

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JOSE TAPIA individually and on  
behalf of all others similarly situated,

Plaintiff,

v.

LOS GALANES, GALANES LLC, BLUE MARGARITA,  
ANGELINA'S MEXICAN RESTAURANT  
JOYCE RAMIREZ, LINDA RAMIREZ,  
and RICARDO GALAN

Jointly and severally,

Defendants.

---

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**COLLECTIVE AND CLASS ACTION COMPLAINT AND JURY DEMAND**

Plaintiff, JOSE TAPIA, by and through his attorneys, Pitt McGehee Palmer & Rivers, P.C. and Fagan McManus P.C. hereby brings this Collective and Class Action Complaint against Defendants, LOS GALANES, GALANES LLC, BLUE MARGARAITA, ANGELINA'S MEXICAN RESTAURANT, JOYCE RAMIREZ, LINDA RAMIREZ, and RICARDO GALAN and state as follows:

### **INTRODUCTION**

This case is about Defendants' restaurants LOS GALANES, GALANES LLC, BLUE MARGARAITA, ANGELINA'S MEXICAN RESTAURANT, JOYCE RAMIREZ, LINDA RAMIREZ, and RICARDO GALAN (collectively referred to as "Defendants"), intentional overtime violations and Defendants' willful failure to file accurate W-2s which arise from Defendants' willful violations of the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.* and 26 U.S.C. § 7434.

Plaintiff, JOSE TAPIA (hereinafter "Plaintiff"), brings this case on behalf of himself and others similarly situated, who are former servers, bussers, cashiers, non-salaried managers and kitchen staff of Defendants restaurants. During all relevant times, Plaintiff and those similarly situated were subjected to Defendants' policies and practices of failing to pay their employees an overtime wage at a rate of one and one-half times their regular rate for hours worked in excess of forty (40) hours during a workweek and Defendants' willful failure to provide Plaintiff and other similarly situated, with accurate W-2s that reflects all wages earned with Defendants.

Defendants willfully engaged in a pattern, policy and practice of unlawful conduct for the actions alleged in this Complaint. Defendants willfully failed to pay Plaintiff, and all others similarly situated within the Class, minimum wages and overtime benefits that they are entitled to under applicable federal and state laws.

Plaintiff brings this class action seeking damages, back pay, restitution, liquidated damages, and declaratory relief, civil penalties, prejudgment interest, reasonable attorneys' fees and costs, and any and all other relief that the Court deems just, reasonable and equitable in the circumstances.

### **JURISDICTION AND VENUE**

1. This Court has subject-matter jurisdiction over Plaintiff's FLSA claim pursuant to 28 U.S.C. § 1331 because Plaintiff's claim raises federal questions under 29 U.S.C. § 201, *et seq.*

2. This Court also has jurisdiction over Plaintiff's fraudulent tax return claims pursuant to 26 U.S.C. § 7434.

3. Additionally, this Court has jurisdiction over Plaintiff's collective action FLSA claim pursuant to 29 U.S.C. § 216(b), which provides that suit under the FLSA "may be maintained against any employer . . . in any Federal or State court of competent jurisdiction."

4. Defendants' annual sales exceed \$500,000, and Defendants employ more than two persons. Thus, the FLSA applies in this case on an enterprise basis.

5. Defendants' employees engage in interstate commerce and Defendants are therefore covered by the FLSA on an individual basis.

6. Venue is proper in this District pursuant to 28 U.S.C. § 1391 because the actions and omissions giving rise to the claims in this Complaint substantially occurred in this District.

7. This court has personal jurisdiction over Defendants because Defendants conduct business within the state of Michigan and are registered with the Michigan Department of Licensing and Regulatory Affairs.

### **PARTIES**

8. Plaintiff Jose Tapia is a resident of Detroit, Michigan who was employed by Defendants, including Blue Margarita, Angelina's and Los Galanes from approximately 1996 to 2016 as a chef, cook, and manager.

