

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 17-CV-61472

DOUGLAS WALKER,  
EZEKIEL PROCTOR,  
on behalf of themselves  
and All Others Similarly Situated,

Plaintiffs,

vs.

IRON SUSHI LLC, IRON MAMI, INC.,  
MASA INTERNATIONAL LLC, IRON  
GROUP LLC, BUZZ LLC, YOU KI, INC.,  
70 ARAGON, INC., 9030 AKT, INC.,  
MASAMITSU OCHI and MASATAKA OCHI  
(collectively d/b/a IRON SUSHI)

Defendants.

\_\_\_\_\_ /

**COMPLAINT**

Plaintiffs, Douglas Walker and Ezekiel Proctor (hereinafter “Plaintiffs”), bring this action pursuant to §7 of the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. §201, *et seq.* (“the FLSA”), and the Florida Minimum Wage Act (“FMWA”), Article X, Section 24 of the Florida Constitution, to recover money damages, liquidated damages, attorneys’ fees, costs and other relief to recover the minimum wages owed to them and to all other similarly situated persons who worked the dual jobs of Delivery Driver and In-Store Employee at an Iron Sushi restaurant in South Florida for Iron Sushi LLC, Iron Mami, Inc., Masa International LLC, Iron Group LLC, Buzz LLC, You Ki, Inc., 70 Aragon, Inc., 9030 AKT, Inc. (hereinafter collectively the “Corporate Defendants”), Masamitsu Ochi or Masataka Ochi (hereinafter collectively the “Individual Defendants”) as follows:

## **PARTIES, JURISDICTION, AND VENUE**

1. **Plaintiff Douglas Walker** (hereinafter “**Plaintiff Walker**”), is a *sui juris* resident of Miami-Dade County, Florida, who worked the dual jobs of Delivery Driver and In-Store Employee at Iron Sushi restaurants at all times material hereto.

2. **Plaintiff Walker** consents to participate in this lawsuit and to serve as a representative on behalf of others similarly situated.

3. **Plaintiff Ezekiel Proctor** (hereinafter “**Plaintiff Proctor**”), is a *sui juris* resident of Miami-Dade County, Florida, who worked the dual jobs of Delivery Driver and In-Store Employee at Iron Sushi restaurants at all times material hereto.

4. **Plaintiff Proctor** consents to participate in this lawsuit and to serve as a representative on behalf of others similarly situated.

5. Plaintiffs bring this action for themselves and all current and former employees of Defendants who work or worked the dual jobs of Delivery Driver and In-Store Employee at an Iron Sushi restaurant in South Florida (hereinafter “Similarly Situated Employees”).

6. Defendants currently operate eight (8) Iron Sushi “restaurants” in South Florida (Dade and Broward Counties).

7. Defendant Iron Sushi LLC is a for profit Florida limited liability company that is *sui juris* and has operated the Iron Sushi restaurant located at 16350 W. Dixie Highway, in North Miami Beach, Miami-Dade County, Florida 33160 (hereinafter “Iron Sushi – North Miami Beach Location”) at all times material hereto.

8. Defendant Iron Mami, Inc. is a for profit Florida corporation that is *sui juris* and has operated the Iron Sushi restaurant located at 1805 N. Young Circle in Hollywood, Broward

County, Florida 33020 (hereinafter “Iron Sushi – Hollywood Location”) at all times material hereto.

9. Defendant Masa International LLC is a for profit Florida limited liability company that is *sui juris* and has operated the Iron Sushi restaurant located at 6940 Collins Avenue in Miami Beach, Miami-Dade County, Florida 33140 (hereinafter “Iron Sushi – Miami Beach Location”) at all times material hereto.

10. Defendant Iron Group LLC is a for profit Florida limited liability company that is *sui juris* and has operated the Iron Sushi restaurant located at 9432 NE 2<sup>nd</sup> Avenue in Miami Shores, Miami-Dade County, Florida 33138 (hereinafter “Iron Sushi – Miami Shores Location”) at all times material hereto.

11. Defendant Buzz LLC is a for profit Florida limited liability company that is *sui juris* and has operated the Iron Sushi restaurant located at 120 S.E. 3<sup>rd</sup> Avenue in Miami, Miami-Dade County, Florida 33131 (hereinafter “Iron Sushi – Downtown Miami Location”) at all times material hereto.

12. Defendant You Ki, Inc. is a for profit Florida corporation that is *sui juris* and has operated the Iron Sushi restaurant located at 840 Washington Avenue in Miami Beach, Miami-Dade County, Florida 33139 (hereinafter “Iron Sushi – South Beach”) at all times material hereto.

13. Defendant 70 Aragon, Inc. is a for profit Florida corporation that is *sui juris* and has operated the Iron Sushi restaurant located at 70 Aragon Avenue, in Coral Gables, Miami-Dade County, Florida 33134 (hereinafter “Iron Sushi – Coral Gables Location”) at all times material hereto.

14. Defendant 9030 AKT, Inc. is a for profit Florida corporation that is *sui juris* and has operated the Iron Sushi restaurant located at 9030 SW 72<sup>nd</sup> Place, in Miami, Miami-Dade County, Florida 33156 (hereinafter “Iron Sushi – Dadeland Location”) at all times material hereto.

15. The aforementioned Corporate Defendants use a centralized website ([www.iron sushi.com](http://www.iron sushi.com)) to identify the locations of the eight (8) Iron Sushi restaurants in South Florida, to provide an online menu with photographs of the menu items available at each Iron Sushi restaurant, to provide a portal for online ordering at any of the eight (8) Iron Sushi restaurants, and to provide information about catering available at each of the eight (8) Iron Sushi restaurants. This website also contains an e-Commerce portal to permit online ordering.

16. The aforementioned Corporate Defendants are all operated through a common nucleus of management and control personnel who have exercise control over all meaningful aspects of the eight (8) Iron Sushi restaurants.

17. The aforementioned Corporate Defendants share the same menu, recipes, and operating procedures so that each of the eight (8) Iron Sushi restaurants operates as a clone of the other, while under a concentrated management core.

