

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

CASE NO.:

ALVARO S. MIRANDA  
and other similarly-situated individuals,

Plaintiff(s),

v.

EMIL FRANC, INC.,  
d/b/a CAFÉ RAGAZZI,  
HECTOR EDUARDO REGLERO MONTANER,  
a/k/a RICARDO MONTANER, individually

Defendants,

---

**COMPLAINT**

(OPT-IN PURSUANT TO 29 U.S.C § 216(b))

COMES NOW the Plaintiff ALVARO S. MIRANDA, and other similarly-situated individuals, by and through the undersigned counsel, and hereby sues Defendants EMIL FRANC, INC., d/b/a CAFE RAGAZZI, and HECTOR EDUARDO REGLERO MONTANER, a/k/a RICARDO MONTANER, individually and alleges:

**JURISDICTION VENUES AND PARTIES**

1. This is an action to recover money damages for unpaid minimum and overtime wages, under the laws of the United States. This Court has jurisdiction pursuant to the Fair Labor Standards Act, 29 U.S.C. § 201-219 (Section 216 for jurisdictional placement) (“the Act”).
2. Plaintiff ALVARO S. MIRANDA (hereinafter ALVARO S. MIRANDA) is a resident of Broward County. Plaintiff is a covered employee for purposes of the Act.
3. Defendant EMIL FRANC, INC., d/b/a CAFE RAGAZZI (hereinafter CAFE RAGAZZI, or Defendant) is a Florida corporation, having place of business in Miami-Dade County,

Florida, where Plaintiff worked for Defendant, and at all times material hereto, Defendant was engaged in interstate commerce.

4. The individual Defendants HECTOR EDUARDO REGLERO MONTANER, a/k/a RICARDO MONTANER (hereinafter RICARDO MONTANER), was and is now, the owner/partner, president and manager of Defendant Corporation CAFÉ RAGAZZI. This individual Defendant had financial and operational control of the business and is the employer of Plaintiff within the meaning of 29 U.S.C. § 203(d).
5. All the actions raised in this complaint took place in Miami-Dade County Florida, within the jurisdiction of this Court.

#### GENERAL ALLEGATIONS

6. This cause of action is brought by Plaintiff ALVARO S. MIRANDA to recover from Defendants unpaid minimum wages, overtime compensation, liquidated damages, costs and reasonably attorney's fees under the provisions of Fair Labor Standards Act, as amended, 29 U.S.C. § 201 *et seq* (the "FLA or the "ACT").
7. Corporate Defendant EMIL FRANC, INC. operates CAFÉ RAGAZZI, an Italian restaurant located at 9500 Harding Avenue, Surfside, FL 33154, where Plaintiff worked.
8. Defendants CAFE RAGAZZI, and RICARDO MONTANER employed Plaintiff ALVARO S. MIRANDA as a non-exempt full-time restaurant employee from approximately December 22, 2016 to October 3, 2017, or 41 weeks.
9. Plaintiff had duties as busser and food runner. Plaintiff was an indirect tipped employee who was paid only a portion of the tips received by the servers.
10. Plaintiff was not paid the minimum wages established for tipped employees as per FLSA's regulations. Plaintiff received as compensation just the tips that waiters shared with him.

11. During his time of employment Plaintiff worked Five days per week. Plaintiff had an irregular schedule and he worked different schedules. As per Plaintiff's best recollections, he worked the periods and schedules specified below:

12. **1.- From approximately December 22, 2016 to February 28, 2017, or 10 weeks,** Plaintiff worked 4 days from 4:00 PM to 12:00 AM (8 hours daily), or 32 hours in 4 days; Plaintiff worked one day a double shift, from 11:00 AM to 4:00 PM (5 Hours), and then from 6:00 to 1:00 AM (7 hours), or 12 hours in one day. In this period, Plaintiff completed 44 working hours weekly.

13. **2.- From approximately March 01, to October 3, 2017, or 31 weeks,** Plaintiff worked a minimum of 5 days from 4:00 PM to 12:00 AM (8 hours daily), or 40 working hours weekly.