9. Plaintiff signed consent forms to join this lawsuit, which is attached to this Complaint as Exhibit 1.

10. Defendant Los Galanes is a Michigan corporation that is licensed to do business in Michigan.

11. Los Galanes's registered agent for service of process in Michigan is Joyce Ramirez, 23450 Allen Rd., Woodhaven, MI 48183.

12. Defendant Galanes LLC is a Michigan corporation that is licensed to do business in Michigan.

13. Galanes LLC's registered agent for service of process in Michigan is Defendant Joyce Ramirez, 23450 Allen Rd., Woodhaven, MI 48183.

14. Defendant Blue Margarita is a Michigan corporation that is licensed to do business in Michigan.

15. Defendant Blue Margarita's registered agent for service of process is Defendant Ricardo Galan, 15278 Howard St., Southgate, MI 48195.

16. Defendant Angelina's Mexican Restaurant is a Michigan corporation that is licensed to do business in Michigan.

17. Defendant Angelina's Mexican Restaurant's registered agent for service of process is Defendant Linda Ramirez, 10185 Kolb Ave., Allen Park, MI 48101.

18. Defendants were directly involved in the decision to fail to pay and/or refuse payment of overtime wages for hours worked in excess of forty hours per week.

19. Defendants were also directly involved in the decision to willfully file fraudulent tax returns.

20. Defendants are joint employers of all potential Class members and, as such, are jointly and severally liable for any violations of the wage and hour and tax laws set forth in this Class Action Complaint.

21. Defendants knew or should have known the business model they

developed and implemented was unlawful under applicable laws. Nonetheless, Defendants continued to willfully engage in the violations described herein.

22. At all relevant times, Defendants owned and operated a business enterprise engaged in interstate commerce utilizing goods moved in interstate commerce as defined in 29 U.S.C. § 203(s).

23. Defendants constitute an “enterprise” within the meaning of 29 U.S.C. § 203(r)(1), because they perform related activities through common control for a common business purpose.

24. At all relevant times, Plaintiff and the Class members were engaged in commerce within the meaning of 29 U.S.C. §§ 206(a) and 207(a).

### **GENERAL ALLEGATIONS**

25. Plaintiff Jose Tapia was employed by Defendants from approximately 1996 to 2016 as a chef, cook, and manager and worked throughout his employment at Los Galanes, Angelina’s and Blue Margarita.

26. At all times during his employment, Defendants paid Plaintiff Jose Tapia between \$12 - \$15 per hour.

27. Throughout Plaintiff’s employment, Defendants failed to pay Plaintiff, and others similarly situated, any overtime wages for hours worked in excess of forty hours per week. Instead, Defendants paid only straight time.

28. Defendants’ failure to pay overtime wages for hours worked in excess

of forty hours per week violates the FLSA.

29. While Defendants compensate its employees by way of checks issued by Galanes LLC, a portion of their wages was always paid in cash.

30. Despite repeated requests from Plaintiff Jose Tapia that his wages should be paid entirely via check, Defendants refused.

31. Through conversations with other employees, Plaintiff learned that all other employees were subjected to identical pay practices as to Defendants' failure to pay overtime and failure to pay all wages through payroll.

32. As a result of Defendants' pay practices, the W-2s issued by Defendants were inaccurate and failed to reflect all of the wages earned by Plaintiff, and those similarly situated.

33. During his employment, Plaintiff learned that Defendants maintained common pay policies and practices pursuant to which all non-salaried employees were not paid overtime wages for hours worked in excess of forty hours per week.

