

EGT,REF\_SETTLEMENT

**U.S. District Court**  
**Southern District of Florida (Miami)**  
**CIVIL DOCKET FOR CASE #: 1:15-cv-21203-JLK**

Perez v. Trust Security Services, Inc. et al  
Assigned to: Senior Judge James Lawrence King  
Referred to: Magistrate Judge Edwin G. Torres  
Cause: 29:0201 Fair Labor Standards Act

Date Filed: 03/26/2015  
Jury Demand: Plaintiff  
Nature of Suit: 710 Labor: Fair Standards  
Jurisdiction: Federal Question

**Plaintiff**

**Alberto Perez Perez**  
*and all others similarly situated under 29*  
*U.S.C. 216(b)*

represented by **K. David Kelly**  
J.H. Zidell, PA  
J.H. Zidell, PA  
300 71st Street, Ste. 605  
Miami Beach, FL 33141  
305-865-6766  
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**ATTORNEY TO BE NOTICED**

**Rivkah Fay Jaff**  
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**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**Trust Security Services, Inc.**

**Defendant**

**Palmetto Ford Truck Sales, Inc.**

represented by **Kenneth Alan Knox**  
 Fisher & Phillips  
 450 E Las Olas Boulevard  
 Suite 800  
 Fort Lauderdale, FL 33301  
 954-525-4800  
 Email: [kknox@laborlawyers.com](mailto:kknox@laborlawyers.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Lisa Ann McGlynn**  
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 Fax: 954-525-8739  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Jose C Lugones**

represented by **Jose C Lugones**  
 1745 W 37 Street  
 Unit # 9  
 Hialeah, FL 33012  
 PRO SE

V.

**Garnishee**

**SunTrust Bank**

represented by **John Allen Barry**  
 SunTrust Bank  
 200 S. Orange Avenue  
 SOAB 3  
 Orlando, FL 32801  
 (407)237-5338  
 Email: [john.barry@suntrust.com](mailto:john.barry@suntrust.com)  
**ATTORNEY TO BE NOTICED**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
08/19/2015	<a href="#">46</a>	ORDER granting <a href="#">28</a> Motion for Leave to Proceed in forma pauperis; granting <a href="#">29</a> Motion for Referral to Volunteer Attorney Program. Signed by Magistrate Judge Edwin G. Torres on 8/19/2015. (EGT) (Entered: 08/19/2015)

08/19/2015	45	ORDER denying <a href="#">22</a> Motion to Appoint Counsel, as the right for appointment of counsel is quite limited. <i>See Dean v. Barber</i> , 951 F.2d 1210 (11th Cir. 1992). The record submitted does not come close to satisfying a civil litigant's burden of demonstrating extraordinary circumstances warranting appointment of counsel for a civil case. Notwithstanding the entry of this Order, the Court will separately grant Defendant's request for referral to the volunteer lawyer program, but such program does not guarantee that counsel will accept representation in this case. Defendant is therefore advised to retain separate counsel or otherwise continue participation in the case on a pro se basis. Docket Order Signed by Magistrate Judge Edwin G. Torres on 8/19/2015. (EGT) (Entered: 08/19/2015)
08/13/2015	<a href="#">44</a>	ORDER REFERRING <a href="#">40</a> MOTION Request to Unfreeze the Checking Account for Trust Security Services filed by Jose C Lugones, <a href="#">28</a> MOTION for Leave to Proceed in forma pauperis filed by Jose C Lugones, <a href="#">22</a> MOTION to Appoint Counsel filed by Jose C Lugones, <a href="#">29</a> MOTION for Referral to Volunteer Attorney Program filed by Jose C Lugones. Motions referred to Judge Edwin G. Torres. Signed by Senior Judge James Lawrence King on 8/13/2015. (jw) (Entered: 08/13/2015)
08/13/2015	<a href="#">43</a>	RESPONSE in Opposition re <a href="#">40</a> MOTION Request to Unfreeze the Checking Account for Trust Security Services filed by Alberto Perez Perez. Replies due by 8/24/2015. (Zidell, Jamie) (Entered: 08/13/2015)
08/10/2015	42	ORDER denying <a href="#">36</a> Motion to Compel Fact Information Sheet, upon the Court's review of the Defendant's filing and material completion of the requested information. The Order is Denied without prejudice to additional discovery Plaintiff may be entitled to. Docket Order Signed by Magistrate Judge Edwin G. Torres on 8/10/2015. (EGT) (Entered: 08/10/2015)
08/10/2015	<a href="#">41</a>	NOTICE of Filing Fact Information Sheet - Business Entity by Jose C Lugones (yar) (Entered: 08/10/2015)
08/03/2015	 <a href="#">40</a>	General Statement and MOTION/Request to Unfreeze the Checking Account for Trust Security Services by Jose C Lugones. (yar) (Entered: 08/04/2015)
08/03/2015	<a href="#">39</a>	NOTICE by Alberto Perez Perez of <i>Mailing Statutory Notice Pursuant to Florida Statute 77.055</i> (Attachments: # <a href="#">1</a> Exhibit "A" Motion for Writ of Garnishment, # <a href="#">2</a> Exhibit "B" Writ of Garnishment, # <a href="#">3</a> Exhibit "C" Answer by Garnishee) (Zidell, Jamie) (Entered: 08/03/2015)
08/03/2015	<a href="#">38</a>	ANSWER to Writ of Garnishment by SunTrust Bank. Reply/Objections to Writ Answer due by 8/27/2015. (Barry, John) (Entered: 08/03/2015)
07/24/2015	<a href="#">37</a>	ORDER REFERRING <a href="#">36</a> Plaintiff's MOTION to Compel <i>Defendant Trust Security Services, Inc., To Complete Fact Information Sheet</i> filed by Alberto Perez Perez. Motions referred to Judge Edwin G. Torres. Signed by Senior Judge James Lawrence King on 7/24/2015. (jw) (Entered: 07/24/2015)
07/23/2015	<a href="#">36</a>	Plaintiff's MOTION to Compel <i>Defendant Trust Security Services, Inc., To Complete Fact Information Sheet</i> by Alberto Perez Perez. Responses due by 8/10/2015 (Attachments: # <a href="#">1</a> Text of Proposed Order, # <a href="#">2</a> Fact Information Sheet)