14. Plaintiff was unable to take bona-fide lunch periods.

15. Plaintiff did not clock in and out, and he was paid his share of tips every day on cash basis, resulting in average of \$300.00 weekly, which constituted Plaintiff's total compensation.

16. While employed by Defendants, Plaintiff always worked 40 hours or more every week. However, Defendants did not pay Plaintiff the mandatory minimum wage and overtime hours.

17. Therefore, Defendants willfully failed to pay Plaintiff minimum wages and overtime hours at the rate of time and a half his regular rate, for every hour that he worked in excess of forty (40), in violation of Section 7 (a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(a)(1)).

18. In addition, during his employment with Defendants, Plaintiff was paid his wages in a very irregular fashion. Defendants paid Plaintiff, and other similarly situated employees, always late.
19. On or about October 3, 2017, Plaintiff terminated his employment with Defendants to pursue better job opportunities.
20. Plaintiff ALVARO S. MIRANDA intends to recover minimum wages, overtime hours, liquidated damages, and any other relief as allowable by law.
21. The additional persons who may become Plaintiffs in this action are employees and/or former employees of Defendants who are and who were subject to the unlawful payroll practices and procedures of Defendants and were not paid minimum and overtime wages at the rate of time and one half of their regular rate of pay for all overtime hours worked in excess of forty.

**COUNT I:**  
**WAGE AND HOUR FEDERAL STATUTORY VIOLATION;**  
**FAILURE TO PAY OVERTIME, AGAINST ALL DEFENDANTS**

22. Plaintiff ALVARO S. MIRANDA re-adopts each and every factual allegation as stated in paragraphs 1-21 above as if set out in full herein.
23. This cause of action is brought by Plaintiff ALVARO S. MIRANDA as a collective action to recover from Defendants overtime compensation, liquidated damages, costs and reasonably attorney's fees under the provisions of the Fair Labor Standards Act, as amended, 29 U.S.C. § 201 *et seq* (the "FLA or the "ACT"), on behalf of Plaintiff and all other current and former employees similarly situated to Plaintiff ("the asserted class") and who worked in excess of forty (40) hours during one or more weeks on or after December

2016, (the “material time”) without being compensated “at a rate not less than one and a half times the regular rate at which he is employed.”

24. Defendant CAFE RAGAZZI was and is engaged in interstate commerce as defined in §§ 3 (r) and 3(s) of the Act, 29 U.S.C. § 203(r) and 203(s)(1)(A). Defendant is a retail business operating as an Italian restaurant, serving mostly to the tourism industry, and is engaged in interstate commerce. Defendant had more than two employees recurrently engaged in commerce or in the production of goods for commerce, by regularly and recurrently using the instrumentalities of interstate commerce to accept and solicit funds from non-Florida sources, by using electronic devices to authorize credit card transactions. Upon information and belief, the proportional annual gross revenue of the Employer/Defendant was at all times material hereto in excess of \$500,000 per annum. By reason of the foregoing, Defendant’s business activities involve those to which the Fair Labor Standards Act applies. Therefore, there is FLSA enterprise coverage.

25. Plaintiff and those similarly-situated were employed by an enterprise engage in interstate commerce. Plaintiff and those similarly-situated through their daily activities were regularly engaged in interstate commerce. Plaintiff regularly handled and worked on goods and materials that were moved across State lines at any time in the course of business, and Plaintiff’s work was directed to serve mostly tourists. Therefore, there is FLSA individual coverage.

26. Defendant CAFE RAGAZZI, employed Plaintiff ALVARO S. MIRANDA as a non-exempt full-time restaurant employee from approximately December 22, 2016 to October 3, 2017, or 41 weeks. Plaintiff had duties as busser, and food runner.