34. Some examples of specific workweeks where Defendants failed to pay Plaintiff Jose Tapia minimum wage and overtime for hours worked in excess of 40 hours (as mandated by the FLSA and Michigan law) include the following:

- a. For pay period commencing Monday, March 21, 2016 and ending Sunday March 27, 2016, Plaintiff worked seventy three hours and fifty eight minutes (73:58) and was paid as follows:

- \$315 in a payroll check and \$788 in cash for a total of \$1103.  
The total paid corresponds to 73:58 hours at \$15 per hour. No overtime paid. (Exhibit 2)
- b. For pay period commencing Monday, November 2, 2014 and ending Sunday, November 9, 2014, Plaintiff worked seventy nine hours and thirty five minutes (79:35) and was paid as follows:
  - \$234 in a payroll check and \$876 in cash for a total of \$1110.  
This total amounts to payment for 79:35 hours at \$14 per hour.  
No overtime paid. (Exhibit 3)
- c. For the pay period commencing Monday, June 29, 2015 and ending Sunday, July 5, 2015, Plaintiff worked sixty three hours and fifty nine minutes (63:59) and was paid as follows:
  - \$180 in payroll check and \$660 in cash for a total of \$890. This total amounts to payment for 63:59 hours at \$14 per hour. No overtime was paid. (Exhibit 4)
- d. For the pay period commencing Monday, May 16, 2016 and ending Sunday, May 22, 2016, Plaintiff worked a total of sixty eight hours and seventeen minutes (68:17) and was paid as follows:
  - \$315 in a payroll check and \$707 in cash, for a total of \$1022.  
This total amounts to payment for 68:17 hours at \$15 per hour.



No overtime paid. (Exhibit 5)

35. At all relevant times, Defendants were Plaintiff's "employers" and Defendants directed and directly benefited from the work activities Plaintiff performed.

36. At all relevant times, Defendants' policies and practices deprived Plaintiff and those similarly situated of wages owed under state and federal minimum wage and overtime laws.

37. At all relevant times, Defendants controlled Plaintiff's work schedule, duties, protocols, applications, assignments and employment conditions.

38. The job duties performed by Plaintiff and those similarly situated, as chefs, cooks, cashiers, servers, and non-salaried managers specifically, do not meet any of the exemptions set forth in the FLSA. Therefore, Plaintiff's employment position is in fact and in law non-exempt from the overtime provisions of the FLSA.

39. Throughout the course of their employment, Plaintiff and those similarly situated were directed by Defendants and their agents to perform work, were allowed to work, and did work every week in excess of forty (40) hours per week.

40. The provisions of the FLSA, 29 U.S.C. § 207, require Defendants to compensate non-exempt employees who work in excess of forty (40) hours in a workweek at a rate of one and one-half times their regular rate of pay.

41. Contrary to the above statutory enactment, Defendants adopted a policy

and practice of failing to pay their employees an overtime wage at a rate of one and one-half times their regular rate for hours worked in excess of forty (40) hours during a workweek.

42. Defendants willfully violated the FLSA by knowingly failing to compensate Plaintiff and similarly situated employees minimum wage and overtime wages for the hours they worked in excess of forty (40) hours per week according to the terms of the FLSA, 29 U.S.C. § 201, *et seq.*

43. The violations of the FLSA, 29, U.S.C. § 207, committed by Defendants and alleged in this Collective Action Complaint present common questions of law and fact.

44. Plaintiff and similarly situated employees were compensated for only a portion of their regular wages by check. They received the remainder of their wages by cash, “under the table.” These cash payments were not reflected in Defendants’ payroll records.

45. The W-2s issued to and filed by Defendants with respect to Plaintiff and similarly situated employees only reflected payments he received by check. It did not include payments received in cash. Therefore, the W-2 forms were not an accurate reflection of payments made to Plaintiff and similarly situated employees.

46. For example, Jose Tapia’s 2015 W-2 (attached as Exhibit 6) reflects yearly earnings of \$6,840, although during that year Tapia worked full time working

in excess of 65 hours per week. (Exhibit 6)

47. Plaintiff Jose Tapia's W-2 is fraudulent and falsely under reports the wages Tapia earned in his full time employment.

48. Defendants' actions in submitting the W-2s were willful and fraudulent, in violation of 26 U.S.C. § 7434, as Defendants knew that they did not represent actual wages earned by Plaintiff.

49. The violations of 26 U.S.C. § 7434 and the FLSA, 29, U.S.C. § 207, committed by Defendants and alleged in this Collective Action Complaint present common questions of law and fact.

