

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO.: 12-23614-CIV-HUCK/BANDSTRA

YESENIA ESTRADA,

Plaintiff,

v.

LUZ M. RANGEL, d/b/a KING
MULTISERVICES, RICARDO MORENO,

Defendants

**ORDER SETTING CIVIL JURY TRIAL DATE AND PRETRIAL
SCHEDULE, REQUIRING MEDIATION AND REFERRING
CERTAIN MOTIONS TO MAGISTRATE JUDGE**

Trial is scheduled to commence during the two-week period commencing **Monday, May 6, 2013**, before the Honorable Paul C. Huck, United States District Judge, 400 North Miami Ave, 13th Floor, Courtroom 13-2, Miami, Florida. Calendar call shall be held on **Wednesday, May 1, 2013 at 8:30 a.m.** at the same location.

IT IS ORDERED AND ADJUDGED as follows:

1. No Pretrial Conference shall be held in this action, unless the parties so request or the Court determines *sua sponte* that a pretrial conference is necessary. Should a pretrial conference be set, the compliance deadlines as set forth in the remainder of this Order shall remain unaltered.
2. Counsel must meet at least ONE (1) MONTH prior to the beginning of the trial calendar to confer on the preparation of a pretrial stipulation.
3. The original and one (1) copy of a Joint Pretrial Stipulation must be filed on or before the date set forth below. The stipulation shall conform to Local Rule 16.1(e) and include a joint, neutral summary of the claims and defenses in the case, not to exceed one (1) short paragraph per litigant claim, to be read as an introduction for voir dire examination. The Court will not accept unilateral pretrial stipulations, and will strike *sua sponte* any such submissions. Should any of the parties fail to cooperate in the preparation of the joint pretrial stipulation, all other parties shall file a certification with the Court stating the circumstances. Upon receipt of such certification, the Court

shall issue an order requiring the non-cooperating party or parties to show cause why such party or parties (and their respective attorneys) have failed to comply with the Court's order.

4. Proposed jury instructions and verdict form must be submitted at least ONE (1) WEEK prior to the trial date. The parties shall submit a SINGLE JOINT set of proposed jury instructions and verdict form, though the parties need not agree on the proposed language of each or any instruction or question on the verdict form. Where the parties do agree on a proposed instruction or question, that instruction or question shall be set forth in Times New Roman 14 point typeface. Instructions and questions proposed only by Plaintiff to which Defendants object shall be italicized. Instructions and questions proposed only by Defendants to which Plaintiff objects shall be bold-faced. Each jury instruction shall be typed on a separate sheet and must be supported by citations of authority. Each disputed jury instruction shall also state the basis for the objection(s) at the bottom of the sheet, before the citations of authority. In preparing their requested jury instructions, the parties shall utilize as a guide the Pattern Jury Instructions for Civil Cases approved by the United States Eleventh Circuit, including the Directions to Counsel contained therein. The proposed jury instructions and verdict form shall be delivered to chambers at the time of filing, either by hard copy or by electronic mail (preferred). Electronic documents should be compatible with Corel WordPerfect.

5. All exhibits must be pre-marked. Plaintiff's exhibits shall be marked numerically. Defendants' exhibits shall be marked alphabetically. A typewritten exhibit list setting forth the number, or letter, and description of each exhibit must be submitted at the time of trial. The parties shall submit said exhibit list on Form AO 187, which is available from the Clerk's office.

6. A Motion for Continuance shall not stay the requirement for the filing of a Pretrial Stipulation and, unless an emergency situation arises, a motion for continuance will not be considered unless it is filed at least twenty (20) days prior to the date on which the trial calendar is scheduled to commence. A continuance of the trial date will be granted only on a showing of compelling circumstances.

7. Non-compliance with any provision of this Order may subject the offending party to sanctions, including dismissal of claims or striking of defenses. It is the duty of all counsel to enforce the timetable set forth herein in order to insure an expeditious resolution of this cause.

8. The following timetable shall govern the pretrial procedures in this case. This schedule shall not be modified absent compelling circumstances. **All motions for an enlargement of time for discovery and relating to dispositive motions must include a statement as to whether the requested extension will affect the trial date or any other deadline set forth in this timetable.**

**Days prior to
Trial Date**

130 days	Motions to join additional parties, amend pleadings, and certify class must be filed.
120 days	Plaintiff shall furnish opposing counsel with a written list containing the names and addresses of all <u>expert</u> witnesses intended to be called at trial. Only those <u>expert</u> witnesses identified by name shall be permitted to testify.
110 days	Plaintiff shall furnish opposing counsel with a written report from each expert intended to be called at trial. Within the fourteen (14) day period following service of each expert's written report, Plaintiff shall make her experts available for deposition by opposing counsel. The experts' depositions may be conducted without further order from the Court.
110 days	Parties shall furnish opposing counsel with a written list containing the names and addresses of all witnesses intended to be called at trial. Only those witnesses identified by specific name or title (not by category or adoption by reference) shall be permitted to testify.
100 days	Defendants shall furnish opposing counsel with a written list containing the names and addresses of all <u>expert</u> witnesses intended to be called at trial. Only those <u>expert</u> witnesses identified by name shall be permitted to testify.
90 days	Defendants shall furnish opposing counsel with a written report from each expert intended to be called at trial. Within the fourteen (14) day period following service of each expert's written report, Defendants shall make their experts available for deposition by opposing counsel. The experts' depositions may be conducted without further order from the Court.

- 80 days If Plaintiff did not initially disclose experts but Defendants elect to utilize experts and discloses them, then Plaintiff shall furnish opposing counsel with a written list containing the names and addresses of any rebuttal expert witnesses intended to be called at trial. Only those rebuttal expert witnesses identified by name shall be permitted to testify.
- 75 days Plaintiff shall furnish opposing counsel with a written report from each rebuttal expert intended to be called at trial. Within the fourteen (14) day period following service of each expert's report, Plaintiff shall make the expert available for deposition by Defendants. The experts' depositions may be conducted without further order from the Court.
- Note: These provisions pertaining to expert witnesses do not apply to treating physicians, psychologists or other health providers.
- 55 days All summary judgment and other dispositive motions must be filed.
- 55 days All discovery must be completed.
- Note: In the event that there are any unresolved discovery motions pending fifteen (15) days prior to this date, the moving party shall immediately advise the Court of all such unresolved motions together with their status.
- 20 days All motions in limine and other pretrial motions must be filed.
- 10 days Joint Pretrial Stipulation must be filed.
- 7 days Proposed jury instructions and verdict form must be filed.

9. If the case is settled, counsel are directed to inform the Court promptly at (305) 523-5520 and to submit a stipulation for dismissal signed by all parties together with an appropriate Order of Dismissal, pursuant to Fed. R. Civ. P. 41 (a) (1). Such stipulation and order must be filed within fifteen (15) days of notification of settlement to the Court. To be excused from calendar call, the required stipulation and order must be filed at least forty-eight (48) hours before calendar call.