27. From approximately December 22, 2016 to February 28, 2017, or 10 weeks, Plaintiff worked 4 days from 4:00 PM to 12:00 AM (8 hours daily), or 32 hours in 4 days; Plaintiff worked one day a double shift, from 11:00 AM to 4:00 PM (5 Hours), and then from 6:00 to 1:00 AM (7 hours), or 12 hours in one day. In this period, Plaintiff completed 44 working hours weekly. Plaintiff did not take bona-fide lunch periods.
28. During this period, Plaintiff always worked more than 40 hours every week. However, Defendants never paid Plaintiff for overtime hours.
29. Plaintiff did not receive minimum wages and overtime payment. Plaintiff was paid only a portion of the tips received by the servers.
30. Plaintiff did not clock in and out, and he was paid daily only his share of tips. Defendants did not provide any kind of records showing number of hours worked, wage rate applied, tips received etc.
31. Therefore, Defendants willfully failed to pay Plaintiff overtime at the rate of time and a half his regular rate, for every hour that he worked in excess of forty (40), in violation of Section 7 (a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(a)(1)).
32. The records, if any, concerning the number of hours actually worked by Plaintiff and those similarly situated, and the compensation actually paid to such employees should be in the possession and custody of Defendant. However, upon information and belief, Defendant did not maintain time accurate records of hours worked by Plaintiff and other employees.
33. Defendant violated the record keeping requirements of FLSA, 29 CFR Part 516.
34. Prior to the completion of discovery and to the best of Plaintiff's knowledge, at the time of the filing of this complaint, Plaintiff's good faith estimate of unpaid overtime wages is as follows:

\* Please note that these amounts are based on a preliminary calculation and that these figures are subjected to modifications as discovery could dictate.

a. Total amount of alleged unpaid O/T wages:

Four Hundred Thirty-Five Dollars and 20/100 (\$435.20)

b. Calculation of such wages:

Total weeks of employment: 41 weeks

Total relevant weeks of employment: 10 weeks

Minimum Wage:  $\$7.25 \times 1.5 = \$10.88$  O/T rate

O/T rate  $\$10.88 \times 4$  O/T hours =  $\$43.52$  weekly  $\times 10$  weeks =  $\$435.20$

Nature of wages (e.g. overtime or straight time):

This amount represents unpaid overtime wages.

35. At all times material hereto, the Employer/Defendant failed to comply with Title 29 U.S.C. §207 (a) (1), in that Plaintiff and those similarly-situated performed services and worked in excess of the maximum hours provided by the Act but no provision was made by the Defendant to properly pay him at the rate of time and one half for all hours worked in excess of forty hours (40) per workweek as provided in said Act.
36. Defendant knew and/or showed reckless disregard of the provisions of the Act concerning the payment of overtime wages as required by the Fair Labor Standards Act and remain owing Plaintiff and those similarly-situated these overtime wages since the commencement of Plaintiff's and those similarly-situated employee's employment with Defendant as set forth above, and Plaintiff and those similarly-situated are entitled to recover double damages.
37. At the times mentioned, individual Defendant RICARDO MONTANER was the owner/partner, and manager of CAFE RAGAZZI. Defendant RICARDO MONTANER was the employers of Plaintiff and others similarly situated within the meaning of Section

3(d) of the “Fair Labor Standards Act” [29 U.S.C. § 203(d)]. This individual Defendant acted directly in the interests of CAFE RAGAZZI in relation to its employees, including Plaintiff and others similarly situated. Defendant RICARDO MONTANER had absolute financial and operational control of the corporation, determined terms and working conditions of Plaintiff and other similarly situated employees, and he is jointly liable for Plaintiff’s damages.

38. Defendants CAFE RAGAZZI, and RICARDO MONTANER willfully and intentionally refused to pay Plaintiff overtime wages at the rate of time and one half his regular rate, as required by the law of the United States, and remain owing Plaintiff these overtime wages since the commencement of Plaintiff’s employment with Defendants as set forth above.

39. Plaintiff has retained the law offices of the undersigned attorney to represent him in this action and is obligated to pay a reasonable attorneys’ fee.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff ALVARO S. MIRANDA and those similarly-situated respectfully requests that this Honorable Court:

- A. Enter judgment for Plaintiff ALVARO S. MIRANDA and other similarly-situated individuals and against the Defendants CAFE RAGAZZI, and RICARDO MONTANER, on the basis of Defendants’ willful violations of the Fair Labor Standards Act, 29 U.S.C. § 201 et seq.; and
- B. Award Plaintiff ALVARO S. MIRANDA actual damages in the amount shown to be due for unpaid overtime compensation for hours worked in excess of forty weekly, with interest; and
- C. Award Plaintiff an equal amount in double damages/liquidated damages; and



- D. Award Plaintiff reasonable attorneys' fees and costs of suit; and
- E. Grant such other and further relief as this Court deems equitable and just and/or available pursuant to Federal Law.