18. Defendant Masamitsu Ochi, was and is an owner, operator, officer, member and/or manager of the Corporate Defendants, at all times material hereto. He oversaw the day-to-day operations of the Iron Sushi restaurants and regularly performed acts of hiring and firing, setting work schedules, setting conditions of employment, and controlling operations and finances of the various Corporate Defendants. Additionally, he maintained employment records of, had supervisory authority over, determined the rate and method of payment of, and was

partially or totally responsible for paying the wages of Plaintiffs and the Similarly Situated Employees.

19. Defendant Masataka Ochi, was and is an owner, operator, officer, member and/or manager of the Corporate Defendants at all times material hereto. He oversaw the day-to-day operations of the Iron Sushi restaurants and regularly performed acts of hiring and firing, setting work schedules, setting conditions of employment, and controlling operations and finances of the various Corporate Defendants. Additionally, he maintained employment records of, had supervisory authority over, determined the rate and method of payment of, and was partially or totally responsible for paying the wages of Plaintiffs and the Similarly Situated Employees.

20. The Corporate Defendants and Individual Defendants were Plaintiffs and the Similarly Situated Employees' direct employers, joint employers and co-employers for purposes of the FLSA, as the term "employer" is defined by 29 U.S.C. §203 (d).

21. The Corporate Defendants and Individual Defendants performed related activities for a common business purpose through the unified operation and control of the Iron Sushi restaurants.

22. This Court has jurisdiction over Plaintiffs' FLSA claims and pendent jurisdiction over Plaintiffs' related Florida Minimum Wage Act claim.

23. Venue is proper in this District pursuant to 28 U.S.C. §1391 because Defendants are subject to personal jurisdiction in this District, transact business in this District, maintain several offices in this District, employed the Plaintiffs and the Similarly Situated Employees in this District, and because a substantial part of the acts or omissions giving rise to the claims occurred within this District.

#### **COMMON BACKGROUND FACTUAL ALLEGATIONS**

24. Defendants regularly employed two or more employees for the relevant time period that handled goods or materials that travelled through interstate commerce, or used instrumentalities of interstate commerce, thus making Defendants' an enterprise covered under the FLSA.

25. Defendants have been, at all times material, an enterprise engaged in interstate commerce in the course of their marketing, preparation, cooking, service, and sale of foodstuffs, fish, rice, vegetables, meats, beverages, alcoholic beverages, and products that have moved through interstate commerce. Defendants' Iron Sushi restaurants cooked, prepared, and stored perishables and alcoholic beverages while using machinery, appliances, refrigeration goods and materials that also have moved through interstate commerce.

26. Furthermore, Defendants obtain, solicit, exchange and send funds to and from outside of the State of Florida, use telephonic transmissions going outside of the State of Florida to conduct business, and transmit electronic information through computers, the internet, via email, and otherwise outside of the State of Florida.

27. Each corporate Defendant is an enterprise engaged in commerce for purposes of the FLSA with annual gross revenues believed to be in excess of \$500,000 for the Relevant Time Period.

28. The Corporate Defendants, collectively, were all part and parcel of a larger "Iron Sushi" enterprise that had gross annual revenues exceeding \$500,000 at all times material to this action.

29. During the five (5) years prior to the filing of this lawsuit, Plaintiffs and the Similarly Situated Employees are or were employees engaged in commerce and employed by an

enterprise engaged in commerce, *i.e.* working in an Iron Sushi restaurant in the dual jobs of Delivery Driver and In-Store Employee.

30. During the five (5) years prior to the filing of this lawsuit, Plaintiffs and the Similarly Situated Employees are or were paid on an hourly basis and not paid on a salary basis.

31. During the five (5) years prior to the filing of this lawsuit, Plaintiffs and the Similarly Situated Employees were required to be compensated at a rate of pay that did not fall below the applicable minimum wage for each hour worked up to forty (40) hours in a given week.

32. Plaintiff Walker worked the dual jobs of Delivery Driver and In-Store Employee for Defendants at the Iron Sushi – North Miami Beach Location from approximately July 2014 until approximately February 2017.

33. Plaintiff Walker also worked the dual jobs of Delivery Driver and In-Store Employee for Defendants at the Iron Sushi – Miami Beach Location from approximately December 2014 until approximately February 2017.

34. Plaintiff Walker also worked the dual jobs of Delivery Driver and In-Store Employee for Defendants at the Iron Sushi – Hollywood Location from approximately April 2016 until approximately March 2017.

35. Plaintiff Proctor worked the dual jobs of Delivery Driver and In-Store Employee for Defendants at the Iron Sushi – Hollywood Location from approximately October 2015 until approximately November 2015.

36. Plaintiff Proctor also worked the dual jobs of Delivery Driver and In-Store Employee for Defendants at the Iron Sushi – North Miami Beach Location from approximately November 2015 until approximately October 2016.

37. Defendants should have maintained in their exclusive custody and control the exact dates of employment, locations of employment, payroll time sheets, time records, pay records and tip credit records concerning the wages paid to and hours worked by Plaintiffs and the Similarly Situated Employees.

38. At all times material hereto, Defendants applied a tip credit, pursuant to 29 U.S.C. § 203(m) toward the minimum wages owed to Plaintiffs and the Similarly Situated Employees for all the hours worked by Plaintiffs and the Similarly Situated Employees in any capacity, whether tipped or non-tipped. Through this payment method, Defendants paid Plaintiffs and the Similarly Situated Employees at a rate of pay that was \$3.02 less than the applicable minimum wage – including for all time spent during traditionally non-tipped work.

39. At all times material, Plaintiffs and the Similarly Situated Employees worked the dual jobs of Delivery Driver and In-Store Employee for Defendants at several of the eight (8) Iron Sushi restaurants located in South Florida.

40. Of the dual jobs performed by Plaintiffs and the Similarly Situated Employees, only the job of Delivery Driver is a tipped job. The job duties of a Delivery Drive involves obtaining the food to be delivered, delivering food and drinks to customers, and then returning to the Iron Sushi restaurants.

