

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

Case No. _____

SILVIA L. SANCHEZ, and other similarly)
situated individuals,)
)
Plaintiffs,)
)
v.)
)
BEACHCOMBER INVESTMENTS CORP.)
d/b/a Shepley Hotel d/b/a Beachcomber Hotel)
d/b/a Leslie Hotel d/b/a Nassau Suite Hotel;)
ALQUIMIA HOSPITALITY GROUP, LLC)
d/b/a Shepley Hotel d/b/a Beachcomber Hotel)
d/b/a Leslie Hotel d/b/a Nassau Suite Hotel;)
JUAN P. D’ONOFRIO; and PAOLA)
MEDINA,)
)
Defendants.)
_____)

COMPLAINT

Plaintiff SILVIA L. SANCHEZ and other similarly situated individuals sue defendants BEACHCOMBER INVESTMENTS CORP. d/b/a Shepley Hotel d/b/a Beachcomber Hotel d/b/a Leslie Hotel d/b/a Nassau Suite Hotel; ALQUIMIA HOSPITALITY GROUP, LLC d/b/a Shepley Hotel d/b/a Beachcomber Hotel d/b/a Leslie Hotel d/b/a Nassau Suite Hotel; JUAN P. D’ONOFRIO; and PAOLA MEDINA, and allege:

NATURE OF THE ACTION

1. This is an action to recover money damages for unpaid overtime under the laws of the United States. This action also involves the application of the Family and Medical Leave Act

of 1993, 29 U.S.C. § 2601 *et seq.* (the “FMLA”)¹.

JURISDICTION

2. This Court has jurisdiction pursuant to the Fair Labor Standards Act, 29 U.S.C. § 201-219 (Section 216 for jurisdictional placement) (the “FLSA”); and pursuant to 28 U.S.C. § 1331, 28 U.S.C. § 1343(3) and (4) and 28 U.S.C. § 2617.

VENUE

3. Venue is proper under 28 U.S.C. § 1391(b) because the acts complained of by Plaintiff SILVIA SANCHEZ (“Plaintiff”), occurred within this judicial district and because Defendants BEACHCOMBER INVESTMENTS CORP. d/b/a Shepley Hotel d/b/a Beachcomber Hotel d/b/a Leslie Hotel d/b/a Nassau Suite Hotel (“Beachcomber”); ALQUIMIA HOSPITALITY GROUP, LLC d/b/a Shepley Hotel d/b/a Beachcomber Hotel d/b/a Leslie Hotel d/b/a Nassau Suite Hotel (“Alquimia”); JUAN P. D’ONOFRIO; and PAOLA MEDINA (collectively, the “Defendants”) do business in Miami-Dade County, Florida.

THE PARTIES

4. Plaintiff is a resident of Miami-Dade County, Florida, within the jurisdiction of this Honorable Court. Plaintiff is a covered employee for purposes of the FLSA.

5. At all times material to this Complaint, Plaintiff was an “eligible employee” as defined by the FMLA, 29 U.S.C. § 2611(2)(A).

6. Defendants Beachcomber and Alquimia (the “Corporate Defendants”) at all times material hereto, were and are engaged in interstate commerce.

7. At all times material, Defendants were an “employer” as defined by the FLSA.

¹ Plaintiff will simultaneously file a charge of discrimination with the EEOC. As soon as Plaintiff receives a Right to Sue notice, she will move to amend this complaint to include counts of discrimination under Title VII and the Florida Civil Rights Act.

8. At all times material, the Corporate Defendants were an “employer” as defined by 29 U.S.C. § 2611(4) and the FMLA.

9. Defendants JUAN P. D’ONOFRIO and PAOLA MEDINA (the “Individual Defendants”), upon information and belief, reside in Miami-Dade County.

10. The Corporate Defendants are enterprises owned and controlled by Defendant Juan P. D’Onofrio.

11. The Corporate Defendants are under the administration and common control of Defendant Juan P. D’Onofrio.

12. The Corporate Defendants are entities engaged in related activities, which perform through a unified operation, with a common ownership, with a common business purpose, under the common control and administration of Defendant, Juan P. D’Onofrio.