JURY DEMAND

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

**COUNT II:**  
**F.L.S.A. WAGE AND HOUR FEDERAL STATUTORY VIOLATION: FAILURE TO**  
**PAY MINIMUM WAGE; AGAINST ALL DEFENDANTS**

40. Plaintiff ALVARO S. MIRANDA re-adopts each and every factual allegation as stated in paragraphs 1-21 of this complaint as if set out in full herein.
41. This action is brought by Plaintiff ALVARO S. MIRANDA to recover from the Employer unpaid minimum wages, as well as an additional amount as liquidated damages, costs, and reasonable attorney's fees under the provisions of 29 U.S.C. § 201 et seq., and specifically under the provisions of 29 U.S.C. §206. U.S.C. §206 states "Every employer shall pay to each of his employees who in any workweek is engaged in commerce or in the production of goods for commerce, or is employed in an enterprise engaged in commerce or in the production of goods for commerce, wages at the following rates:
- (1) except as otherwise provided in this section, not less than—
    - (A) \$5.85 an hour, beginning on the 60th day after May 25, 2008;
    - (B) \$6.55 an hour, beginning 12 months after that 60th day; and
    - (C) \$7.25 an hour, beginning 24 months after that 60th day.
42. Defendant CAFE RAGAZZI was and is engaged in interstate commerce as defined in §§ 3 (r) and 3(s) of the Act, 29 U.S.C. § 203(r) and 203(s)(1)(A). Defendant is a retail business operating as an Italian restaurant, serving mostly to the tourism industry, and is engaged in

interstate commerce. Defendant had more than two employees recurrently engaged in commerce or in the production of goods for commerce, by regularly and recurrently using the instrumentalities of interstate commerce to accept and solicit funds from non-Florida sources, by using electronic devices to authorize credit card transactions. Upon information and belief, the proportional annual gross revenue of the Employer/Defendant was at all times material hereto in excess of \$500,000 per annum. By reason of the foregoing, Defendant's business activities involve those to which the Fair Labor Standards Act applies. Therefore, there is FLSA enterprise coverage.

43. Plaintiff and those similarly-situated were employed by an enterprise engage in interstate commerce. Plaintiff and those similarly-situated through their daily activities were regularly engaged in interstate commerce. Plaintiff regularly handled and worked on goods and materials that were moved across State lines at any time in the course of business, and Plaintiff's work was directed to serve mostly tourists. Therefore, there is FLSA individual coverage.

44. Defendant CAFE RAGAZZI, employed Plaintiff ALVARO S. MIRANDA as a non-exempt full-time restaurant employee from approximately December 22, 2016 to October 3, 2017, or 41 weeks.

45. Plaintiff had duties as busser and food runner. Plaintiff was an indirect tipped employee who was paid only a portion of the tips received by the servers.

46. As per Plaintiff's best recollections, he worked the periods and schedules specified below:

47. **1.- From approximately December 22, 2016 to February 28, 2017, or 10 weeks,** Plaintiff worked 4 days from 4:00 PM to 12:00 AM (8 hours daily), or 32 hours in 4 days; Plaintiff worked one day a double shift, from 11:00 AM to 4:00 PM (5 Hours), and then

from 6:00 to 1:00 AM (7 hours), or 12 hours in one day. In this period Plaintiff completed 44 working hours weekly.

48. **2.- From approximately March 01, to October 3, 2017, or 31 weeks**, Plaintiff worked a minimum of 5 days from 4:00 PM to 12:00 AM (8 hours daily), or 40 working hours weekly.

49. Plaintiff was unable to take bona-fide lunch periods.

50. Plaintiff was not paid the minimum wages established for tipped employees, as per FLSA's regulations. Plaintiff received as compensation just tips that waiters shared with him.