10. The parties may stipulate to extend the time to answer interrogatories, produce documents, and answer requests for admissions. The parties shall not file with the Court notices or motions memorializing any such stipulation unless the stipulation interferes with the time set for

completing discovery, for hearing a motion, or for trial. Stipulations that would so interfere may be made only with the Court's approval. *See* Fed. R. Civ. P. 29. **This Order does not alter the parties' obligations to meet and make initial disclosures under Fed. R. Civ. P. 26. The parties need not, however, file any proposed scheduling orders under Fed. R. Civ. P. 16.**

11. At least ninety (90) days prior to the calendar call the parties shall select a mediator certified under Local Rule 16.2.B, shall schedule a time, date, and place for mediation, and shall jointly file a proposed order scheduling mediation in the form specified by Local Rule 16.2.H. If the parties cannot agree on a mediator, they shall notify the clerk in writing as soon as possible and the Clerk shall designate a certified mediator on a blind rotation basis. Counsel for all parties shall familiarize themselves with and adhere to all provisions of Local Rule 16.2. The parties shall complete mediation at least forty-five (45) days prior to the calendar call. The parties shall report to the Court the results of mediation within forty-eight (48) hours of completing mediation.

12. The parties shall each file a Certificate of Interested Persons and Corporate Disclosure Statement, which shall contain a complete list of **any and all** persons, associated persons, firms, partnerships, and/or corporations that have a financial interest in the outcome of this case, including subsidiaries, conglomerates, affiliates, parent corporations, and other identifiable legal entities related to a party. **Note: This includes any party who receives a fee for services rendered in relation to this litigation.** The parties shall take notice that this disclosure obligation exceeds the scope of that required by Rule 7.1 of the Federal Rules of Civil Procedure. However, if a party is a publicly-traded corporation, that party is directed to so state and need not provide more information than is required by Rule 7.1.

The parties shall have **fifteen (15) days from the date of this Order** to file the original Certificate. Throughout the pendency of this action, the parties shall remain under a continuing duty to amend, correct, and update the Certificate.

13. Pursuant to 28 U.S.C. § 636 and this District's Magistrate Rules, all discovery motions filed in this case are referred to the Magistrate Judge. **It is the responsibility of the parties in this case to indicate the name of the Magistrate Judge on all motions and related papers referred by this order in the case number caption (CASE NO. 12-23614-CIV-HUCK/BANDSTRA), and to deliver a courtesy copy of all necessary materials filed after this date directly to the Magistrate's chambers.**

DONE AND ORDERED in Chambers, Miami, Florida, on November 2, 2012.



Paul C. Huck
United States District Judge

Copies furnished to:
Magistrate Judge Ted E. Bandstra
All Counsel of Record

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO.: 12-23614-CIV-HUCK**

YESENIA ESTRADA,

Plaintiff,

v.

LUZ M. RANGEL, d/b/a KING
MULTISERVICES, RICARDO MORENO,

Defendants

ORDER

THIS CAUSE is before the Court upon the Plaintiff's Motion to Dismiss Defendants' Counterclaims (D.E. No. 9), filed on November 1, 2012. As the record reflects, the time in which Defendants were to respond to the Motion has passed. On January 16, 2013, the Court ordered Defendants to file a response to Plaintiff's Motion to Dismiss Counterclaims by January 22, 2013, warning that, should no response be filed by this time, Plaintiff's Motion would be granted (D.E. No. 15). As of today's date, no response has been filed and Defendants have not otherwise sought an enlargement of time in which to respond. Accordingly, it is hereby

ORDERED that Defendants' Counterclaims are DISMISSED without prejudice for failure to comply with the Court's January 22, 2013 Order and the Local Rules of the United States District Court for the Southern District of Florida.

DONE AND ORDERED in Chambers, Miami, Florida, on January 25, 2013.



Paul C. Huck
United States District Judge

Copies furnished to:
Magistrate Judge John J. O'Sullivan
All Counsel of Record

CIVIL MINUTES
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
HONORABLE PAUL C. HUCK

Date & Time: 5/1/13 8:30-8:45am Case No.: 12-23614

Clerk: Evelyn Williams

Court Reporter: Larry Herr

Title of Case: Estrada vs. Rangel, et al.

Plaintiff's Attorney: David Kelley^{v.}

Defendant's Attorney: pro se - Luz Rangel + Ricardo Moreno

Reason for Hearing: Calendar Call / Consent to Magistrate

Result of

Hearing: Parties stipulated to having case tried by Magistrate Judge

Trial is continued

Parties must file Joint Pretrial Stipulation by 5/10/13

Parties must advise whether they consent to waive jury trial by 5/7/13

Misc.:

Case Continued to:

Time:

For:

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

CASE NO.: 12-CV-23614-HUCK

YESENIA ESTRADA,

Plaintiff,

v.

LUZ M. RANGEL, d/b/a KING
MULTISERVICES, RICARDO MORENO,

Defendants.

ORDER

THIS CAUSE is before the Court following the Calendar Call held on May 1, 2013. Pursuant to 28 U.S.C. § 636(c), the Magistrate Rules of the Local Rules of the Southern District of Florida, and the Court having been advised that all parties consent to magistrate jurisdiction, the above-captioned cause is referred to United States Magistrate Judge Alicia M. Otazo-Reyes to take all necessary and proper action to conclude this case through and including entry of final judgment and all post-trial motions. Accordingly, it is hereby

ORDERED and ADJUDGED that the trial scheduled to commence on May 6, 2013 is continued and will be reset by Magistrate Judge Otazo-Reyes. Additionally, it is the responsibility of the parties in this case to **indicate the name of the Magistrate Judge on all motions and related papers referred by this order in the case number caption (CASE NO.: 12-CV-23614-HUCK/OTAZO-REYES), and to indicate on the face of all documents filed that "THIS IS A CONSENT CASE."**

DONE in Chambers, Miami, Florida, on May 1, 2013.



Paul C. Huck
United States District Judge

Copies furnished to:

Magistrate Judge Otazo-Reyes

All Counsel of Record

Luz M. Rangel & Ricardo Moreno, *pro se*

6870 W. 12th Avenue

Hialeah, FL 33014

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 12-23614-CIV-HUCK

YESENIA ESTRADA,)
)
Plaintiff,)
vs.)
)
LUZ M. RANGEL d/b/a KING)
MULTISERVICES)
RICARDO MORENO,)
)
Defendants.)
_____)

NOTICE REGARDING CONTINUED DEMAND FOR JURY TRIAL

COME(S) NOW the Plaintiff, through undersigned counsel, and notices the Court and all parties as follows:

Plaintiff continues to demand a jury trial, and does not wish to waive a jury trial.