13. The Corporate Defendants provide management services and workers to, subject to discovery, at least three hotels in Miami-Dade County: the Shepley Hotel or Beachcomber Hotel, the Leslie Hotel and the Nassau Suites Hotel.

14. The Corporate Defendants share offices, employees, and the websites:

<http://theshepleyhotel.com/en/home>;

<http://lesliehotel.com/en/home>; and

<http://nassausuite.com/en/home>.

15. The Corporate Defendants share common ownership, common management, centralized control of labor relations, and common offices and interrelated operations. The Corporate Defendants are an integrated enterprise. Alternatively, each company is a covered enterprise under the FLSA.

16. The Corporate Defendants share employees or interchange employees; work in the direct interest of one another; and their employees are in the common control of both companies. The Corporate Defendants are joint employers. Alternatively, each company is a covered enterprise under the FLSa.

**COUNT I: WAGE AND HOUR FEDERAL (FLSA)
STATUTORY VIOLATION BY THE CORPORATE DEFENDANTS**

17. Plaintiff re-adopts each and every factual allegation as stated in paragraphs 1 – 4, 6 -7, and 9-16 as if set out in full herein.

18. This action is brought by Plaintiff and those similarly situated to recover from the Corporate Defendants overtime 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., and also under the provisions of 29 U.S.C. § 207. Section 207(a)(1) of the FLSA states: "No employer shall employ any of his employees . . . for a work week longer than 40 hours unless such employee receives compensation for his employment in excess of the hours above-specified at a rate not less than one and a half times the regular rate at which he is employed."

19. Jurisdiction is conferred on this Court by Title 28 U.S.C. § 1337 and by Title 29 U.S.C. § 216(b). The Corporate Defendants are and, at all times pertinent to this complaint, were engaged in interstate commerce. At all times pertinent to this complaint, the Corporate Defendants operated as organizations which sell and/or market their services and/or goods to customers from throughout the United States and from outside of the United States, and also provide their services for goods sold and transported from across state lines of other states, and the Corporate Defendants obtain and solicit funds from non-Florida sources, accept funds from non-Florida sources, use telephonic transmissions going over state lines to do their business, transmit funds outside the State of Florida, and otherwise regularly engage in interstate

commerce, particularly with respect to their employees and customers. Upon information and belief, the annual gross revenue of the Corporate Defendants was at all times material hereto in excess of \$500,000.00 per annum, and/or Plaintiff, and those similarly situated, by virtue of working in interstate commerce, otherwise satisfy the FLSA's requirements.

20. By reason of the foregoing, the Corporate Defendants are and were, during all times hereafter mentioned, an enterprise or enterprises engaged in commerce or in the production of goods for commerce as defined in §§ 3(r) and 3(s) of the FLSA and/or Plaintiff, and those similarly situated, were engaged in interstate commerce for the Corporate Defendants. The Corporate Defendants' business activities involve those to which the FLSA applies. The Corporate Defendants are hotels or companies that manage hotels and, through their business activities, affect interstate commerce. Plaintiff's work for the Corporate Defendants likewise affects interstate commerce. Plaintiff was employed by the Corporate Defendants as a housekeeper for the Corporate Defendants' business.

21. While employed by the Corporate Defendants, Plaintiff routinely worked in excess of 40 hours per week without being compensated at a rate of not less than one and one-half times the regular rate at which she was employed. Plaintiff was employed as a housekeeper, performing the same or similar duties as that of those other similarly situated housekeepers whom Plaintiff observed working in excess of 40 hours per week without overtime compensation.

22. Plaintiff was paid approximately \$10.50 per hour and the Corporate Defendants paid her some overtime, however, Plaintiff was not paid for all overtime worked. Specifically, the Corporate Defendants manipulated the Plaintiff's records to show she worked less overtime than what she actually worked.