### **COLLECTIVE ACTION AND CLASS ACTION ALLEGATIONS**

50. Plaintiff bring this action pursuant to 29 U.S.C. § 216(b) of the FLSA on their own behalf and on behalf of:

*All current and former hourly managers, chefs, servers, bussers, bartenders, cashiers or other employees who worked for Defendants at any time during the three years preceding the filing of the Complaint.*

(hereinafter referred to as the "Class"). Plaintiff reserves the right to amend this definition if necessary.

51. With respect to the allegations pursuant to 26 U.S.C. § 7434, Plaintiff bring a class action pursuant to FRCP 23 on behalf of the current and former hourly managers, chefs, servers, bussers, bartenders, cashiers or other employees who worked for Defendants at any time during the six years preceding the filing of the

Complaint.

52. With respect to the claims set forth in this action, a class action under 26 U.S.C. § 7434 and a collective action under the FLSA is appropriate because the employees described above are “similarly situated” to Plaintiff under 29 U.S.C. § 216(b). The class of employees on behalf of whom Plaintiff brings these class claims are similarly situated because (a) they have been or are employed in the same or similar positions; (b) they were or are subject to the same or similar unlawful practices, policy, or plan; and (c) their claims are based upon the same factual and legal theories.

53. The employment relationships between Defendants and every Class member are the same and differ, if at all, only in name, hours worked, and rate of pay. The key issues – the willful filing of fraudulent tax returns and the amount of uncompensated overtime wages owed to each employee – do not vary substantially from Class member to Class member.

54. The key legal issues are also the same for every Class member, to wit: 1) whether Defendants willfully filed fraudulent tax returns; and 2) whether Defendants illegally failed to pay overtime wages.

55. Plaintiff estimates that the Class, including both current and former employees over the relevant period, will include no less than 100 members. The precise number of Class members should be readily available from a review of

Defendants' personnel and payroll records.

**COUNT I**  
**VIOLATION OF THE FAIR LABOR STANDARDS ACT,**  
**29 U.S.C. § 201, et seq.**  
**FAILURE TO PAY OVERTIME WAGES**  
**(Against all Defendants)**

56. Plaintiff re-alleges and incorporates all previous paragraphs herein.

57. At all times relevant to this action, Defendants were “employers” under the FLSA, 29 U.S.C. § 203(d), subject to the provisions of 29 U.S.C. § 201, *et seq.*

58. At all times relevant to this action, Plaintiff and members of the FLSA Collective were “employees” of Defendants within the meaning of the FLSA, 29 U.S.C. § 203(e)(1).

59. At relevant times, Defendants jointly employed Plaintiff and all similarly situated members of the FLSA Collective within the meaning of the FLSA.

60. At all times relevant to this action, Defendants “suffered or permitted” Plaintiff to work and thus “employed” them within the meaning of the FLSA, 29 U.S.C. § 203(g).

61. At all relevant times, Defendants were engaged in interstate commerce and/or the production of goods for commerce, within the meaning of the FLSA, 29 U.S.C. § 201.

62. Plaintiff and the FLSA Collective members either (1) engaged in commerce; or (2) engaged in the production of goods for commerce; or (3) employed

in an enterprise engaged in commerce or in the production of goods for commerce.

63. The jobs of chef, cook, cashier, bartender and server are not exempt from the FLSA. Furthermore, Plaintiff Jose Tapia's job as a manager was non-salaried, and therefore does meet the administrative employee exemption of the FLSA pursuant to §13(a)(1).

64. Plaintiff has consented in writing to be a part of this action, pursuant to 29 U.S.C. § 216(B). *See* Exhibit 1.

65. As this case proceeds, it is likely that other individuals will sign consent forms and join as Plaintiff.

66. At all times relevant to this action, Defendants failed to pay Plaintiff and members of the FLSA Collective the federally mandated overtime compensation for all services performed. Specifically, Defendants failed to pay Plaintiff and members of the FLSA Collective overtime for all hours worked in excess of forty (40) hours per week.

