employer's failure to post a statutorily required notice of this type tolls the running of any period of limitations.").

WHEREFORE, Plaintiff 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 overtime wage compensation for hours worked in excess of forty (40) weekly, with interest;
- C. Award Plaintiff an equal amount in double damages/liquidated damages;
- 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.

COUNT II
Wage & Hour Federal Statutory Violation against
MARCO CIVOLI

25. Plaintiff re-adopts each and every factual allegation as stated in paragraphs 1 through 15 of this complaint as if set out in full herein.
26. At the times mentioned, Defendant was, and is now, a corporate officer of corporate Defendant, R&G ESPANOLA LLC

27. Defendant was an employer of Plaintiff within the meaning of Section 3(d) of the "Fair Labor Standards Act" [29 U.S.C. § 203(d)], in that this individual Defendant acted directly in the interests of Defendant employer in relation to the employees of Defendant employer, including Plaintiff.
28. Defendant had operational control of the business and is thus jointly liable for Plaintiff damages.
29. Defendant willfully and intentionally refused to properly pay Plaintiff wages as required by the law of the United States as set forth above and remains owing Plaintiff these wages since the commencement of Plaintiff employment with Defendant as set forth above.

WHEREFORE, Plaintiff 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 overtime wages for hours worked in excess of forty (40) weekly, 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.

COUNT III
Conspiracy to Violate Civil Rights Under 18 U.S.C. § 1962
CIVIL RICO against
MARCO CIVOLI

RICO ALLEGATIONS

30. Plaintiff re-adopts each and every factual allegation as stated in paragraphs 1 through 15 of this complaint as if set out in full herein.
31. As detailed above, Defendant MARCO CIVOLI (the "RICO Defendant") conducted or participated in the conduct of an enterprise, R&G ESPANOLA LLC, through a pattern of racketeering activity in violation of 18 U.S. C. § 1962(c).
32. Alternatively, the RICO Defendant, through an agreement to commit two or more predicate acts, conspired to conduct or participate in the conduct of an enterprise, R&G ESPANOLA LLC, through a pattern of racketeering activity in violation of 18 U.S.C. § 1962(d). The actions of the RICO Defendant as against Plaintiff, and as described above, were in furtherance of the RICO Defendant's conspiracy and in violation of 18 U.S.C. § 1962(d).

THE ENTERPRISE

33. R&G ESPANOLA LLC was and is the passive instrument of the RICO Defendants racketeering activity and constitutes an "enterprise" as that term is defined in 18 U.S.C. § 1961(4), separate and distinct from the individual RICO Defendants named herein.
34. From approximately 2015 and continuing through the present time, the RICO Defendants, as well as others known or unknown, being persons employed by and

associated with R&G ESPANOLA LLC, which was and is engaged in and the activities of which affected and affect interstate commerce, unlawfully and knowingly conducted or participated, directly or indirectly, in the affairs of the enterprise through a pattern of racketeering activity, that is, through the commission of two or more racketeering acts set forth herein.

35. Plaintiff seeks to prohibit the RICO Defendant from utilizing the pattern of unlawful conduct in which she has continuously engaged during the relevant time period.
36. The pattern of racketeering engaged in by the RICO Defendant involved at least two separate but related acts of racketeering activity, carried out from approximately 2015 through 2016.
37. Plaintiff was directly injured by the RICO Defendant's acts of racketeering activity.

PREDICATE ACTS AND THE PATTERN OF RACKETEERING ACTIVITY

38. Section 1961(1) of RICO provides that "racketeering activity" includes any act indictable under 18 U.S.C. § 1341 (relating to mail fraud), 18 U.S.C. § 1512 (relating to tampering with a witness, victim, or an informant) 18 U.S.C. § 1513 (relating to retaliating against a witness, of unlawful conduct in which they have continually engaged during the relevant time period, 18 U.S.C. § 1519 (relating to destruction, alteration, or falsification of records in Federal investigation and bankruptcy), 18 U.S.C. § 1028 (relating to fraud and related activity in connection with identification documents), 18 U.S.C. § 1546 (relating to fraud and misuse of visas, permits, and other documents), any act which is indictable under the Immigration and Nationality Act, section 274 (relating to bringing in and harboring certain aliens), section 277 (relating to aiding or assisting certain aliens to enter

the United States), if the act indictable under such section of such Act was committed for the purpose of financial gain.