Respectfully submitted,

K. DAVID KELLY, ESQ.

J.H. ZIDELL, P.A.

ATTORNEY FOR PLAINTIFF

300 71ST STREET, #605

MIAMI BEACH, FL 33141

PH: 305-865-6766

FAX: 305-865-7167

EMAIL: DAVID.KELLY38@ROCKETMAIL.COM

F.B.N. 0123870

**BY: _____ /s/ K. David Kelly _____
 K. DAVID KELLY, ESQ.**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 12-23614-CIV-HUCK

YESENIA ESTRADA,)
)
Plaintiff,)
vs.)
)
LUZ M. RANGEL d/b/a KING)
MULTISERVICES)
RICARDO MORENO,)
)
Defendants.)
_____)

JOINT PRETRIAL STIPULATION

Pursuant to Fed.R.Civ.P.26(a)(3) and S.D.Fla.L.R. 16.1.E, Plaintiff and Defendants, by and through their undersigned counsel, hereby submit their joint pretrial stipulation.

1. Joint Neutral Statement of the Case

This matter sounds under the Fair Labor Standards Act alleging Plaintiff was not paid half-time overtime wages during her employment with Defendants. Plaintiff also seeks damages for minimum wage violations. Defendants allege Plaintiff is not owed overtime pay or minimum wages. Plaintiff demands a trial by jury.

2. The Basis of Federal Jurisdiction

This is an action to recover alleged money damages for unpaid wages pursuant to the Fair Labor Standards Act, 29 U.S.C. § 216. The Parties stipulate to FLSA coverage, and therefore the \$500,000 threshold and interstate commerce prong under FLSA enterprise coverage will not need to be addressed at trial. Particularly, individual FLSA coverage

applies as Plaintiff regularly handled packages sent to locations outside of Florida (such as Colombia and others) during the relevant period. **(Defendants object and do not agree)**

3. Pleadings Raising the Issues

- A. Complaint.
- B. Answer to Complaint.

4. A List of All Undisposed Motions or Other Matters Requiring Action by the Court

- A. None.

5. Concise Statement of Uncontested Facts Which Will Require No Proof at Trial

- A. Facts regarding FLSA coverage as such is established under individual coverage.
- B. Both Defendants Luz M. Rangel and Ricardo Moreno were Plaintiff's individual FLSA employers during the relevant period. **(Defendants object and do not agree.)**

6. Issues of Fact Which Require Proof at Trial

For the Plaintiffs:

- A. Whether Defendants' actions were willful.
- B. Whether Defendants' failure to pay legally mandated wages was in good faith.
- C. Whether Plaintiff worked the hours she claims as denied by the Defendants, and how much wages are therefore owed if liability is found.

For the Defendants:

[TO BE COMPLETED BY DEFENDANTS]

7. Concise Statement of Issues of Law on Which There is Agreement

A. See No. 5 above regarding FLSA coverage and the employment relationship.

B. The Parties stipulate to not reference either liquidated damages or attorneys' fees at trial, as such issues need not be considered by the jury. Such issues would rather be determined by the Court post-trial if Plaintiff prevails.

C. The Court has dismissed Defendants' counterclaims. *See*, [DE 19].

8. Issues of Law Remaining for Determination by the Court

For the Plaintiffs:

A. Liquidated damages depending on the jury determination.

B. Attorneys' fees if Plaintiff prevails at trial.

For the Defendants:

[TO BE COMPLETED BY DEFENSE].

9. Trial Exhibits

A. Plaintiffs' Exhibit List is attached.

C. Defendants' Exhibit List is attached.

10. Trial Witnesses

A. Plaintiffs' Trial Witness Lists are attached.

B. Defendants' Trial Witness List are attached.

11. Estimated Trial Time

The parties estimate that this will be a 3-4 day jury trial. **(Defendant objects)**

12. Estimate of Attorneys' Fees

Plaintiffs will provide an estimate upon prevailing at trial.

DATED: 5/10/13

J. H. ZIDELL, P.A.
ATTORNEYS FOR PLAINTIFF
300-71ST STREET, SUITE 605
MIAMI BEACH, FLORIDA 33141

By: /s/ Joseph Perea
Joseph Perea
Florida Bar No.: 47782
PH: 305-865-6766
FAX: 305-865-7167
Perealaw@gmail.com

LUZ M. RANGEL d/b/a
KING MULTISERVICES
RICARDO MORENO
PRO SE
6870 W. 12 AVENUE
HIALEAH, FL 33014
305.409.1175
RMORENO1122@GMAIL.COM

By: /s/ Luz M. Rangel
Luz M. Rangel

By: /s/ Ricardo Moreno
Ricardo Moreno

AO 187 (Rev. 7/87) Exhibit and List
13794103.1

United States District Court

SOUTHERN DISTRICT OF FLORIDA-MIAMI DIVISION

YESENIA ESTRADA,

Plaintiff,

vs.

LUZ M. RANGEL d/b/a KING MULTISERVICES
RICARDO MORENO,

Defendants.

PLAINTIFFS' EXHIBIT LIST

Case No.: 12-23614-CIV-HUCK

PRESIDING JUDGE Honorable JUDGE HUCK	PLAINTIFF'S ATTORNEY J.H. ZIDELL, ESQ., 300-71 ST STREET #605, MIAMI BEACH, FL 33141	DEFENDANT'S ATTORNEY LUZ M. RANGEL and RICARDO MORENO, Pro se 6870 W. 12 AVENUE HIALEAH, FL 33014
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TRIAL DATE(S) 5/6/13	COURT REPORTER	COURTROOM DEPUTY
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PLF. NO	DEF. NO	DATE OFFERED	MARKED	ADMITTED	DESCRIPTION OF EXHIBITS* and Plaintiff's Objections
	1				Composite of Plaintiff's Handwritten Payment Record. (23 pages).
	2				Plaintiff's First Request for Admissions dated 11/9/12.
	3				Plaintiff's First Request for Production dated 11/9/12.
	4				Plaintiff's First Interrogatories dated 11/9/12.
					ALL IMPEACHMENT EXHIBITS.
					ALL REBUTTAL EXHIBITS.
					RIGHT RESERVED TO INTRODUCE ANY EXHIBIT LISTED ON DEFENDANTS' EXHIBIT LIST.

United States District Court

SOUTHERN DISTRICT OF FLORIDA-MIAMI DIVISION

YESENIA ESTRADA,

Plaintiff,

vs.

LUZ M. RANGEL d/b/a KING MULTISERVICES
RICARDO MORENO,

Defendants.