51. Therefore, Defendant CAFE RAGAZZI failed to pay Plaintiff ALVARO S. MIRANDA minimum wages according to the provisions of the Fair Labor Standards Act. (FLSA).

52. Plaintiff did not punch in and out, and he was paid tips daily, on cash basis without any record of hour worked or wage rate paid.

53. The records, if any, concerning the number of hours actually worked by Plaintiff and all other employees, and the compensation actually paid to such employees should be in the possession and custody of Defendant. However, upon information and belief, Defendant did not maintain accurate and complete time records of hours worked by Plaintiff.

54. Defendant violated the record keeping requirements of FLSA, 29 CFR Part 516.

55. Prior to the completion of discovery and to the best of Plaintiff's knowledge, at the time of the filing of this complaint, Plaintiff's good faith estimate of unpaid wages are as follows:

\*Please note that these amounts are based on a preliminary calculation and that these figures are subjected to modification as discovery could dictate. After Defendant produce time records and paystubs, calculations will be modified accordingly.

\*Florida minimum wage for tipped employees is higher than Federal minimum wage. As per FLSA regulations the higher minimum wage applies.

a. Total amount of alleged unpaid wages:

Eight Thousand Five Hundred Twelve Dollars and 40/100 (\$8,512.40)

b. Calculation of such wages:

Total weeks of employment: 41 weeks

**1.- From approximately December 22, 2016 to February 28, 2017, or 10 weeks**

Total relevant unpaid weeks: 10 weeks

Total hours worked: 44 hours per week

Florida Minimum cash wage for tipped employees: \$5.03 (2016)

$\$5.03 \times 44 \text{ regular hours} = \$221.32 \text{ weekly} \times 10 \text{ weeks} = \$2,213.20$

**2.- From approximately March 01, to October 3, 2017, or 31 weeks**

Total relevant unpaid weeks: 31 weeks

Total hours worked: 40 hours per week

Florida Minimum cash wage for tipped employees: \$5.08 (2017)

$\$5.08 \times 40 \text{ regular hours} = \$203.20 \text{ weekly} \times 31 \text{ weeks} = \$6,299.20$

Total 1 and 2: \$8,512.40

Nature of wages:

This amount represents unpaid minimum wages at Florida Min. wage rate for tipped employees.

56. Defendant CAFE RAGAZZI unlawfully failed to pay minimum wages to Plaintiff.

Defendant knew and/or showed reckless disregard of the provisions of the Act concerning the payment of minimum wages as required by the Fair Labor Standards Act and remains owing Plaintiff these minimum wages since the commencement of Plaintiff employment with Defendant as set forth above, and Plaintiff is entitled to recover double damages.

57. At the times mentioned, individual Defendant RICARDO MONTANER was the owner/partner, and manager of CAFE RAGAZZI. Defendant RICARDO MONTANER was the employers of Plaintiff and others similarly situated within the meaning of Section

3(d) of the "Fair Labor Standards Act" [29 U.S.C. § 203(d)]. This individual Defendant acted directly in the interests of CAFE RAGAZZI in relation to its employees, including Plaintiff and others similarly situated. Defendant RICARDO MONTANER had absolute financial and operational control of the corporation, determined terms and working conditions of Plaintiff and other similarly situated employees, and he is jointly liable for Plaintiff's damages.

58. Defendants CAFE RAGAZZI and RICARDO MONTANER willfully and intentionally refused to pay Plaintiff minimum wages as required by the law of the United States and remain owing Plaintiff these minimum wages, as set forth above.

59. Plaintiff has retained the law offices of the undersigned attorney to represent him in this action and is obligated to pay a reasonable attorneys' fee.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff ALVARO S. MIRANDA respectfully requests that this Honorable Court:

- A. Enter judgment for Plaintiff and against the Defendants CAFE RAGAZZI and RICARDO MONTANER, on the basis of Defendants' willful violations of the Fair Labor Standards Act, 29 U.S.C. § 201 et seq. and other Federal Regulations; and
- B. Award Plaintiff actual damages in the amount shown to be due for unpaid minimum wages, with interest; and
- C. Award Plaintiff an equal amount in double damages/liquidated damages; and
- D. Award Plaintiff reasonable attorneys' fees and costs of suit; and
- E. Grant such other and further relief as this Court deems equitable and just and/or available pursuant to Federal Law.