41. At all times material, Plaintiffs and the Similarly Situated Employees worked the job of Delivery Driver for Defendants at the eight (8) Iron Sushi restaurants for approximately 20% to 50% of the time they were working for Defendants.

42. The job of In-Store Employee performed by Plaintiffs and the Similarly Situated Employees is a non-tipped job that was not incidental to or related to their tipped job of Delivery



Driver, and therefore the time spent working in this capacity should have been paid at a rate of at least the applicable minimum wage.

43. The non-tipped job of In-Store Employee performed by Plaintiffs and the Similarly Situated Employees included, without limitation, the duties of: cleaning, sweeping, mopping, washing windows, cleaning bathrooms, stocking bathroom supplies, stocking soda coolers, clearing tables, running errands for Iron Sushi in personal vehicles to pick up cleaning supplies and/or food products for the Iron Sushi restaurants, removing trash, taking boxes to the dumpster, passing out flyers, answering phones, assisting customers and performing other duties asked of them.

44. At all times material, Plaintiffs and the Similarly Situated Employees worked the job of In-Store Employee with non-tipped duties for Defendants at the eight (8) Iron Sushi restaurants for approximately 50% to 80% of the time they were working.

45. At all times material, Plaintiffs and the Similarly Situated Employees are or were tipped employees within the meaning of 29 U.S.C. § 203(m) only for the job of Delivery Driver, not for that of In-Store Employee.

46. Where an employee is engaged in two jobs, one of which is tipped and one of which is not, the employer may not take a tip credit for the hours the employee worked in the non-tipped job. 29 C.F.R. § 531.56(e).

47. Defendants may utilize the tip credit only for the time the Plaintiffs and the Similar Situated Employees spent performing the tipped duties of Delivery Driver.

48. Defendants cannot utilize the tip credit for any of the time the Plaintiffs and Similar Situated Employees spent performing non-tipped duties of In-Store Employee, which are completely unrelated to the tipped job of Delivery Driver.

49. At all times material, Defendants were not entitled to the tip credit for any time the Plaintiffs and Similar Situated Employees spent performing non-tipped duties of In-Store Employee because the job of In-Store Employee performed by Plaintiffs and the Similarly Situated Employees is a non-tipped job.

50. At all times material, Defendants improperly took the tip credit for any time the Plaintiffs and Similar Situated Employees spent performing non-tipped duties of In-Store Employee because the job of In-Store Employee performed by Plaintiffs and the Similarly Situated Employees is a non-tipped job.

51. As a result of improperly taking a tip credit toward its minimum wage obligations to Plaintiffs and the Similarly Situated Employees for the non-tipped job of In-Store Employee, during all times material, Defendants did not properly calculate the minimum wages owed to Plaintiffs and the Similarly Situated Employees for all hours worked on numerous occasions.

52. As a result improperly taking a tip credit toward its minimum wage obligations to Plaintiffs and the Similarly Situated Employees for the non-tipped job of In-Store Employee, Defendants did not properly pay the Plaintiffs and the Similarly Situated Employees minimum wages for all hours worked per week.

53. Defendants may also utilize the tip credit for the time the Plaintiffs and Similar Situated Employees spent performing non-tipped duties incidental to or related to the tipped job of Delivery Driver (“Side Work”) *if* the related, non-tipped Side Work did not exceed 20% of the Plaintiffs and Similar Situated Employees’ time.

54. Defendants cannot utilize the tip credit for any of the time the Plaintiffs and Similar Situated Employees spent performing Side Work, while not earning tips when the Side

Work was in excess of 20% of the time the Plaintiffs and Similarly Situated employees were working.

55. At all times material, Plaintiffs and Similar Situated Employees were forced to perform Side Work, while not earning tips as Delivery Drivers, in excess of 20% of the time the Plaintiffs and Similarly Situated employees were working.

56. At all times material, Defendants were not entitled to the tip credit for time the Plaintiffs and Similar Situated Employees spent performing Side Work, while not earning tips as Delivery Drivers, in excess of 20% of the time the Plaintiffs and Similarly Situated employees were working.

57. At all times material, Defendants improperly and unlawfully took the tip credit for time the Plaintiffs and Similar Situated Employees spent performing Side Work, while not earning tips as Delivery Drivers, in excess of 20% of the time the Plaintiffs and Similarly Situated Employees were working.

58. As a result of improperly and unlawfully taking a tip credit toward its minimum wage obligations to Plaintiffs and the Similarly Situated Employees for time spent performing Side Work, while not earning tips as Delivery Drivers, in excess of 20% of the time they were working, at all times material hereto, Defendants did not properly calculate the minimum wages owed to Plaintiffs and the Similarly Situated Employees for all hours worked on numerous occasions.

59. As a result of improperly and unlawfully taking tip credits toward its minimum wage obligations to Plaintiffs and the Similarly Situated Employees for time spent performing Side Work, while not earning tips as Delivery Drivers, in excess of 20% of the time they were

working, Defendants did not properly pay the Plaintiffs and the Similarly Situated Employees minimum wages for all hours worked per week.

60. At all times material, Defendants caused Plaintiffs and the Similarly Situated Employees to be paid less than they were entitled to be paid on a weekly basis.

61. Defendants have refused to adequately compensate Plaintiffs and the Similarly Situated Employees minimum wages for all hours worked per week at the rates required by law.

62. Defendants' failure to properly compensate Plaintiffs and the Similarly Situated Employees at least minimum wages for all hours worked per week at the rates required by law is ongoing.

63. Upon information and belief, Defendants have failed to keep all records required by 29 U.S.C. § 211(c) regarding the wages, hours and other conditions of employment of the Plaintiffs and the Similarly Situated Employees for the time period required by law.