67. The FLSA requires an employer to pay employees the federally mandated overtime premium rate of one and a half times their regular rate of pay for every hour worked in excess of forty (40) hours per workweek. 29 U.S.C. § 207.

68. Defendants violated the FLSA by failing to pay Plaintiff the federally mandated overtime premium for all hours worked in excess of forty (40) hours per workweek.

69. Defendants' violations of the FLSA were willful.

70. By failing to compensate Plaintiff and the Class Members at a rate not less than one and one-half times their regular rate of pay for work performed in excess of forty hours in a workweek, Defendants have violated the FLSA, 29 U.S.C. § 201, *et seq.*, including 29 U.S.C. §§ 207(a)(1) and 215(a). All similarly situated employees, including the named Plaintiff, are victims of a uniform and company-wide enterprise which operates to compensate employees at a rate less than the federally mandated overtime wage rate. This uniform policy, in violation of the FLSA, has been, and continues to be, applied to all employees who have worked or are working for Defendants in the same or similar positions as the named Plaintiff.

71. The FLSA, 29 U.S.C. 216(b), provides that as a remedy for a violation of the Act, an employee is entitled to his or her unpaid overtime wages plus an additional equal amount in liquidated damages, costs, and reasonable attorneys' fees.

72. Plaintiff, on behalf of himself and the FLSA Collective, seek damages in the amount of his respective unpaid wages, liquidated damages as provided by 29 U.S.C. §216(b), interest, attorneys' fees, and such other legal and equitable relief as the Court deems proper.

**COUNT II**  
**VIOLATION OF 26 U.S.C. § 7434**  
**WILLFUL FILING OF FRAUDULENT TAX RETURNS**  
**(Against all Defendants)**

73. Plaintiff re-alleges and incorporates all previous paragraphs herein.

74. Section 7434 of the Internal Revenue Code provides that “[i]f any person willfully files a fraudulent information return with respect to payments purported to be made to any other person, such other person may bring a civil action for damages against the person so filing such return.” 26 U.S.C. § 7434(a).

75. An IRS form W-2 is an “information return” pursuant to 26 U.S.C. § 6724(d)(1)(A)(vii).

76. Defendants willfully filed a fraudulent information return with respect to payments purported to be made to Plaintiff.

77. Based on Defendants’ willful and fraudulent filing of Plaintiff’s W-2, Defendants are liable to Plaintiff in an amount equal to the greater of \$5,000 or the sum of any actual damages sustained by Plaintiff as a result of such filing, the costs of this action, and reasonable attorneys’ fees. 26 U.S.C. § 7434(b).

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff requests the following relief:

- a. For an order certifying Count I as a collective action under 28 U.S.C. 216(b), and Count II as a class action under Fed.R.Civ.P. 23;
- b. An Order requiring Defendants to disclose in computer format, or in print if no computer readable format is available, the names and addresses of all those individuals who are similarly situated, and permitting the individually named Plaintiff to send notice of this action to all those similarly situated individuals including the publishing of notice in a manner that is reasonably calculated to apprise the potential class members of their rights under this litigation;



- c. Designation of the individually named Plaintiff as Representatives of all similarly situated individuals;
- d. A declaration that Defendants violated their obligations under the FLSA and 26 USC Sec. 7434, and its attendant regulations;
- e. A declaration that Defendants' violation of the FLSA and 26 USC 7434 was willful;
- f. A judgment in favor of Plaintiff and the Collective and against Defendants and awarding the amount of overtime calculated at the rate of one and one-half (1.5) of each employee's regular rate, as compliant with state and federal minimum wage laws, multiplied by all hours each employee worked in excess of forty (40) hours per week for the past three years;
- g. A judgment in favor of Plaintiff and the Collective and against Defendants and awarding the amount equal to the greater of \$5,000 or the sum of any actual damages sustained by Plaintiff for each willful filing of a fraudulent W-2 for the past six years;
- h. An Order awarding liquidated damages to Plaintiff;
- i. An award of reasonable attorneys' fees and costs incurred by Plaintiff in filing this action;
- j. An award of pre- and post-judgment interest to Plaintiff on these damages; and
- k. Such further relief as this court deems appropriate.