PLAINTIFF'S WITNESS LIST

CASE # 12-23614-CIV-HUCK

PRESIDING JUDGE Honorable JUDGE HUCK	PLAINTIFF'S ATTORNEY J.H. ZIDELL, ESQ., 300-71 ST STREET #605, MIAMI BEACH, FL 33141	DEFENDANT'S ATTORNEY LUZ M. RANGEL and RICARDO MORENO, Pro se 6870 W. 12 AVENUE HIALEAH, FL 33014
TRIAL DATE(S) 5/6/13	COURT REPORTER	COURTROOM DEPUTY

PLF. NO	DEF. NO	DATE OFFERED	MARKED	ADMITTED	PLAINTIFF'S DESCRIPTION OF EXHIBITS*/WITNESSES and Defendant's Objections
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1					Plaintiff YESENIA ESTRADA, c/o Plaintiff's Counsel. <u>Intend to Call.</u>
2					Defendant LUZ M. RANGEL. <u>Intend to Call.</u>
3					Defendant RICARDO MORENO. <u>Intend to Call.</u>
4					Maria Becerra. <u>May call if can locate.</u> Defendants indicated they were going to provide the addresses during the day they were deposed.
5					Sarah Padron. <u>May call if can locate.</u> Defendants indicated they were going to provide the addresses during the day they were deposed.
6					Andres Padron. <u>May call if can locate.</u> Defendants indicated they were going to provide the addresses during the day they were deposed.
7					Juan Diego Umana. <u>May call if can locate.</u> Defendants indicated they were going to provide the addresses during the day they were deposed.
8					Fabio Upegui. <u>May call if can locate.</u> Defendants indicated they were going to provide the addresses during the day they were deposed.
9					Margarita Adan. <u>May call if can locate.</u> Defendants indicated they were going to provide the addresses during the day they were deposed.

* Include a notation as to the location of any exhibit not held with the case file or not available because of size.

10					Sandra Roque. <u>Intent to call if can locate.</u>
11					Minerva Castro. <u>Intent to call if can locate.</u>
12					Carlos Ayala. <u>Intent to call if can locate.</u>
					ALL IMPEACHMENT WITNESSES.
					ALL REBUTTAL WITNESSES.
					RIGHT RESERVED TO CALL ANY WITNESSES LISTED ON DEFENDANTS' WITNESS LIST.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 12-23614-CIV-HUCK

YESENIA ESTRADA,)
)
Plaintiff,)
vs.)
)
LUZ M. RANGEL d/b/a KING)
MULTISERVICES)
RICARDO MORENO,)
)
Defendants.)
_____)

JOINT JURY INSTRUCTIONS

****ANY PROPOSED INTRUCTIONS BELOW OFFERED ONLY BY THE PLAINTIFF ARE *ITALICIZED*. ANY PROPOSED INTRUCTIONS BELOW OFFERED ONLY BY THE DEFENDANTS ARE **BOLDED**.**

**INSTRUCTION NO. 1
COURT’S INSTRUCTIONS TO THE JURY**

Members of the Jury:

I will now explain to you the rules of law that you must follow and apply in deciding this case.

When I have finished you will go to the jury room and begin your discussions - what we call your deliberations.

11th Circuit Pattern Jury Instruction (Civil Cases) 2005, 1.

GIVEN:
GIVEN AS MODIFIED:
WITHDRAWN:
REFUSED:

INSTRUCTION NO. 2
CONSIDERATION OF THE EVIDENCE DUTY TO FOLLOW
INSTRUCTIONS
(Corporate Party Involved)

In deciding the case you must follow and apply all of the law as I explain it to you, whether you agree with that law or not; and you must not let your decision be influenced in any way by sympathy, or by prejudice, for or against anyone.

The fact that a corporation is involved as a party must not affect your decision in any way. A corporation and all other persons stand equal before the law and must be dealt with as equals in a court of justice. When a corporation is involved, of course, it may act only through people as its employees; and, in general, a corporation is responsible under the law for any of the acts and statements of its employees that are made within the scope of their duties as employees of the company.

In your deliberations you should consider only the evidence - - that is, the testimony of the witnesses and the exhibits I have admitted in the record - - but as you consider the evidence, both direct and circumstantial, you may make deductions and reach conclusions which reason and common sense lead you to make. "Direct evidence" is the testimony of one who asserts actual knowledge of a fact, such as an eye witness. "Circumstantial evidence" is proof of a chain of facts and circumstances tending to prove, or disprove, any fact in dispute. The law makes no distinction between the weight you may give to either direct or circumstantial evidence.

Remember that anything the lawyers say is not evidence in the case. And, except for my instructions to you on the law, you should disregard anything I may have said during the trial in arriving at your decision concerning the facts. It is your own recollection and interpretation of the evidence that controls.

11th Circuit Pattern Jury Instruction (Civil Cases) 2005, 2.2.

GIVEN:
GIVEN AS MODIFIED:
WITHDRAWN:
REFUSED:

**INSTRUCTION NO. 3
CREDIBILITY OF WITNESSES**

Now, in saying that you must consider all of the evidence, I do not mean that you must accept all of the evidence as true or accurate. You should decide whether you believe what each witness had to say, and how important that testimony was. In making that decision you may believe or disbelieve any witness, in whole or in part. Also, the number of witnesses testifying concerning any particular dispute is not controlling.

In deciding whether you believe or do not believe any witness I suggest that you ask yourself a few questions: Did the witness impress you as one who was telling the truth? Did the witness have any particular reason not to tell the truth? Did the witness have a personal interest in the outcome of the case? Did the witness seem to have a good memory? Did the witness have the opportunity and ability to observe accurately the things he or she testified about? Did the witness appear to understand the questions clearly and answer them directly? Did the witness' testimony differ from other testimony or other evidence?

11th Circuit Pattern Jury Instruction (Civil Cases) 2005, 3.

GIVEN:
GIVEN AS MODIFIED:
WITHDRAWN:
REFUSED:

INSTRUCTION NO. 4
IMPEACHMENT OF WITNESSES
(Inconsistent Statement)

You should also ask yourself whether there was evidence tending to prove that the witness testified falsely concerning some important fact; or, whether there was evidence that at some other time the witness said or did something, or failed to say or do something, which was different from the testimony the witness gave before you during the trial.

You should keep in mind, of course, that a simple mistake by a witness does not necessarily mean that the witness was not telling the truth as he or she remembers it, because people naturally tend to forget some things or remember other things inaccurately. So, if a witness has made a misstatement, you need to consider whether that misstatement was simply an innocent lapse of memory or an intentional falsehood; and the significance of that may depend on whether it has to do with an important fact or with only an unimportant detail.

11th Circuit Pattern Jury Instruction (Civil Cases) 2005, 4.1.

GIVEN:
GIVEN AS MODIFIED:
WITHDRAWN:
REFUSED:

**INSTRUCTION NO. 5
BURDEN OF PROOF
PLAINTIFF**

In this case it is the responsibility of the Plaintiff(s) to prove every essential part of the Plaintiff's claim by a "preponderance of the evidence." This is sometimes called the "burden of proof" or the "burden of persuasion."