64. Any/all conditions precedent to filing this lawsuit occurred and/or was satisfied by Plaintiffs.

65. Plaintiffs retained counsel and agreed to pay a reasonable fee for all services rendered.

**COUNT I – VIOLATION OF THE FAIR LABOR STANDARDS ACT  
(Failure to Pay Minimum Wages)**

Plaintiffs re-allege paragraphs 1 through 65 as if fully set forth herein and further allege as follows:

66. This claim is brought by Plaintiffs, individually and on behalf of the Similarly Situated Employees, who work or worked the dual jobs of Delivery Driver and In-Store Employee in an Iron Sushi restaurant for the Defendants at any time during the 3 years prior to the date of the filing of this lawsuit for violations of the FLSA based upon Defendants'

systematic failure to properly compensate them a rate of pay that at least met the applicable minimum wages for all hours worked per week.

67. Plaintiffs bring this action individually, and as a collective action under 29 U.S.C. § 216 on behalf of all current and former employees of Defendants who work or worked the dual jobs of Delivery Driver and In-Store Employee in an Iron Sushi restaurant at any time during the 3 years prior to the date of the filing of this lawsuit.

68. Plaintiffs and the Similarly Situated Employees performed similar job duties and were subjected to similar pay practices while employed in the dual jobs of Delivery Driver and In-Store Employee at Iron Sushi restaurants for the Defendants, and are “employees” entitled to the protections of the FLSA pursuant to 29 U.S.C. § 203(e).

69. At all times during their employment, Plaintiffs and the Similarly Situated Employees were employees of the Defendants who were required to be paid at least a minimum hourly wage for all hours worked per week.

70. Defendants have violated the provisions of the FLSA, including without limitation 29 U.S.C. § 206 and §215, by failing to pay Plaintiffs and the Similarly Situated Employees a minimum hourly wage for all hours worked per week.

71. Defendants’ failure to compensate Plaintiffs and the Similarly Situated Employees at least a minimum wage for all hours worked for the Defendant per week is a willful and intentional violation of the FLSA.

72. The foregoing conduct, as alleged, constitutes a willful violation of the FLSA within the meaning of 29 U.S.C. § 255(a) as Defendants knew, or showed reckless disregard for the fact that their compensation practices and failure to compensate Plaintiffs and the Similarly Situated Employees a minimum wage for all hours worked per week was in violation of these

laws. This is especially true when the Defendants have been sued in the past for violating the FLSA.

73. Under the FLSA, Plaintiffs and the Similarly Situated Employees are entitled to unpaid minimum wage compensation for all hours worked per week for three (3) years prior to the filing of this lawsuit, liquidated damages in an amount equal to the unpaid compensation, declaratory relief, and reasonable attorneys' fees and expenses of litigation, pursuant to 29 U.S.C. § 216.

74. By failing to accurately record, report, and/or preserve records of the wages, hours and other conditions of employment worked by Plaintiffs and the Similarly Situated Employees, Defendants, upon information and belief, have failed to make, keep, and preserve records with respect to each of its employees sufficient to determine their wages, hours, and other conditions and practice of employment, in violation of the FLSA, 29 U.S.C. § 201 *et seq.*

75. The purported collective includes the Similarly Situated Employees who worked during the past three (3) years in the dual jobs of Delivery Driver and In-Store Employee for Defendants at one or more of their Iron Sushi restaurants, who were not paid their full minimum wages earned, and who were subject to the same pay practices as the Plaintiffs.

76. The Similarly Situated Employees are known to Defendants, readily identifiable, and can be located through Defendants' records.

77. Notice should be sent to the collective pursuant to 29 U.S.C. §216(b).

WHEREFORE Plaintiffs, Douglas Walker and Ezekiel Proctor, on behalf of themselves and other the Similarly Situated Employees, demand the entry of a judgment against Defendants, Iron Sushi LLC, Iron Mami, Inc., Masa International LLC, Iron Group LLC, Buzz LLC, You Ki,

Inc., 70 Aragon, Inc. or 9030 AKT, Inc., Masamitsu Ochi and Masataka Ochi, jointly and severally after a trial by jury, and further demand and pray as follows:

- a. That the Court certify the instant suit as an opt-in class action under 29 U.S.C. § 216(b) for all similarly situated employees who elect to join these proceedings at the earliest opportunity so that Plaintiffs can send notice to all similarly situated employees of Defendants who work or worked the dual jobs of Delivery Driver and In-Store Employee in an Iron Sushi restaurant during the past three years;
- b. That the named Plaintiffs and all class members who opt in recover compensatory minimum wage damages and an equal amount of liquidated damages as provided under the law and in 29 U.S.C. § 216(b) – or interest on the unpaid wages if no liquidated damages are awarded;
- c. That Plaintiffs and the class recover an award of reasonable attorneys’ fees, costs, and expenses pursuant to the FLSA;
- d. That Plaintiffs and all class members recover a judgment for all interest allowed by law; and
- e. Such other and further relief as the Court deems just and proper.

**COUNT II – VIOLATION OF THE FLORIDA MINIMUM WAGE ACT  
(Failure to Pay Florida Minimum Wages)**

Plaintiffs reincorporate and re-allege paragraphs 1 through 65 as if fully set forth herein and further allege as follows:

78. This claim is brought by Plaintiffs, individually and on behalf of the Similarly Situated Employees, who work or worked the dual jobs of Delivery Driver and In-Store Employee in an Iron Sushi restaurant for the Defendants at any time during the five (5) years

prior to the filing of this lawsuit for violations of the FMWA based upon Defendants' systematic failure to properly compensate them Florida minimum wages for all hours worked per week.

79. The Florida Constitution provides that, "All working Floridians are entitled to be paid a minimum wage that is sufficient to provide a decent and healthy life for them and their families, that protects their employers from unfair low-wage competition, and that does not force them to rely on taxpayer-funded public services in order to avoid economic hardship. Fla. Const., Art. X, §24(a).

80. The Florida Constitution, Article X, Section 24(a) provides that "[a]ll working Floridians are entitled to be paid a minimum wage that is sufficient to provide a decent and healthy life for them and their families." *See* Fla. Const. Art. X sec. 24(1).