JURY DEMAND

Plaintiff ALVARO S. MIRANDA and those similarly-situated demand trial by jury of all issues triable as of right by jury.

Dated: March 9, 2018

Respectfully submitted,

By: /s/ Zandro E. Palma  
ZANDRO E. PALMA, P.A.  
Florida Bar No.: 0024031  
9100 S. Dadeland Blvd.  
Suite 1500  
Miami, FL 33156  
Telephone: (305) 446-1500  
Facsimile: (305) 446-1502  
zep@thepalmalawgroup.com  
*Attorney for Plaintiff*

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 THE REVERSE OF THE FORM.) NOTICE: Attorneys MUST Indicate All Re-filed Cases Below.

I. (a) PLAINTIFFS
ALVARO S. MIRANDA
(b) County of Residence of First Listed Plaintiff (EXCEPT IN U.S. PLAINTIFF CASES)
(c) Attorney's (Firm Name, Address, and Telephone Number)
The Law Office of Zandro E. Palma, P.A.
9100 South Dadeland Blvd., Suite 1500, Miami, FL 33156
Tel: (305) 446-1500

DEFENDANTS
EMIL FRANC, INC., d/b/a CAFÉ RAGAZZI,
HECTOR EDUARDO REGLERO MONTANER
County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT LAND INVOLVED.
Attorneys (If Known)

(d) Check County Where Action Arose: [X] MIAMI-DADE [ ] MONROE [ ] BROWARD [ ] PALM BEACH [ ] MARTIN [ ] ST. LUCIE [ ] INDIAN RIVER [ ] OKEECHOBEE HIGHLANDS

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)
[ ] 1 U.S. Government Plaintiff
[X] 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)
(For Diversity Cases Only)
PTF DEF
Citizen of This State [ ] 1 [ ] 1
Citizen of Another State [ ] 2 [ ] 2
Citizen or Subject of a Foreign Country [ ] 3 [ ] 3
Incorporated or Principal Place of Business In This State [ ] 4 [ ] 4
Incorporated and Principal Place of Business In Another State [ ] 5 [ ] 5
Foreign Nation [ ] 6 [ ] 6

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

Table with 5 columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, SOCIAL SECURITY, FEDERAL TAX SUITS, BANKRUPTCY, OTHER STATUTES. Includes various legal categories like Insurance, Personal Injury, Real Property, etc.

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

VI. RELATED/RE-FILED CASE(S).
a) Re-filed Case [ ] YES [X] NO
b) Related Cases [ ] YES [X] NO
(See instructions second page): 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.
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 /s/ Zandro E. Palma, Esq.
DATE March 9, 2018

FOR OFFICE USE ONLY

AMOUNT RECEIPT # IFP

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

ALVARO S. MIRANDA
and other similarly-situated individuals,

Plaintiff

v.

EMIL FRANC, INC., d/b/a CAFÉ RAGAZZI,
HECTOR EDUARDO REGLERO MONTANER

Defendant

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Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) EMIL FRANC, INC., d/b/a CAFÉ RAGAZZI through its Registered Agent

REGLERO, HECTOR
4950 PINE TREE DRIVE
MIAMI BEACH, FL 33140

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:

The Law Office of Zandro E. Palma, P.A.
9100 South Dadeland Boulevard
Suite 1500
Miami, FL 33156

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. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

ALVARO S. MIRANDA
and other similarly-situated individuals,

Plaintiff

v.

EMIL FRANC, INC., d/b/a CAFÉ RAGAZZI,
HECTOR EDUARDO REGLERO MONTANER

Defendant

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) HECTOR EDUARDO REGLERO MONTANER

REGLERO, HECTOR
4950 PINE TREE DRIVE
MIAMI BEACH, FL 33140

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:

The Law Office of Zandro E. Palma, P.A.
9100 South Dadeland Boulevard
Suite 1500
Miami, FL 33156

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: [Lawsuit: Former Café Ragazzi Server Seeks Thousands in Unpaid Wages](#)

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