39. The RICO Defendant's acts were not isolated, but rather formed a pattern of conduct through which the RICO Defendant used the enterprise, R&G ESPANOLA LLC, to defraud the IRS and the United States taxpayers for personal, monetary gain, and to silence Plaintiff from complaining about and exposing such illegal and fraudulent acts.

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

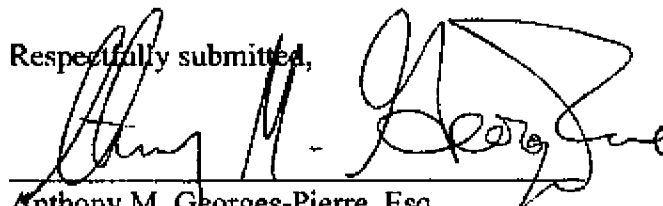
- A. Adjudge and decree that Defendant has violated the FLSA and has done so willfully, intentionally and with reckless disregard for Plaintiff's rights;
- B. Enter judgment against Defendant for all back wages from the date of discharge to the present date and an equal amount of back wages as liquidated damages, and;
- C. Enter judgment against Defendant for all front wages until Plaintiff becomes 65 years of age; and
- D. Enter an award against Defendant and award Plaintiff compensatory damages for mental anguish, personal suffering, and loss of enjoyment of life;
- E. Award Plaintiff the costs of this action, together with a reasonable attorneys' fees; and
- F. 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: 3/31/16

Respectfully submitted,



Anthony M. Georges-Pierre, Esq.
Florida Bar No. 533637

REMER & GEORGES-PIERRE, PLLC

44 West Flagler St., Suite 2200

Miami, FL 33130

Telephone: 305-416-5000

Facsimile: 305-416-5005

agp@rgpattoorneys.com

apetisco@rgpattoorneys.com

regueiro@rgpattoorneys.com

pn@rgpattoorneys.com

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

Case No. _____

ALFREDO MONTESINO MARANTES, individually;
and other similarly situated individuals,

Plaintiff,

vs.

R&G ESPANOLA LLC
a Florida Profit Limited Liability Company,
d/h/a **PICCOLA CUCCINA**, individually;
MARCO CIVOLI, individually;

Defendant(s).

SUMMONS IN A CIVIL CASE

R&G ESPANOLA LLC

Registered Agent: **CORPORATE CREATIONS NETWORK**
11380 Prosperity Farms Road, #221E
Palm Beach Gardens, FL 33410

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

ANTHONY M. GEORGES-PIERRE, ESQ.
REMER & GEORGES-PIERRE, PLLC.
44 WEST FLAGLER STREET. STE. 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

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

Case No. _____

ALFREDO MONTESINO MARANTES, individually;
and other similarly situated individuals,

Plaintiff,

vs.

R&G ESPANOLA LLC
a Florida Profit Limited Liability Company,
d/b/a **PICCOLA CUCCINA**, individually;
MARCO CIVOLI, individually;

Defendant(s).

_____ /

SUMMONS IN A CIVIL CASE

MARCO CIVOLI
44 Espanola Way
Miami Beach, FL 33139

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

ANTHONY M. GEORGES-PIERRE, ESQ.
REMER & GEORGES-PIERRE, PLLC.
44 WEST FLAGLER STREET, STE. 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 # 48411438 E-Filed 11/02/2016 02:12:26 PM

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E.O.S.
12/14/16
2340

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

Case No. 2016-008073-CA-01

ALFREDO MONTESINO MARANTES, individually;
and other similarly situated individuals,

Plaintiff,

vs.