81. In Florida, and for the 5 years prior to the date of the filing of this lawsuit, the minimum wage was set at \$7.67/hour in 2012; at \$7.79/hour in 2013; at \$7.93/hour in 2014; at \$8.05/hour in 2015; at \$8.05/hour in 2016; and at \$8.10/hour in 2017.

82. At all times during their employment, Plaintiffs and the Similarly Situated Employees were employees of the Defendants who were required to be paid the Florida minimum hourly wage for all hours worked per week.



83. Defendants have violated the provisions of the FMWA by failing to pay Plaintiffs and the Similarly Situated Employees Florida minimum wages for all hours worked per week at the rates required by law.

84. Defendants' failure to compensate Plaintiffs and the Similarly Situated Employees at least Florida minimum wages for all hours worked per week at the rates required by law is a willful and intentional violation of the FMWA.

85. Defendants' failure to properly compensate Plaintiffs and the Similarly Situated Employees at least Florida minimum wages for all hours worked per week at the rates required by law is ongoing.

86. Defendants have willfully violated and, upon information and belief, continue to willfully violate the FMWA by not paying Plaintiffs and the Similarly Situated Employees Florida minimum wages for all hours worked per week at the rates required by law.

87. Under the FMWA, Plaintiffs and the Similarly Situated Employees are entitled to Florida unpaid minimum wages for all hours worked per week for the five (5) years prior to the filing of this lawsuit, liquidated damages in an equal amount to the unpaid compensation and reasonable attorneys' fees and expenses of litigation.

88. Plaintiffs seek to bring this action as a class action because during the past five (5) years other of Defendants' employees were subjected to the same wrongful pay practices and policies that operated to deprive those who worked as Delivery Drivers and In-Store Employees for Defendants of the minimum wage guaranteed by Florida law.

89. Pursuant to Rule 23 of the Federal Rules of Civil Procedure, Plaintiffs seek certification of and are members of the following putative class they seek to represent:

**All persons who worked the dual jobs of Delivery Driver and In-Store Employee at an Iron Sushi restaurant in South Florida during the past five (5) years and who**

**were paid by Defendants a direct wage of less than the Florida minimum wage for all hours worked at all times material hereto.**

90. Subject to additional information obtained through further investigation and discovery, the foregoing definition of the Class may be expanded or narrowed by amendment or amended complaint. Specifically excluded from the Class are Defendants, their officers, directors, agents, trustees, parents, children, the Judge assigned to this action, and any member of the Judge's immediate family.

91. This action is properly maintainable as a class action pursuant to Federal Rule of Civil Procedure 23.

92. Numerosity: This action satisfies numerosity. The class defined above is sufficiently numerous that separate joinder of each member is impracticable, as the class will be comprised of more than twenty-five (25) absent class members from the last five years. Though the exact number and identity of Class members is not presently known, they can be identified through the review of records in Defendants' possession, custody and control.

93. Commonality: The named Plaintiffs' claims raise questions of law and fact common to each member of the class, which include, but are not limited to:

- i. whether Defendants paid their employees who worked the dual jobs of Delivery Driver and In-Store Employee a direct hourly wage rate that was/is less than the Florida Minimum Wage;
- ii. whether Defendants were required to pay a direct hourly wage of at least the Florida Minimum Wage for all hours worked as an In-Store Employee;
- iii. whether Defendants owe those who worked the dual job of Delivery Driver and In-Store Employee any money for unpaid/underpaid minimum wages; and

iv. whether Defendants' conduct willfully violated the FMWA.

94. Defendants' defenses, to the extent that any such defenses apply, are commonly and generally applicable to Plaintiffs and to the entire Class, and are not distinguishable or applicable against individual members of the proposed Class.

95. Typicality: The claims of the named Plaintiffs are typical of the claims of the class members because the representative Plaintiffs, like all members of the class, worked the dual jobs of Delivery Driver and In-Store Employee and were denied the Florida minimum wage by Defendants as a result of the same and/or similar policies.

96. Adequacy: Plaintiffs will vigorously pursue the claims alleged herein on behalf of themselves and other Similarly Situated Employees. Neither Plaintiffs nor Plaintiffs' claims have any adverse interests to the proposed absent class members because they assert the same claims under the FMWA and seek the same relief as would the absent class members if each were to bring a similar action individually. Plaintiffs will adequately protect and represent the interests of each absent class member. Furthermore, Plaintiffs' counsel is experienced in class actions and intimately familiar with the FMWA and the Fair Labor Standards Act, 29 U.S.C. §201, *et seq.*

97. Predominance: Pursuant to Rule 1.220(b)(3), class certification is appropriate because the FMWA claims alleged on behalf of the class, as described in the aforementioned paragraphs, predominate over any question of law or fact affecting only individual members of the class. The predominance questions of law or fact are clear, precise, well-defined, and applicable to Plaintiffs as well as every absent member of the proposed class.

98. Superiority: Class representation is superior to other available methods for the fair and efficient adjudication of the controversy for a number of reasons including, but not limited to, the following: (1) this action challenges the policy of a long-time employer and

therefore employees may be reluctant to bring claims individually for fear of retaliation; (2) some class members may have only worked for Defendants for a short period of time, and their individual damages would not be substantial enough to be worth the effort of bringing individual claims; (3) class members do not have the resources to bring their claims individually; (4) the prosecution of separate actions by individual members of the Class would create a risk of inconsistent or varying adjudications with respect to individual members of the proposed Class that would establish incompatible standards of conduct for Defendants; and (5) it would be an inefficient use of scarce judicial resources to require each employee affected by the practices challenged herein to bring his or her own individual claim.

99. Notice of a certified class action and of any result or resolution of the litigation can be provided to Class members by first-class mail, email, by provision in the pay checks/stubs of class members still employed by Defendants, by publication, or such other methods of notice as deemed appropriate by the Court.