23. Subject to discovery and according to Plaintiff's own calculations, she is owed approximately 64 overtime hours during each of the following years: 2017, 2016, and 2015.

24. Plaintiff was employed by the Corporate Defendants between November 5, 2014, and December 1, 2017, when the Corporate Defendants wrongfully terminated her.

25. Plaintiff seeks to recover unpaid overtime wages accumulated from the date of hire and/or from 3 (three) years from the date of the filing of this complaint.

26. 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 her unpaid wages is as follows:

a. Overtime Wages

- i. 2017: \$10.50 x 1.5 x 64 = \$1,008
- ii. 2016: \$10.50 x 1.5 x 64 = \$1,008
- iii. 2015: \$10.50 x 1.5 x 64 = \$1,008

b. Total Unpaid Wages: \$3024

c. Liquidated Damages: \$3024

d. Grand Total: \$6,048

27. At all times material hereto, the Corporate 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 and those similarly situated performed services and worked in excess of the maximum hours provided by the FLSA but no provision was made by the Corporate Defendants to properly pay them at the rate of time and one half for all hours worked in excess of 40 hours per workweek as provided in said FLSA. The additional persons who may become Plaintiffs in this action are weekly-paid employees and/or former employees of the Corporate Defendants who are and who were subject to the unlawful payroll practices and procedures of the Corporate Defendants and were not

properly paid time and one half of their regular rate of pay for all overtime hours and straight time hours worked in excess of 40 per week.

28. The Corporate Defendants knew and/or showed reckless disregard for the provisions of the FLSA concerning the payment of overtime wages and remain owing Plaintiff and those similarly situated these overtime wages since the commencement of Plaintiff's and those similarly situated employees' employment with the Corporate Defendants as set forth above, and Plaintiff, and those similarly situated, are entitled to recover double damages. The Corporate Defendants never posted any notice, as required by federal law, to inform employees of their federal rights to overtime and minimum wage payments.

29. The Corporate Defendants willfully and intentionally refused to pay Plaintiff overtime wages as required by the laws of the United States as set forth above and remain owing Plaintiff these overtime wages since the commencement of Plaintiff's employment with the Corporate Defendants as set forth above.

30. The Corporate Defendants willfully and intentionally failed to keep records of all hours worked by Plaintiff and of all payments made to Plaintiff pursuant to the FLSA and the Code of Federal Regulations.

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

PRAYER FOR RELIEF

WHEREFORE, Plaintiff and those similarly situated request that this Honorable Court:

- A. Enter judgment for Plaintiff and others similarly situated and against the Corporate Defendants on the basis of the Corporate 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 overtime compensation for hours worked in excess of forty per week, 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.

JURY DEMAND

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

**COUNT II: WAGE AND HOUR FEDERAL
STATUTORY VIOLATION BY INDIVIDUAL DEFENDANTS**

32. Plaintiff re-adopts each and every factual allegation as stated in paragraphs 1-4, 6-7, 9-16, and 17-31 as if set out in full herein.

33. At the times mentioned, the Individual Defendants were, and are now, the President/Officer/Director and/or owner of the Corporate Defendants. The Individual Defendants were employers of Plaintiff and others similarly situated within the meaning of Section 3(d) of the FLSA in that the Individual Defendants acted directly in the interests of the Corporate Defendants in relation to their employees, including Plaintiff and others similarly situated. The Individual Defendants had operational control of the businesses and are jointly and severally liable for Plaintiff's damages.

34. The Individual Defendants were and are, at all times relevant, persons in control of the Corporate Defendants' financial affairs and could cause the Corporate Defendants to compensate (or not to compensate) their employees in accordance with the FLSA.

35. The Individual Defendants willfully and intentionally caused Plaintiff not to receive overtime compensation as required by the laws of the United States as set forth above

and remain owing Plaintiff these overtime wages since the commencement of Plaintiff's employment with the Corporate Defendants as set forth above.