Respectfully submitted,

By: /s/ Megan A. Bonanni P52079  
Megan Bonanni (P52079)  
Pitt McGehee Palmer & Rivers, P.C.  
Attorneys for Plaintiff

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Royal Oak, MI 48067  
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*Attorneys for Plaintiff*

Dated: December 21, 2016

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JOSE TAPIA individually and on  
behalf of all others similarly situated,

Plaintiff,

v.

LOS GALANES, GALANES LLC, BLUE MARGARITA,  
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JOYCE RAMIREZ, LINDA RAMIREZ,  
and RICARDO GALAN

Jointly and severally,

Defendants.

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**JURY DEMAND**

Plaintiff, Jose Tapia, by and through his attorneys, hereby demand a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure and the court rules and statutes made and provided with respect to the above entitled cause.

Respectfully submitted,

By: /s/ Megan A. Bonanni P52079  
Megan Bonanni (P52079)  
Pitt McGehee Palmer & Rivers, P.C.  
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*Attorneys for Plaintiff*

Dated: December 21, 2016

# Exhibit 1

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JOSE TAPIA individually and on  
behalf of all others similarly situated,

Plaintiff,

v.

LOS GALANES, GALANES LLC, BLUE MARGARITA,  
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and RICARDO GALAN,

Jointly and severally,

Defendants.

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**CONSENT TO JOIN**

I consent to be a party plaintiff in a lawsuit against Defendants LOS GALANES, GALANES LLC, BLUE MARGARITA, ANGELINA'S MEXICAN RESTAURANT, JOYCE RAMIREZ, LINDA RAMIREZ, and RICARDO GALAN, to seek redress for violations of the Fair Labor Standards Act, pursuant to 29 U.S.C. § 216 (b).

1. I hereby designate the law firms of Pitt McGehee Palmer & Rivers, P.C. to represent me in bringing such claim, and to make decisions on my behalf regarding the

litigation and settlement. I agree to be bound by any adjudication of this action by the Court, whether it is favorable or unfavorable.

2. I also consent to join any other related action against Defendant(s) or other potentially responsible parties to assert my claim and for this Consent Form to be filed in any such action.

Signature: Jose A Tapia  
Print Name: JOSE A. TAPIA  
Date Signed: 12-21-16  
Telephone: \_\_\_\_\_  
Address: \_\_\_\_\_  
E-mail: \_\_\_\_\_

Please complete this form and fill in the information requested on the following page as soon as possible. You may mail, fax or email your completed materials to:

Megan Bonanni  
Pitt McGehee Palmer & Rivers, P.C.  
117 West Fourth Street, Suite 200  
Royal Oak, MI 48067  
(248) 398-9800  
(248) 398-9804 fax  
[mbonanni@pittlawpc.com](mailto:mbonanni@pittlawpc.com)

To be effective, your materials must be received or postmarked by: **DATE**

# Exhibit 2



**Galanes LLC**  
 23450 Allen Road  
 Woodhaven, MI 48183

**Earnings Statement**

Check Date: April 05, 2016  
 Period Beginning: March 20, 2016  
 Period Ending: March 26, 2016  
 Check Number: 112251  
 Net Pay: 245.67  
 Check Amount: 245.67

**Jose Tapia** Employee Number 107 Department 100

Earnings	Hours	Amount	YTD Hrs	YTD Amt
Reg	35.00	315.00	428.50	3856.50
<b>Total Gross Pay</b>	<b>35.00</b>	<b>315.00</b>	<b>428.50</b>	<b>3856.50</b>

Taxes	Status	Taxable	Amount	YTD Amt
Medicare		315.00	4.57	55.92
Soc Sec		315.00	19.53	239.10
Federal Income Tax	S/0	315.00	31.84	377.58
Michigan SITW	S/0	315.00	13.39	163.93
<b>Total Tax Withholding</b>			<b>69.33</b>	<b>836.53</b>