A "preponderance of the evidence" simply means an amount of evidence that is enough to persuade you that the Plaintiff's claim is more likely true than not true.

In deciding whether any fact has been proved by a preponderance of the evidence you may consider the testimony of all of the witnesses, regardless of who may have called them, and all of the exhibits received in evidence, regardless of who may have produced them.

If the proof fails to establish any essential part of the Plaintiff's claim by a preponderance of the evidence, you should find for the Defendant as to that claim.

11th Circuit Pattern Jury Instruction (Civil Cases) 2005, 6.1.

GIVEN:
GIVEN AS MODIFIED:
WITHDRAWN:
REFUSED:

**INSTRUCTION NO. 6
DUTY TO DELIBERATE
WHEN PLAINTIFF CLAIMS DAMAGES**

Of course, the fact that I have given you instructions concerning the issue of Plaintiff's damages should not be interpreted in any way as an indication that I believe that the Plaintiff(s) should, or should not, prevail in this case.

Any verdict you reach in the jury room must be unanimous. In other words, to return a verdict you must all agree. Your deliberations will be secret; you will never have to explain your verdict to anyone.

It is your duty as jurors to discuss the case with one another in an effort to reach agreement if you can do so. Each of you must decide the case for yourself, but only after full consideration of the evidence with the other members of the jury. While you are discussing the case do not hesitate to re-examine your own opinion and change your mind if you become convinced that you were wrong. But do not give up your honest beliefs solely because the others think differently or merely to get the case over with.

Remember, that in a very real way you are judges - - judges of the facts. Your only interest is to seek the truth from the evidence in the case.

11th Circuit Pattern Jury Instruction (Civil Cases) 2005, 7.1.

GIVEN:
GIVEN AS MODIFIED:
WITHDRAWN:
REFUSED:

**INSTRUCTION NO. 7
ELECTION OF FOREPERSON
EXPLANATION OF VERDICT FORM(S)**

When you go to the jury room you should first select one of your members to act as your foreperson. The foreperson will preside over your deliberations and will speak for you here in court.

A form of verdict has been prepared for your convenience.

[Explain verdict]

You will take the verdict form to the jury room and when you have reached unanimous agreement you will have your foreperson fill in the verdict form, date and sign it, and then return to the courtroom.

If you should desire to communicate with me at any time, please write down your message or question and pass the note to the marshal who will bring it to my attention. I will then respond as promptly as possible, either in writing or by having you returned to the courtroom so that I can address you orally. I caution you, however, with regard to any message or question you might send, that you should not tell me your numerical division at the time.

11th Circuit Pattern Jury Instruction (Civil Cases) 2005, 8.

GIVEN:
GIVEN AS MODIFIED:
WITHDRAWN:
REFUSED:

INSTRUCTION NO. 8
FAIR LABOR STANDARDS ACT
(29 USC Section 216)

This case arises under the Fair Labor Standards Act, the federal law that, among other things, provides for the payment of time-and-a-half overtime pay. The Plaintiff claims that the Defendants did not pay her the overtime pay required by law. In particular, the Plaintiff claims that she was not paid the extra half-time rate for the hours she worked in excess of (40) per week (in other words, she was not paid extra overtime wages when she worked more than (40) hours per week.). In addition, Plaintiff claims she was not paid minimum wages.

The Plaintiff, in order to prevail, must prove by a preponderance of the evidence three things:

First: That the Plaintiff was employed by the Defendants during the time period involved;

Second: That the Plaintiff was an employee engaged in commerce or in the production of goods for commerce or employed by an enterprise engaged in commerce or in the production of goods for commerce; and that the Defendants' business or business under unified operation or common control employed at least two persons and was engaged in commerce or the production of goods for commerce and had an annual gross sales of at least \$500,000; and

Third: That the Defendants failed to pay the Plaintiff the overtime pay and minimum wages required by law.

In the verdict form that I will explain in a moment, you will be asked to answer a series of questions concerning each of these factual issues. Only prong

(3) is disputed by the Parties. Thus, the Parties agree that prongs (1) and (2) have been established and you should therefore consider those prongs satisfied.

The FLSA requires an employer to pay its employee at a rate of at least one and one-half times their regular rate for the time worked in one week over 40 hours. This is commonly known as time-and-a-half pay for “overtime” work. The employee’s “regular rate” during a particular week is the basis for calculating any overtime pay due him for that week. The “regular rate” for a week is determined by dividing the first 40 hours worked into the total wages paid for those 40 hours. The overtime rate, then would be one and one-half of that rate and would be owing for each hour in excess of 40 hours worked during the work week.

Concerning minimum wages during the year 2012, the applicable minimum wage rate was \$7.25 per hour. Therefore, Plaintiff was entitled to be paid at least \$7.25 for each hour worked, and Defendants were obligated to pay Plaintiff at least \$7.25 for each hour worked. Moreover, Plaintiff’s overtime rate during those weeks would be based on the minimum wage rate and therefore she would be entitled to a time and one-half rate of \$10.87 for each overtime hour.

If upon consideration of all the evidence you find that the Plaintiff has failed to prove her claims, your verdict should be for the Defendants. If, however, you find that the Plaintiff has proved her claim then you must turn to the question of damages that Plaintiff is entitled to recover.

The measure of damages is the difference between what the Plaintiff should have been paid under the Act and the amount that you find she actually was paid.

11th Circuit Pattern Jury Instruction (Civil Cases) 2005, 1.7.1. (MODIFIED).

GIVEN:
GIVEN AS MODIFIED:
WITHDRAWN:
REFUSED:

**INSTRUCTION NO. 9
DAMAGES**

In the event that you are convinced by the evidence that the Defendants did violate the Fair Labor Standards Act, then you must determine the amount of damages, if any, each plaintiff has suffered.

The measure of damages is the difference between what the Plaintiff employee should have been paid under the Act and the amount that you find she actually was paid. The method for determining damages will be discussed in a moment.

However, in considering the issue of the Plaintiff's damages, you are instructed that you should assess the amount you find to be justified by a preponderance of the evidence as full, just and reasonable compensation for the plaintiffs damages – no more, and no less. Damages are not allowed as a punishment and cannot be imposed or increased to penalize the Defendants. Damages also do not include sums for court costs or attorneys' fees. Neither can damages be based on speculation or guesswork because only actual damages can be recovered.

11th Circuit Pattern Jury Instruction (Civil Cases) 2005, 1.7.1. (MODIFIED).
ABA Litigation Section, Model Jury Instructions, Employment Litigation (1994),
7.04 ("Damages").