WHEREFORE Plaintiffs Douglas Walker and Ezekiel Proctor, on behalf of themselves and other the Similarly Situated Employees, demand the entry of a judgment against Defendants, Iron Sushi LLC, Iron Mami, Inc., Masa International LLC, Iron Group LLC, Buzz LLC, You Ki, Inc., 70 Aragon, Inc. or 9030 AKT, Inc., Masamitsu Ochi and Masataka Ochi, jointly and severally after a trial by jury, and further demand and pray as follows:

- a. That Plaintiffs and the class of Defendants' similarly situated current and former employees who worked the dual jobs of Delivery Driver and In-Store Employee at an Iron Sushi restaurant in South Florida recover compensatory damages and an equal amount of liquidated damages as provided under the law and in Fla. Stat. §448.110 and Fla. Const. Art. X, §24;

- b. That Plaintiff and the class of Defendants' similarly situated current and former employees who worked the dual jobs of Delivery Driver and In-Store Employee at an Iron Sushi restaurant in South Florida recover their reasonable attorneys fees, taxable costs, and expenses pursuant to the Fla. Stat. §448.110 and Fla. Const. Art. X, §24;
- c. That Plaintiff and the class of Defendants' similarly situated current and former employees who worked the dual jobs of Delivery Driver and In-Store Employee at an Iron Sushi restaurant in South Florida recover all interest allowed by law, including pre-judgment and post-judgment interest;
- d. That Defendants be Ordered to make and the class of Defendants' similarly situated current and former employees who worked the dual jobs of Delivery Driver and In-Store Employee at an Iron Sushi restaurant in South Florida whole by providing appropriate minimum wages and other benefits wrongly denied in an amount to be shown at trial and other affirmative relief; and
- e. Such other and further relief as the Court deems just and proper.

**DEMAND FOR JURY TRIAL**

Plaintiffs demand a trial by jury of all issues so triable.

Dated this 25th day of July, 2017.

Respectfully Submitted,

**FAIRLAW FIRM**

s/Brian H. Pollock, Esq.

Brian H. Pollock, Esq.

Fla. Bar No. 174742

[brian@fairlawattorney.com](mailto:brian@fairlawattorney.com)

7300 N. Kendall Drive, Suite 450

Miami, FL 33156

Tel: 305.230.4884

Fax: 305.230.4844

**LAW OFFICE OF JOSHUA A. MILLICAN,  
P.C.**

Joshua A. Millican

Georgia Bar No. 508998

The Grant Building, Suite 607

44 Broad Street, N.W.

Atlanta, Georgia 30303

Telephone: (404) 522-1152

Facsimile: (404) 522-1133

[joshua.millican@lawofficepc.com](mailto:joshua.millican@lawofficepc.com)

**GREENFIELD MILLICAN P.C.**

Lisa T. Millican

The Grant Building, Suite 607

44 Broad Street, N.W.

Atlanta, Georgia 30303

Telephone: (404) 522-1122

Facsimile: (404) 522-1133

[lisa.millican@lawofficepc.com](mailto:lisa.millican@lawofficepc.com)

***Counsel for Plaintiffs***

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.) **NOTICE: Attorneys MUST Indicate All Re-filed Cases Below.**

**I. (a) PLAINTIFFS** DOUGLAS WALKER, EZEKIEL PROCTOR, **DEFENDANTS** IRON SUSHI LLC, IRON MAMI, INC., MASA INTERNATIONAL LLC, IRON GROUP LLC, BUZZ LLC, YOU KI, INC., 70 ARAGON, INC.,  
on behalf of themselves and All Others Similarly  
Situating,

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

County of Residence of First Listed Defendant  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

**(c)** Attorneys (Firm Name, Address, and Telephone Number)  
Brian H. Pollock, Esq. / FairLaw Firm  
7300 N. Kendall Drive, Suite 450  
Miami, FL 33156 Tel: 305.230.4884

Attorneys (If Known)

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

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

- ☐ 1 U.S. Government Plaintiff  
☒ 3 Federal Question (U.S. Government Not a Party)  
☐ 2 U.S. Government Defendant  
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | PTF                        | DEF                        | PTF                        | DEF                        |
|----------------------------|----------------------------|----------------------------|----------------------------|
| <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

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

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <input checked="" type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729 (a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

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

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Re-filed (See VI below) ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation Transfer ☐ 7 Appeal to District Judge from Magistrate Judgment ☐ 8 Multidistrict Litigation - Direct File ☐ 9 Remanded from Appellate Court

**VI. RELATED/RE-FILED CASE(S)** (See instructions): a) Re-filed Case ☒ YES ☐ NO **JUDGE:**

b) Related Cases ☒ YES ☐ NO **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. §210 / Violation of Fair Labor Standards Act and Violation of Florida Minimum Wage Act

LENGTH OF TRIAL via 3-4 days estimated (for both sides to try entire case)

**VIII. REQUESTED IN COMPLAINT:** ☒ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND \$** **CHECK YES only if demanded in complaint:**

**JURY DEMAND:** ☒ Yes ☐ No

**ABOVE INFORMATION IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE**

DATE 7/25/2017

SIGNATURE OF ATTORNEY OF RECORD

s/Brian H. Pollock, Esq.

**FOR OFFICE USE ONLY**

RECEIPT # AMOUNT 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.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Brief Description: Unauthorized reception of cable service

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

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

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

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



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 17-CV-61472

DOUGLAS WALKER,  
EZEKIEL PROCTOR,  
on behalf of themselves  
and All Others Similarly Situated,

Plaintiffs,

vs.

IRON SUSHI LLC, IRON MAMI, INC.,  
MASA INTERNATIONAL LLC, IRON  
GROUP LLC, BUZZ LLC, YOU KI, INC.,  
70 ARAGON, INC., 9030 AKT, INC.,  
MASAMITSU OCHI and MASATAKA OCHI  
(collectively d/b/a IRON SUSHI)

Defendants.