**Deductions** Amount YTD Amt  
 No Deductions

**Direct Deposits** Account Amount  
 No Direct Deposits

ARD 03/26/16 19:00:24  
 90

3/21  
 8:50a 9:31p LINE COOK -KITCHE 12:41  
 Tuesday, 03/22  
 8:47a 8:48p LINE COOK -KITCHE 12:01  
 Wednesday 03/23  
 8:33a 10p LINE COOK -KITCHE 12:45  
 Thursday, 03/24  
 8:34a 8:59p LINE COOK -KITCHE 12:25  
 Friday, 03/25  
 8:26a 10:09p LINE COOK -KITCHE 13:43  
 Saturday, 03/26  
 8:37a 7:00p LINE COOK -KITCHE 10:23  
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 73:58

1103  
 - 315  
 -----  
 788

# Exhibit 3

Galanes LLC  
 23450 Allen Road  
 Woodhaven, MI 48183

**Earnings Statement**

Check Date: November 18, 2014  
 Period Beginning: November 02, 2014  
 Period Ending: November 08, 2014  
 Check Number: 581728  
 Net Pay: 186.26  
 Check Amount: 186.26

Jose Tapia Employee Number 107 Department 100

Earnings	Hours	Amount	YTD Hrs	YTD Amt
Reg	26.00	234.00	1170.00	10530.00
<b>Total Gross Pay</b>	<b>26.00</b>	<b>234.00</b>	<b>1170.00</b>	<b>10530.00</b>

Taxes	Status	Taxable	Amount	YTD Amt
Medicare		234.00	3.40	152.69
Soc Sec		234.00	14.51	652.86
Federal Income Tax	S/0	234.00	19.88	894.60
Michigan SITW	S/0	234.00	9.95	447.75
<b>Total Tax Withholding</b>			<b>47.74</b>	<b>2147.90</b>

Deductions	Amount	YTD Amt
No Deductions		

Direct Deposits	Account	Amount
No Direct Deposits		

Benefits	Hours	Amount	YTD Hrs	YTD Amt

Accruals	Dollars

REMOVE DOCUMENT ALONG THIS PERFORATION

Handwritten notes:  
 1110  
 234.00  
 186.26  
 827.74

TIME CARD 11/09/14 20:44:08  
 IP#10.05E 90.  
 Monday, 11/01  
 8:44a 9:05a LINE COOK - KITCHEN 0:21  
 9:05a 5:42p LINE COOK - KITCHEN 8:37  
 Tuesday, 11/04  
 9:02a 11:42p LINE COOK - KITCHEN 14:40  
 Wednesday, 11/05  
 8:21a 5:06p LINE COOK - KITCHEN 14:45  
 Thursday, 11/06  
 8:58a 4:37p LINE COOK - KITCHEN 11:39  
 Friday, 11/07  
 8:43a 12:29a LINE COOK - KITCHEN 15:46  
 Saturday, 11/08  
 9:19a 12:29p LINE COOK - KITCHEN 12:10  
 Sunday, 11/09  
 9:07a 8:44p LINE COOK - KITCHEN 11:37  
 79:35

# Exhibit 4

**Galanes LLC**  
 23450 Allen Road  
 Woodhaven, MI 48183

**Earnings Statement**

**Jose Tapia** Employee Number **107** Department **100**

Check Date: **July 14, 2015**  
 Period Beginning: **June 28, 2015**  
 Period Ending: **July 04, 2015**  
 Check Number: **677087**  
 Net Pay: **145.00**  
 Check Amount: **145.00**

<u>Earnings</u>	<u>Hours</u>	<u>Amount</u>	<u>YTD Hrs</u>	<u>YTD Amt</u>
Reg	20.00	180.00	280.00	2520.00
<b>Total Gross Pay</b>	<b>20.00</b>	<b>180.00</b>	<b>280.00</b>	<b>2520.00</b>