R&G ESPANOLA LLC
a Florida Profit Limited Liability Company,
d/b/a PICCOLA CUCCINA, individually;
MARCO CIVOLI, individually;

Defendant(s).

SUMMONS IN A CIVIL CASE

R&G ESPANOLA LLC

Registered Agent: CORPORATE CREATIONS NETWORK
11380 Prosperity Farms Road, #221E
Palm Beach Gardens, FL 33410

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

ANTHONY M. GEORGES-PIERRE, ESQ.
REMER & GEORGES-PIERRE, PLLC.
44 WEST FLAGLER STREET, STE. 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.

11/8/2016

CLERK

DATE

Natasha... 308631

(BY) DEPUTY CLERK



RETURN OF SERVICE

State of Florida

County of Dade

Circuit Court

Case Number: 2016-008273-CA-01

Plaintiff:

ALFREDO MONTESINO MARANTES,

vs.

Defendant:

R&G ESPANOLA LLC D/B/A PICCOLA CUCCINA, MARCO CIVOLI,

For:

Anthony M. Georges-Pierre
RÉMER & GEORGES-PIERRE, PLLC
44 W. Flagler Street
Ste 2200
Miami, FL 33130

Received by Elizabeth Bockmeyer on the 13th day of December, 2016 at 4:38 pm to be served on R&G ESPANOLA LLC REGISTERED AGENT: CORPORATE CREATIONS NETWORK, 11380 PROSPERITY FARMS RD, #221E, PALM BEACH GARDENS, FL 33410.

I, Elizabeth Bockmeyer, do hereby affirm that on the 14th day of December, 2016 at 2:34 pm, I:

LLC REGISTERED AGENT EMPLOYEE: served by delivering a true copy of the SUMMONS AND COMPLAINT with the date and hour of service endorsed thereon by me, to: RAZIUR RAHMAN who is an employee for the Registered Agent for R&G ESPANOLA LLC at the address of 11380 PROSPERITY FARMS RD, #221E, PALM BEACH GARDENS, FL 33410, and informed said person of the contents therein, in compliance with Federal Rules of Civil Procedure, Florida Statute 48.062 (1) or other state statute as applicable.

Description of Person Served: Age: 35, Sex: M, Race/Skin Color: MIDDLE EASTERN, Height: 5'11", Weight: 175, Hair: BLACK, Glasses: N

Under penalties of perjury, I declare that I have read the foregoing and that the facts stated in it are true. I am over the age of 18, have no interest in the above action, and am a Certified Process Server, in good standing, in the county in which service was effected in accordance with State Statutes.



Elizabeth Bockmeyer
Process Server-1156

OJF Services, Inc.
13727 S.W. 152nd Street
Suite 354
Miami, FL 33177
(954) 929-4215

Our Job Serial Number: OJF-2016017596
Ref: OJF2016017596



Filing # 48411438 E-Filed 11/02/2016 02:12:26 PM

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

Case No. 2016-008273-CA-01

ALFREDO MONTESINO MARANTES, individually;
and other similarly situated individuals,

Plaintiff,

vs.

R&G ESPANOLA LLC
a Florida Profit Limited Liability Company,
d/b/a PICCOLA CUCCINA, individually;
MARCO CIVOLI, individually;

Defendant(s).

*12/14/16
2:34 pm
Bazior
Rahman
E/B
4/1/30*

SUMMONS IN A CIVIL CASE

R&G ESPANOLA LLC

Registered Agent: CORPORATE CREATIONS NETWORK
11380 Prosperity Farms Road, #221E
Palm Beach Gardens, FL 33410

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

ANTHONY M. GEORGES-PIERRE, ESQ.
REMER & GEORGES-PIERRE, P.L.L.C.
44 WEST FLAGLER STREET, STE. 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.

11/8/2016

CLERK _____ DATE

Natasha... 308631

(BY) DEPUTY CLERK _____



ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [R&G Espanola Accused of Failing to Pay Employees Overtime](#)