GIVEN:
GIVEN AS MODIFIED:
WITHDRAWN:
REFUSED:

INSTRUCTION NO. 10
RECORD KEEPING OBLIGATION OF EMPLOYER UNDER THE FLSA

It is the employer's responsibility of keeping records of hours worked by employees under the Fair Labor Standards Act. "Where the employer's records of work time are inaccurate or completely missing and the employee cannot offer convincing substitutes, the employee has carried out his burden if he proves that he has in fact performed work for which he has been improperly compensated and if he produces sufficient evidence to show the amount and extent of that work as a matter of just and reasonable inference. The burden then shifts to the employer to come forward with evidence of the precise amount of work performed or with evidence to negate the reasonableness of the inference to be drawn from the employee's evidence. If the employer fails to produce such evidence, the employee may then be awarded damages even though the result be only approximate.

The employer must preserve payroll records and employment contracts for a period of at least three years. The employer must preserve all basic time and earning cards, or sheets on which are entered the daily starting and stopping times of individual employees, or the amounts of work accomplished by individual employees on a daily, weekly, or pay period basis for a period of at least two years from date of last entry. Such records shall include the regular hourly rate of pay for

any workweek in which overtime compensation is due and shall explain the basis of pay by indicating the monetary amount paid on a per hour, per day, per week, per piece, commission on sales, or other basis. The records must show the hours worked each workday and the total hours worked each workweek, and must set forth the total daily or weekly earnings or wages due for hours worked during the workday or workweek.

Anderson v. Mt. Clemens Pottery Co., 328 U.S. 680, 687 (1946); 29 C.F.R. 516.5; 29 C.F.R. 516.6. 29 C.F.R. 516.2 (Modified).

GIVEN:
GIVEN AS MODIFIED:
WITHDRAWN:
REFUSED:

INSTRUCTION NO. 11
WAGE RIGHTS NOT WAIVABLE

An individual employee's rights for overtime wage compensation under the Fair Labor Standards Act cannot be abridged by contract or otherwise waived by the employee.

Barrentine v. Arkansas-Best Freight Sys., Inc., 450 U.S. 728 (U.S. 1981); *Baker et.al. v. Barnard Construction Co. et.al.*, 146 F.3d 1214 (10th Cir. 1998); *Parker v. DeKalb Chrysler Plymouth*, 673 F.2d 1178 (11th Cir. 1982); *Schwartz v. Florida Board of Regents, et al.*, 807 F.2d 901 (11th Cir. 1987).

GIVEN:
GIVEN AS MODIFIED:
WITHDRAWN:
REFUSED:

INSTRUCTION NO. 12

EMPLOYEE STANDBY OR WAITING TIME

“Stand-by” time or “waiting” time is compensable under the F.L.S.A. if it is in furtherance of the employer’s business objectives. “Whether time is spent predominantly for the employer’s benefit or for the employee’s is a question dependent upon all the circumstances of the case.” Consequently, “compensable time” includes far more than the time that the employee spends engaged in active labor.

Armour & Co. v. Wantock, 323 U.S. 126 (1944) and *Skidmore v. Swift & Co.*, 323 U.S. 134 (1944)

GIVEN:
GIVEN AS MODIFIED:
WITHDRAWN:
REFUSED:

**INSTRUCTION NO. 13
EMPLOYEE PERMITTED TO WORK**

Permitting an employee to engage in an activity is considered “work” under the FLSA. Consequently, if Plaintiff was performing work for the Defendants employees, she must be compensated for any work she did unless the Defendants specifically forbade Plaintiff from performing such work.

29 U.S.C. 203 (g)

GIVEN:
GIVEN AS MODIFIED:
WITHDRAWN:
REFUSED

INSTRUCTION NO. 14
Calculation of Hourly Pay

“If the employee is employed solely on a weekly salary basis, his regular hourly rate of pay, on which time and a half must be paid, is computed by dividing the salary by the number of hours which the salary is intended to compensate. [For example] [i]f an employee is hired at a salary of \$ 182.70 and if it is understood that this salary is compensation for a regular workweek of 35 hours, the employee's regular rate of pay is \$ 182.70 divided by 35 hours, or \$ 5.22 an hour, and when he works overtime he is entitled to receive \$ 5.22 for each of the first 40 hours and \$ 7.83 (one and one-half times \$ 5.22) for each hour thereafter. If an employee is hired at a salary of \$ 220.80 for a 40-hour week his regular rate is \$ 5.52 an hour.”

Quoting, Rodriguez et al. v. Farm Stores Grocery, Inc., 21 Fla.L.Weekly.C 353.

2008 U.S. App. LEXIS 1796, *22 (11th Cir. 2008).

GIVEN:
GIVEN AS MODIFIED:
WITHDRAWN:
REFUSED:

SO SAY WE ALL.

JURY FOREPERSON

DATE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 12-23614-CIV-HUCK

YESENIA ESTRADA,)
)
Plaintiff,)
vs.)
)
LUZ M. RANGEL d/b/a KING)
MULTISERVICES)
RICARDO MORENO,)
)
Defendants.)

**PLAINTIFF’S NOTICE
OF OBJECTION TO DEFENDANTS’ EXHIBIT AND WITNESS MATERIALS**

Plaintiff through the undersigned files this notice of objection to Defendants’ exhibit and witness materials. The Defendants’ witness document, attached in e-mail format indicates names of individuals who have never been mentioned and the list contains no contact information. Plaintiff objects to the witness list. Plaintiff also objects to all exhibits produced by Defendants. Defendants did not provide an exhibit list. Instead they sent e-mails with their exhibits attached. Plaintiff objects on the grounds those exhibits were not previously produced and are unduly prejudicial and not relevant. Plaintiff has attached Defendants’ e-mails which purport to be witness and exhibit lists.

Plaintiff reserves the right to request the Court to strike the Defendants’ Exhibits and Witness materials. Defendants did grant Plaintiff authorization to file the joint pre-trial stipulation.