\_\_\_\_\_ /

**SUMMONS IN A CIVIL ACTION**

TO: Iron Sushi, LLC  
c/o Registered Agent, David C. Fine  
10729 SW 104th Street  
Miami, FL 33176

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:

Brian H. Pollock, Esq.  
FairLaw Firm  
7300 N. Kendall Drive, Suite 450  
Miami, FL 33156  
Tel: (305) 230-4884  
Fax: (305) 230-4844  
[brian@fairlawattorney.com](mailto:brian@fairlawattorney.com)

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.

Date: \_\_\_\_\_

CLERK OF COURT

\_\_\_\_\_  
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)* \_\_\_\_\_ 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 \$ \_\_\_\_\_

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:

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 17-CV-61472

DOUGLAS WALKER,  
EZEKIEL PROCTOR,  
on behalf of themselves  
and All Others Similarly Situated,

Plaintiffs,

vs.

IRON SUSHI LLC, IRON MAMI, INC.,  
MASA INTERNATIONAL LLC, IRON  
GROUP LLC, BUZZ LLC, YOU KI, INC.,  
70 ARAGON, INC., 9030 AKT, INC.,  
MASAMITSU OCHI and MASATAKA OCHI  
(collectively d/b/a IRON SUSHI)

Defendants.

\_\_\_\_\_ /

**SUMMONS IN A CIVIL ACTION**

TO: Iron Mami, Inc.  
c/o Registered Agent, David C. Fine  
10729 SW 104th Street  
Miami, FL 33176

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:

Brian H. Pollock, Esq.  
FairLaw Firm  
7300 N. Kendall Drive, Suite 450  
Miami, FL 33156  
Tel: (305) 230-4884  
Fax: (305) 230-4844  
[brian@fairlawattorney.com](mailto:brian@fairlawattorney.com)

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.

Date: \_\_\_\_\_

CLERK OF COURT

\_\_\_\_\_  
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)* \_\_\_\_\_ 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 \$ \_\_\_\_\_

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:

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 17-CV-61472

DOUGLAS WALKER,  
EZEKIEL PROCTOR,  
on behalf of themselves  
and All Others Similarly Situated,

Plaintiffs,

vs.

IRON SUSHI LLC, IRON MAMI, INC.,  
MASA INTERNATIONAL LLC, IRON  
GROUP LLC, BUZZ LLC, YOU KI, INC.,  
70 ARAGON, INC., 9030 AKT, INC.,  
MASAMITSU OCHI and MASATAKA OCHI  
(collectively d/b/a IRON SUSHI)

Defendants.

\_\_\_\_\_ /

**SUMMONS IN A CIVIL ACTION**

TO: Masa International LLC  
c/o Registered Agent, David C. Fine  
10729 SW 104th Street  
Miami, FL 33176

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:

Brian H. Pollock, Esq. / FairLaw Firm  
7300 N. Kendall Drive, Suite 450  
Miami, FL 33156  
Tel: (305) 230-4884  
Fax: (305) 230-4844  
[brian@fairlawattorney.com](mailto:brian@fairlawattorney.com)

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.

Date: \_\_\_\_\_

CLERK OF COURT

\_\_\_\_\_  
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)* \_\_\_\_\_ 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 \$ \_\_\_\_\_

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:

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 17-CV-61472

DOUGLAS WALKER,  
EZEKIEL PROCTOR,  
on behalf of themselves  
and All Others Similarly Situated,

Plaintiffs,

vs.

IRON SUSHI LLC, IRON MAMI, INC.,  
MASA INTERNATIONAL LLC, IRON  
GROUP LLC, BUZZ LLC, YOU KI, INC.,  
70 ARAGON, INC., 9030 AKT, INC.,  
MASAMITSU OCHI and MASATAKA OCHI  
(collectively d/b/a IRON SUSHI)

Defendants.

\_\_\_\_\_ /

**SUMMONS IN A CIVIL ACTION**

TO: Iron Group LLC  
c/o Registered Agent, David C. Fine  
10729 SW 104th Street  
Miami, FL 33176

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:

Brian H. Pollock, Esq.  
FairLaw Firm  
7300 N. Kendall Drive, Suite 450  
Miami, FL 33156  
Tel: (305) 230-4884  
Fax: (305) 230-4844  
[brian@fairlawattorney.com](mailto:brian@fairlawattorney.com)

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.

Date: \_\_\_\_\_

CLERK OF COURT

\_\_\_\_\_  
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)* \_\_\_\_\_ 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 \$ \_\_\_\_\_

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:



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 17-CV-61472

DOUGLAS WALKER,  
EZEKIEL PROCTOR,  
on behalf of themselves  
and All Others Similarly Situated,

Plaintiffs,

vs.

IRON SUSHI LLC, IRON MAMI, INC.,  
MASA INTERNATIONAL LLC, IRON  
GROUP LLC, BUZZ LLC, YOU KI, INC.,  
70 ARAGON, INC., 9030 AKT, INC.,  
MASAMITSU OCHI and MASATAKA OCHI  
(collectively d/b/a IRON SUSHI)

Defendants.

\_\_\_\_\_ /

**SUMMONS IN A CIVIL ACTION**

TO: Buzz LLC  
c/o Registered Agent, David C. Fine  
10729 SW 104th Street  
Miami, FL 33176

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:

Brian H. Pollock, Esq.  
FairLaw Firm  
7300 N. Kendall Drive, Suite 450  
Miami, FL 33156  
Tel: (305) 230-4884  
Fax: (305) 230-4844  
[brian@fairlawattorney.com](mailto:brian@fairlawattorney.com)

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.

Date: \_\_\_\_\_

CLERK OF COURT

\_\_\_\_\_  
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)* \_\_\_\_\_ 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 \$ \_\_\_\_\_

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:

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 17-CV-61472

DOUGLAS WALKER,  
EZEKIEL PROCTOR,  
on behalf of themselves  
and All Others Similarly Situated,

Plaintiffs,

vs.

IRON SUSHI LLC, IRON MAMI, INC.,  
MASA INTERNATIONAL LLC, IRON  
GROUP LLC, BUZZ LLC, YOU KI, INC.,  
70 ARAGON, INC., 9030 AKT, INC.,  
MASAMITSU OCHI and MASATAKA OCHI  
(collectively d/b/a IRON SUSHI)

Defendants.