<u>Taxes</u>	<u>Status</u>	<u>Taxable</u>	<u>Amount</u>	<u>YTD Amt</u>
Medicare		180.00	2.61	36.54
Soc Sec		180.00	11.16	156.24
Federal Income Tax	S/0	180.00	13.58	209.58
Michigan SITW	S/0	180.00	7.65	107.15
<b>Total Tax Withholding</b>			<b>35.00</b>	<b>509.51</b>

<u>Deductions</u>	<u>Amount</u>	<u>YTD Amt</u>
No Deductions		

<u>Direct Deposits</u>	<u>Account</u>	<u>Amount</u>
No Direct Deposits		

<u>Benefits</u>	<u>Hours</u>	<u>Amount</u>	<u>YTD Hrs</u>	<u>YTD Amt</u>

<u>Accruals</u>	<u>Dollars</u>

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*Handwritten notes:*  
 890  
 180  
 210  
 690

*Vertical stamp:*  
 1 JUL 14 2015  
 11:02

# Exhibit 5

Jose Tapia Employee Number 107 Department 100

Check Date: May 31, 2016  
 Period Beginning: May 15, 2016  
 Period Ending: May 21, 2016  
 Check Number 132554  
 Net Pay 245.67  
 Check Amount 245.67

Earnings	Hours	Amount	YTD Hrs	YTD Amt
Reg	35.00	315.00	708.50	6376.50
<b>Total Gross Pay</b>	<b>35.00</b>	<b>315.00</b>	<b>708.50</b>	<b>6376.50</b>

Taxes	Status	Taxable	Amount	YTD Amt
Medicare		315.00	4.57	92.46
Soc Sec		315.00	19.53	395.34
Federal Income Tax	S/0	315.00	31.84	632.30
Michigan SITW	S/0	315.00	13.39	271.05
<b>Total Tax Withholding</b>			<b>69.33</b>	<b>1391.15</b>

Deductions	Amount	YTD Amt
No Deductions		

Direct Deposits	Account	Amount
No Direct Deposits		

Benefits	Hours	Amount	YTD Hrs	YTD Amt

Accruals	Dollars

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TIME CARD 05/22/16 17:24:20  
 TAP10.JOSE 90

Monday, 05/16  
 0:35a 5:06p LINE COOK -KITCHEN 8:31

Tuesday, 05/17  
 0:45a 5:43p LINE COOK -KITCHEN 8:58

Wednesday, 05/18  
 0:53a 4:42p LINE COOK -KITCHEN 7:49

Thursday, 05/19  
 0:32a 5:44p LINE COOK -KITCHEN 9:12

Friday, 05/20  
 9:13a 11:29p LINE COOK -KITCHEN 14:16

Saturday, 05/21  
 1:1a 8:57p LINE COOK -KITCHEN 12:10

Sunday, 05/22  
 10:11a 5:24p LINE COOK -KITCHEN 7:21

60:17

107  
 315.00  
 -----  
 245.67

# Exhibit 6



Copy D for EMPLOYER		2015		OMB No. 1545-0008	
a Employee's social security number	1 Wages, tps, other comp.	6840.00		2 Federal income tax withheld	
	3 Social security wages	6840.00		4 Social security tax withheld	
b Employer ID number	5 Medicare wages and tps	6840.00		6 Medicare tax withheld	
	c Employer's name, address, and ZIP code				Galanes LLC 23450 Allen Road Woodhaven, MI 48183
d Control Number		DT170 107      Tapia Jose 107			
e Employee's first name and initial		Last name			
Jose		Tapia			
f Employee's address, and ZIP code					
7 Social security tps		8 Allocated tps		9	
10 Dependent care benefits		11 Nonqualified plans		12a Code See inst. for box 12	
13 Statutory employee		14 Other		12b Code	
Retirement plan				12c Code	
Third-party sick pay				12d Code	
MI		6840.00		290.75	
16 State Emptr.'s state I.D. #		16 State wages tps, etc.		17 State income tax	
18 Local wages, tps, etc.		19 Local income tax		20 Locality name	

Form W-2 Wage and Tax Statement

Dept. of the Treasury - IRS

# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Michigan Mexican Restaurants Facing Wage and Hour Suit](#)

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