36. Plaintiff has retained the law offices of the undersigned attorney to represent her in this action and is obligated to pay reasonable attorneys' fees and costs.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff and those similarly situated request that this Honorable Court:

- A. Enter judgment for Plaintiff, and other similarly situated, and against the Individual Defendants, jointly and severally, on the basis of the Individual 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 wages, with interest plus reimbursement of expenses; 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.

JURY DEMAND

Plaintiff and those similarly situated demand trial by jury of all issues so triable as of right.

COUNT III: FMLA INTERFERENCE

37. Plaintiff re-adopts each and every factual allegation as stated in paragraphs 1 through 16 above as if set out in full herein.

38. Plaintiff was employed by the Corporate Defendants from approximately 2014 through December 1, 2017.

39. Plaintiff performed her work admirably and her work was revered by her co-workers.

40. On or about November of 2017, Plaintiff requested FMLA leave by telling her supervisor, Mercedes Caballero, that she was going to take time off to give birth to her baby.

41. The Corporate Defendants approved Plaintiff's request for leave and advised her that she was due back to work in March of 2018.

42. While on leave, on or about February 18, 2018, Plaintiff called the Corporate Defendants and advised them that she was ready to go back to work and did not need to wait until March 2018.

43. In response, the Corporate Defendants told Plaintiff that she was not needed anymore and that her job was terminated.

44. The Corporate Defendants routinely grant leave to their pregnant employees and fire them while they are on leave, regardless of their obligations under the FMLA.

45. When Plaintiff made her request in 2017, she was an "eligible employee" and entitled to leave under the FMLA.

46. At all times material, Plaintiff gave proper notice to the Corporate Defendants by informing (in advance) of her need for leave to give birth. Plaintiff provided enough information for the Corporate Defendants to know that her potential leave may be covered by the FMLA.

47. Despite their knowledge of Plaintiff's need for leave protected under the FMLA, the Corporate Defendants failed to notify Plaintiff of her eligibility status and rights under the FMLA and failed to notify Plaintiff whether her leave was or could be designated as FMLA leave.

48. Corporate Defendants interfered with Plaintiff's rights to take leave under the FMLA and denied her the benefits to which she was entitled.

49. As a result, Plaintiff has been damaged.

WHEREFORE, Plaintiff demands judgment against the Corporate Defendants as follows:

- A. Enter judgment in Plaintiff's favor and against the Corporate Defendants for their violations of the FMLA;
- B. Award Plaintiff reasonable costs and attorney's fees;
- C. Award Plaintiff any further relief available to Plaintiff pursuant to the FMLA; and,
- D. Grant Plaintiff such other and further relief, as this cCourt deems equitable and just.

JURY TRIAL DEMAND

Plaintiff requests a trial by jury on all issues so triable.

Dated: April 11, 2018.

By: /s/ R. Martin Saenz
R. Martin Saenz, Esquire
Fla. Bar No.: 0640166
Email: msaenz@saenzanderson.com
SAENZ & ANDERSON, PLLC
20900 N.E. 30th Avenue, Ste. 800
Aventura, Florida 33180
Telephone: (305) 503.5131
Facsimile: (888) 270.5549

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.)

I. (a) PLAINTIFFS

SILVIA L. SANCHEZ, and other similarly situated individuals,

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

(c) Attorneys (Firm Name, Address, and Telephone Number)

R. Martin Saenz, Esq.; Saenz & Anderson, PLLC, 20900 NE 30th Ave., Ste. 800, Aventura, FL 33180; (305) 503-5131

DEFENDANTS

BEACHCOMBER INVESTMENTS CORP. d/b/a Shepley Hotel d/b/a Beachcomber Hotel d/b/a Leslie Hotel d/b/a Nassau Suite Hotel; ALQUIMIA HOSPITALITY GROUP, LLC d/b/a Shepley Hotel d/b/a

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)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 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)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation.