\_\_\_\_\_ /

**SUMMONS IN A CIVIL ACTION**

TO: You Ki, LLC  
c/o Registered Agent, David C. Fine  
10729 SW 104th Street  
Miami, FL 33176

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:

Brian H. Pollock, Esq. / FairLaw Firm  
7300 N. Kendall Drive, Suite 450  
Miami, FL 33156  
Tel: (305) 230-4884  
Fax: (305) 230-4844  
[brian@fairlawattorney.com](mailto:brian@fairlawattorney.com)

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.

Date: \_\_\_\_\_

CLERK OF COURT

\_\_\_\_\_  
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)* \_\_\_\_\_ 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 \$ \_\_\_\_\_

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:

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 17-CV-61472

DOUGLAS WALKER,  
EZEKIEL PROCTOR,  
on behalf of themselves  
and All Others Similarly Situated,

Plaintiffs,

vs.

IRON SUSHI LLC, IRON MAMI, INC.,  
MASA INTERNATIONAL LLC, IRON  
GROUP LLC, BUZZ LLC, YOU KI, INC.,  
70 ARAGON, INC., 9030 AKT, INC.,  
MASAMITSU OCHI and MASATAKA OCHI  
(collectively d/b/a IRON SUSHI)

Defendants.

\_\_\_\_\_ /

**SUMMONS IN A CIVIL ACTION**

TO: 70 Aragon, Inc.  
c/o Registered Agent, David C. Fine  
10729 SW 104th Street  
Miami, FL 33176

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:

Brian H. Pollock, Esq.  
FairLaw Firm  
7300 N. Kendall Drive, Suite 450  
Miami, FL 33156  
Tel: (305) 230-4884  
Fax: (305) 230-4844  
[brian@fairlawattorney.com](mailto:brian@fairlawattorney.com)

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.

Date: \_\_\_\_\_

CLERK OF COURT

\_\_\_\_\_  
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)* \_\_\_\_\_ 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 \$ \_\_\_\_\_

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:

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 17-CV-61472

DOUGLAS WALKER,  
EZEKIEL PROCTOR,  
on behalf of themselves  
and All Others Similarly Situated,

Plaintiffs,

vs.

IRON SUSHI LLC, IRON MAMI, INC.,  
MASA INTERNATIONAL LLC, IRON  
GROUP LLC, BUZZ LLC, YOU KI, INC.,  
70 ARAGON, INC., 9030 AKT, INC.,  
MASAMITSU OCHI and MASATAKA OCHI  
(collectively d/b/a IRON SUSHI)

Defendants.

\_\_\_\_\_ /

**SUMMONS IN A CIVIL ACTION**

TO: 9030 AKT, Inc.  
c/o Registered Agent, David C. Fine  
10729 SW 104th Street  
Miami, FL 33176

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:

Brian H. Pollock, Esq.  
FairLaw Firm  
7300 N. Kendall Drive, Suite 450  
Miami, FL 33156  
Tel: (305) 230-4884  
Fax: (305) 230-4844  
[brian@fairlawattorney.com](mailto:brian@fairlawattorney.com)

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.

Date: \_\_\_\_\_

CLERK OF COURT

\_\_\_\_\_  
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)* \_\_\_\_\_ 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 \$ \_\_\_\_\_

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:



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 17-CV-61472

DOUGLAS WALKER,  
EZEKIEL PROCTOR,  
on behalf of themselves  
and All Others Similarly Situated,

Plaintiffs,

vs.

IRON SUSHI LLC, IRON MAMI, INC.,  
MASA INTERNATIONAL LLC, IRON  
GROUP LLC, BUZZ LLC, YOU KI, INC.,  
70 ARAGON, INC., 9030 AKT, INC.,  
MASAMITSU OCHI and MASATAKA OCHI  
(collectively d/b/a IRON SUSHI)

Defendants.

\_\_\_\_\_ /

**SUMMONS IN A CIVIL ACTION**

TO: Masamitsu Ochi  
c/o Iron Sushi  
6940 Collins Avenue  
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:

Brian H. Pollock, Esq. / FairLaw Firm  
7300 N. Kendall Drive, Suite 450  
Miami, FL 33156  
Tel: (305) 230-4884  
Fax: (305) 230-4844  
[brian@fairlawattorney.com](mailto:brian@fairlawattorney.com)

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.

Date: \_\_\_\_\_

CLERK OF COURT

\_\_\_\_\_  
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)* \_\_\_\_\_ 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 \$ \_\_\_\_\_

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:

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 17-CV-61472

DOUGLAS WALKER,  
EZEKIEL PROCTOR,  
on behalf of themselves  
and All Others Similarly Situated,

Plaintiffs,

vs.

IRON SUSHI LLC, IRON MAMI, INC.,  
MASA INTERNATIONAL LLC, IRON  
GROUP LLC, BUZZ LLC, YOU KI, INC.,  
70 ARAGON, INC., 9030 AKT, INC.,  
MASAMITSU OCHI and MASATAKA OCHI  
(collectively d/b/a IRON SUSHI)

Defendants.

SUMMONS IN A CIVIL ACTION

TO: Masataka Ochi  
8750 S.W. 112th Street  
Miami, FL 33176  
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:

Brian H. Pollock, Esq. / FairLaw Firm  
7300 N. Kendall Drive, Suite 450  
Miami, FL 33156  
Tel: (305) 230-4884  
Fax: (305) 230-4844  
[brian@fairlawattorney.com](mailto:brian@fairlawattorney.com)

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.

Date: \_\_\_\_\_

CLERK OF COURT

\_\_\_\_\_  
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)* \_\_\_\_\_ 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 \$ \_\_\_\_\_

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's Signature*

\_\_\_\_\_  
*Printed Name and Title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Iron Sushi Operators Pegged with Class Action Over Improper Tip Credits](#)

---