DATED: 5/10/13

J. H. ZIDELL, P.A.
ATTORNEYS FOR PLAINTIFF
300-71ST STREET, SUITE 605
MIAMI BEACH, FLORIDA 33141

By: /s/ Joseph Perea
Joseph Perea
Florida Bar No.: 47782
PH: 305-865-6766
FAX: 305-865-7167
Perealaw@gmail.com

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of May 2010, a true and correct copy of the foregoing was served via transmission of Notices of Electronic Filing generated by cm/ecf to those authorized to receive such notices and was mailed to the following:

LUZ M. RANGEL d/b/a
KING MULTISERVICES
RICARDO MORENO
PRO SE
6870 W. 12 AVENUE
HIALEAH, FL 33014
305.409.1175
RMORENO1122@GMAIL.COM

By: /s/ Joseph Perea
Joseph Perea



Testigos de Luz Rangel , Ricardo Moreno King Multiservices caso # 12-23614 CIV -HUCK

Ricardo Moreno <rmoreno1122@gmail.com>

Fri, May 10, 2013 at 4:03 PM

To: Karl Kelly <david.kelly38@rocketmail.com>, Joseph Perea <perealaw@gmail.com>, Ricardo Moreno <rmoreno1122@gmail.com>

- 1-NOHEMY CHICA
- 2- MARIA BECERRA
- 3-SARAH PADRON
- 4-ANDRES PADRON
- 5-JUAN DIEGO HUMANA
- 6-FABIO UPEGUI
- 7-MARGARITA QUIMBAYO
- 8-DIANNY GONZALEZ
- 9-ADAN PEREZ
- 10-SERGIO HUMANA
- 11-CESAR MENDOZA
- 12-YESENIA ESTRADA
- 13-BELKIS SOTOLONGO
- 14-ROBERTO AYALA
- 15-LUZ A ARRENDELL
- 16-ALAN JOSE AGUILAR
- 17 ROBERTO CARLOS AGUILAR
- 18-DARIO EMILIO ALVAREZ
- 19-LUISA HERNANDEZ
- 20-PILAR MOLANO
- 21-FABIO CANO
- 22-BLANCA CECILIA RODRIGUEZ

ALL IMPEACHMENT WITNESSES.
ALL REBUTTAL WITNESSES
RIGHT RESERVED TO CALL ANY WITNESSES LISTED ON PLAINTIFFS' WITNESS LIST.

LUZ RANGEL , RICARDO MORENO
9369 FONTAINEBLEAU BLVD APT J209 MIAMI FL 33172



Copia de envios de carga personales.Yesenia Estrada

Ricardo Moreno <rmoreno1122@gmail.com>

Wed, May 8, 2013 at 1:17 PM

To: Joseph Perea <perealaw@gmail.com>, Karl Kelly <david.kelly38@rocketmail.com>, Ricardo Moreno <rmoreno1122@gmail.com>

Senores, les estoy enviando copia de 16 envios de carga personales ,
enviados por la senora Estrada durante su estadia en King
Multiservices.



ENVIOS DE CARGA PARA COLOMBIA YESENIA E 001.tif
13924K



adurph.Penna <pennalaw@gmail.com>

Pruebas Caso Estrada V King M

2 messages

Ricardo Moreno <rmoreno1122@gmail.com>

Wed, May 8, 2013 at 1:44 PM

To: perealaw@gmail.com, "davidkelly38@rockeail.com" <davidkelly38@rockeail.com>, Ricardo Moreno <rmoreno1122@gmail.com>

Sent from my iPhone

7 attachments



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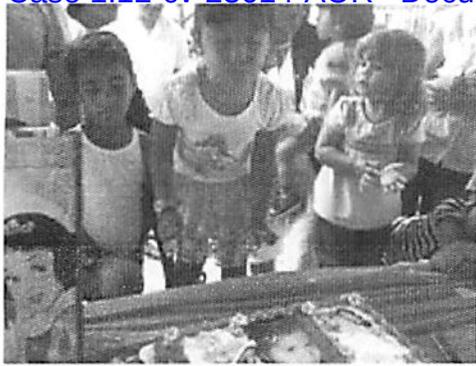


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Ricardo Moreno <rmoreno1122@gmail.com> Fri, May 10, 2013 at 2:41 PM
To: Joseph Perea <perealaw@gmail.com>, Karl Kelly <david.kelly38@rocketmail.com>, Ricardo Moreno <rmoreno1122@gmail.com>

Prueba caso Estrada V King Multiservices :

En estas 7 siete fotografias del cumpleaños de nuestra hija , nos acompañaron a celebrar muy contentos la señora Yesenia Estrada, su esposo y su familia , su hija se ve en las fotos juanto a mi hija compartiendo, igual que la señora Estrada y su esposo disfrutando contentos en la fiesta de mi hija,

en otro e-mail envió la foto del regalo que le dieron a nuestra hija.

----- Forwarded message -----

From: Ricardo Moreno <rmoreno1122@gmail.com>

Date: 2013/5/8

Subject: Pruebas Caso Estrada V King M

To: perealaw@gmail.com, "davidkelly38@rockeail.com"

<davidkelly38@rockeail.com>, Ricardo Moreno <rmoreno1122@gmail.com>

Sent from my iPhone

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https://mail.google.com/mail/

Fwd: PRUEBAS CASO ESTRADA RANGEL MORENO KING, #

Images

Ricardo Moreno <rmoreno1122@gmail.com>

Fri, May 10, 2013 at 5:03 PM

To: Joseph Perea <perealaw@gmail.com>, Karl Kelly <david.kelly38@rocketmail.com>, Ricardo Moreno <rmoreno1122@gmail.com>

- LUZ RANGE , RICARDO MORENO
- ESTAMOS ENVIANDO LAS SIGUIENTES PRUEBAS:
- 1-LICENCIA DE FUNCIONAMIENTO DELNEGOCIO KING MULTISERVICES A NOMBRE DE LA SENORA LUZ RANGEL.
- 2-CONTRATO DE COMPRA DEL NEGOCIO KING MULTISERVICES ENTRE LA SENORA MARIA BECERRA Y LA SENORA LUZ RANGEL.
- 3-LISTA DE 45 CLIENTES LLAMADOS POR LA SENORA YESENIA ESTRADA.
- 4-CONTATO DE RENTA ENTRE LA SENORA MARIA BECERRA Y SARA PADRON.
- 5- STATEMENT GRS MANAGEMENT , MANTENIMIENTO RICARDO MORENO.
- 6-FACTURA UHEALTH PENDIENTE POR PAGAR DE RICARDO MORENO.
- 7-
- 8-
- 9-

----- Forwarded message -----

From: Ricardo Moreno <rmoreno1122@gmail.com>

Date: 2013/5/10

Subject: PRUEBAS CASO ESTRADA RANGEL MORENO KING, #

To: Ricardo Moreno <rmoreno1122@gmail.com>

1-

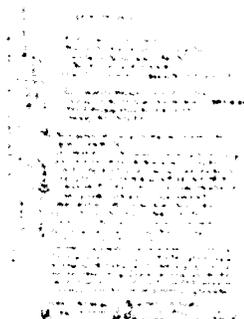
8 attachments



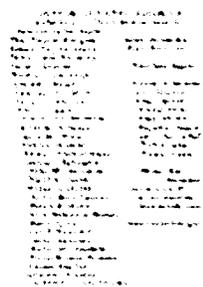
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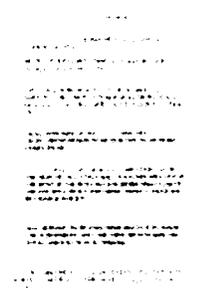
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DCTS CASO ESTRADA V RANGEL MORENO KING 004.jpg
829K



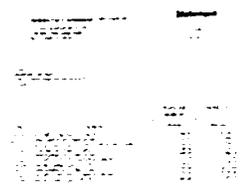
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Karl Kelly <david.kelly38@rocketmail.com>
Reply-To: Karl Kelly <david.kelly38@rocketmail.com>
To: Joe Perea <perealaw@gmail.com>

Fri, May 10, 2013 at 5:08 PM

K. David Kelly
J.H. Zidell, PA
[Quoted text hidden]

8 attachments



DCTS CASO ESTRADA V RANGEL MORENO KING 002.jpg
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 12-23614-CIV-OTAZO-REYES

CONSENT CASE

YESENIA ESTRADA,

Plaintiff,

v.