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

Large table with categories: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal codes and descriptions.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District, 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): Fair Labor Standards Act, 29 U.S.C. § 201-219; Family and Medical Leave Act of 1993, 29 U.S.C. § 2601 et seq. Brief description of cause: Unpaid wages and FMLA violations

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE April 24, 2018 SIGNATURE OF ATTORNEY OF RECORD s/ R. Martin Saenz, Esq.

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

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.Cv.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; **NOTE: 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.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six 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.
 - Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 - 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.
- VI. 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
- VII. 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 actual dollar amount 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.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.
- 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

SILVIA L. SANCHEZ, and other similarly situated individuals,

Plaintiff(s)

v.

BEACHCOMBER INVESTMENTS CORP. d/b/a Shepley Hotel d/b/a Beachcomber Hotel d/b/a Leslie Hotel d/b/a Nassau Suite Hotel; ALQUIMIA HOSPITALITY GROUP, LLC d/b/a Shepley Hotel d/b

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) BEACHCOMBER INVESTMENTS CORP. d/b/a Shepley Hotel d/b/a Beachcomber Hotel d/b/a Leslie Hotel d/b/a Nassau Suite Hotel c/o D'ONOFRIO, JUAN P 1414 COLLINS AVE MIAMI BEACH, FL 33139

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: R. Martin Saenz, Esq. Saenz & Anderson, PLLC 20900 NE 30th Ave., Ste. 800 Aventura, FL 33180

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:

Print

Save As...

Reset

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

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

SILVIA L. SANCHEZ, and other similarly situated individuals,

Plaintiff(s)

v.

BEACHCOMBER INVESTMENTS CORP. d/b/a Shepley Hotel d/b/a Beachcomber Hotel d/b/a Leslie Hotel d/b/a Nassau Suite Hotel; ALQUIMIA HOSPITALITY GROUP, LLC d/b/a Shepley Hotel d/b

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) ALQUIMIA HOSPITALITY GROUP, LLC d/b/a Shepley Hotel d/b/a Beachcomber Hotel d/b/a Leslie Hotel d/b/a Nassau Suite Hotel c/o D'ONOFRIO, JUAN P 10531 NE 3RD AVENUE MIAMI SHORES, FL 33138

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: R. Martin Saenz, Esq. Saenz & Anderson, PLLC 20900 NE 30th Ave., Ste. 800 Aventura, FL 33180

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:

Print

Save As...

Reset

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

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

SILVIA L. SANCHEZ, and other similarly situated individuals,

Plaintiff(s)

v.

BEACHCOMBER INVESTMENTS CORP. d/b/a Shepley Hotel d/b/a Beachcomber Hotel d/b/a Leslie Hotel d/b/a Nassau Suite Hotel; ALQUIMIA HOSPITALITY GROUP, LLC d/b/a Shepley Hotel d/b

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) D'ONOFRIO, JUAN P 1414 COLLINS AVE MIAMI BEACH, FL 33139

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:

R. Martin Saenz, Esq. Saenz & Anderson, PLLC 20900 NE 30th Ave., Ste. 800 Aventura, FL 33180

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:

Print

Save As...

Reset

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

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

SILVIA L. SANCHEZ, and other similarly situated individuals,

Plaintiff(s)

v.

BEACHCOMBER INVESTMENTS CORP. d/b/a Shepley Hotel d/b/a Beachcomber Hotel d/b/a Leslie Hotel d/b/a Nassau Suite Hotel; ALQUIMIA HOSPITALITY GROUP, LLC d/b/a Shepley Hotel d/b

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) MEDINA, PAOLA V 1414 COLLINS AVENUE MIAMI BEACH, FL 33139

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:

R. Martin Saenz, Esq. Saenz & Anderson, PLLC 20900 NE 30th Ave., Ste. 800 Aventura, FL 33180

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. _____

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_____ on *(date)* _____ ; or

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Other *(specify)*:

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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:

Print

Save As...

Reset

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Operators of Four Miami-Dade County Hotels Facing Unpaid Overtime Lawsuit](#)