LUZ M. RANGEL, d/b/a KING
MULTISERVICES, RICARDO MORENO,

Defendants.

ORDER RE: JUNE 19, 2013 STATUS CONFERENCE

THIS CAUSE came before the Court upon a Status Conference held on June 19, 2013.

As stated at the Status Conference, it is

ORDERED AND ADJUDGED as follows:

1. Defendants shall provide to Plaintiff's counsel the best known address and phone numbers for the following potential witnesses by Wednesday, June 26, 2013:¹

- i. Maria Becerra
- ii. Sarah Padron
- iii. Andres Padron
- iv. Juan Diego Humana
- v. Fabio Upegui
- vi. Marguerita Quimbayo
- vii. Dianny Gonzalez
- viii. Adan Perez
- ix. Cesar Mendoza
- x. Adolfo Moreno
- xi. Noemy Chica

¹ As to the following potential witnesses, who only have knowledge of Defendants' dismissed counter-claim, no further action is required at this time: Roberto Ayala, Luz A. Arrendell, Alan Jose Aguilar, Roberto Carlos Aguilar, Dario Emilio Alvarez, Pilar Molano, and Blanca Cecilia Rodriguez.

- xii. Maria Jose Otero
- xiii. Antony Sebastian Otero
- xiv. Sergio Humana
- xv. Luisa Hernandez
- xvi. Fabio Cano
- xvii. Belkis Sotolongo

2. Plaintiff shall provide to Defendants the best known address and phone numbers for the following potential witnesses by Wednesday, June 26, 2013:

- i. Sandra Roque
- ii. Minerva Castro
- iii. Carlos Ayala

3. Plaintiff shall provide to Defendants a copy of Exhibit 1 listed on her exhibit list [D.E. 36-1] by Wednesday, June 26, 2013.

4. Defendants shall provide to Plaintiff a copy of their answers to Plaintiff's Interrogatories by Wednesday, June 26, 2013.

5. Plaintiff shall re-serve her Request for Admissions and Request for Production on Defendants by Friday, June 21, 2013. Defendants shall respond to both Requests by Monday, July 22, 2013. With regard to the Request for Production, Defendants shall indicate which documents are responsive to which request.

The Clerk of Court shall mail a copy of this Order to the Defendants' address, 9369 Fontainebleau Boulevard, apt. J209, Miami, Florida 33172, and file a certification of mailing in the Court record.

DONE AND ORDERED in Chambers at Miami, Florida, this 19th day of June, 2013.



ALICIA M. OTAZO-REYES
UNITED STATES MAGISTRATE JUDGE

cc: Counsel of Record
Luz M. Rangel & Ricardo Moreno, *pro se*
9369 Fontainebleau Blvd., apt. J209
Miami, Florida 33172

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 12-23614-CIV-OTAZO-REYES

[CONSENT CASE]

YESENIA ESTRADA,)
)
Plaintiff,)
vs.)
)
LUZ M. RANGEL d/b/a KING)
MULTISERVICES)
RICARDO MORENO,)
)
Defendants.)
_____)

**PLAINTIFF’S NOTICE OF COMPLIANCE WITH [DE 43],
OF ONGOING EFFORTS, AND FURTHER WITNESS DISCLOSURE DETAILS**

COMES NOW the Plaintiff, through counsel, as follows:

1. As indicated by the attached e-mail, Plaintiff provided the discovery requests, and copies of payment records (regarding Exhibit 1) per [DE 43].
2. Regarding the witness disclosures, Plaintiff herewith references such witnesses below (including several other likely Plaintiff witnesses as indicated on Plaintiff’s previously filed Amended Witness List). Some witness information has not been discovered notwithstanding ongoing efforts in conjunction with the Plaintiff.

Minerva Castro
1085 W. 71 Street #10
Hialeah, FL
786-291-0351

Jose Luis Torres
1889 NW 93 Street
Miami, FL 33147
786-873-1730

Roxana Cepeda

786-543-5199

*The undersigned continues to confer with the Plaintiff regarding the address, and has conducted research including in the online Accurant database. Such database returned approximately 40 results for persons located outside of Florida and therefore such search was unsuccessful. A voice mail has been left at the above number, but such has not been returned.

Sandra Roque

7171 SW 13th Terrace

Miami, FL 33144

305-267-8849

Carlos Ayala

*The undersigned continues to confer with the Plaintiff, and has conducted research including in the online Accurant database. Such database returned too many records, and therefore such search was unsuccessful (the name was too common for any results to be retrieved).

Respectfully submitted,

K. DAVID KELLY, ESQ.

J.H. ZIDELL, P.A.

ATTORNEY FOR PLAINTIFF

300 71ST STREET, #605

MIAMI BEACH, FLA. 33141

PH: 305-865-6766

FAX: 305-865-7167

EMAIL: DAVID.KELLY38@ROCKETMAIL.COM

F.B.N. 0123870

BY: _____ /s/ K. David Kelly _____

K. DAVID KELLY, ESQ.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE FOREGOING WAS SENT SUBSEQUENT TO E-FILING ON 6/24/13 TO THE FOLLOWING VIA U.S. MAIL:

**LUZ M. RANGEL d/b/a
KING MULTISERVICES
RICARDO MORENO
PRO SE
6870 W. 12 AVENUE
HIALEAH, FL 33014
305.409.1175
RMORENO1122@GMAIL.COM**

**BY: ___ /s/ K. DAVID KELLY _____
K. DAVID KELLY, ESQ.**

Subject: RE: Service of Court Documents / Estrada v. Rangel et al.

From: Karl Kelly (david.kelly38@rocketmail.com)

To: rmoreno1122@gmail.com;

Cc: perealaw@gmail.com;

Date: Thursday, June 20, 2013 11:44 AM

Mr. Moreno:

Per the Court's Order, please attached find:

1. The requests for production and admissions that you must timely respond to.
2. The documents that comprise Plaintiff's current Exhibit 1 in two attachment (the handwritten payment records, 23 pages).

Thank you.

K. David Kelly
J.H. Zidell, PA