		(Zidell, Jamie) (Entered: 07/23/2015)
07/23/2015	<a href="#">35</a>	NOTICE by Alberto Perez Perez of <i>Mailing Statutory Notice Pursuant to Florida Statute 77.041</i> (Attachments: # <a href="#">1</a> Exhibit "A" Motion for Writ of Garnishment, # <a href="#">2</a> Exhibit Writ of Garnishment, # <a href="#">3</a> Exhibit Claim ofr Exemption Form) (Zidell, Jamie) (Entered: 07/23/2015)
07/22/2015	<a href="#">34</a>	Writ of Garnishment Returned Executed Date of Service 7/20/2015 as to Suntrust Bank. (Zidell, Jamie) (Entered: 07/22/2015)
07/20/2015	<a href="#">33</a>	WRIT OF GARNISHMENT issued as to Garnishee Suntrust Bank in the amount of \$ \$38,887.68 re: <a href="#">32</a> Motion for Writ of Garnishment filed by Alberto Perez Perez. (yha) (Entered: 07/21/2015)
07/20/2015	<a href="#">32</a>	MOTION for Writ of Garnishment After Judgment by Alberto Perez Perez. Responses due by 8/6/2015 (yha) (Entered: 07/21/2015)
06/24/2015	<a href="#">31</a>	SCHEDULING ORDER: Final Pretrial Conference set for 5/13/2016 10:30 AM in Miami Division before Senior Judge James Lawrence King. Jury Trial set for 7/25/2016 09:00 AM in Miami Division before Senior Judge James Lawrence King. Calendar Call set for 7/21/2016 02:00 PM in Miami Division before Senior Judge James Lawrence King. All hearings will be held in Courtroom II, Eleventh Floor. Discovery due by 3/9/2016. Motions due by 3/14/2016. Pretrial Stipulation due by 5/6/2016. Signed by Senior Judge James Lawrence King on 6/24/2015. (jw) (Entered: 06/24/2015)
06/18/2015	<a href="#">30</a>	<i>Defendant Palmetto Ford Truck Sales, Inc's</i> ANSWER and Affirmative Defenses to Complaint by Palmetto Ford Truck Sales, Inc.. (Knox, Kenneth) (Entered: 06/18/2015)
06/16/2015	<a href="#">29</a>	MOTION for Referral to Volunteer Attorney Program by Jose C Lugones. (yar) (Entered: 06/17/2015)
06/16/2015	<a href="#">28</a>	MOTION for Leave to Proceed in forma pauperis by Jose C Lugones . (yar) Modified filer on 6/17/2015 (yar). (Entered: 06/17/2015)
06/12/2015	<a href="#">27</a>	CONSENT to Jurisdiction by US Magistrate Judge by Alberto Perez Perez (Jaff, Rivkah) (Entered: 06/12/2015)
06/08/2015	<a href="#">26</a>	ORDER Denying <a href="#">13</a> Motion to Dismiss. Signed by Senior Judge James Lawrence King on 6/8/2015. (jw) (Entered: 06/08/2015)
06/05/2015	<a href="#">25</a>	FINAL DEFAULT JUDGMENT ONLY AS TO DEFENDANT TRUST SECURITY SERVICES, INC., FOR CLAIM, AND FOR ENLARGEMENT OF TIME TO FILE ONE MOTION REGARDING FEES AND COSTS INCLUDING FUTURE FEES REGARDING COLLECTION OF DFAULT AT THE CONCLUSION OF THE CASE; Signed by Senior Judge James Lawrence King on 06/5/2015. (yar) (Entered: 06/05/2015)
06/05/2015	<a href="#">24</a>	ORDER REFERRING <a href="#">13</a> Defendant's MOTION to Dismiss <a href="#">1</a> Complaint filed by Palmetto Ford Truck Sales, Inc., <a href="#">22</a> MOTION to Appoint Counsel filed by Jose C Lugones, <a href="#">23</a> Plaintiff's MOTION for Default Judgment <i>Final only as to Defendant</i>

		<i>TRUST SECURITY SERVICES, INC., for Claim, and for</i> MOTION for Extension of Time to File One Motion Regarding Fees and Costs Including Future Fees Regarding Collection of Default at the Conclusion of the Case filed by Alberto Perez Perez. Motions referred to Judge Edwin G. Torres. Signed by Senior Judge James Lawrence King on 6/5/2015. (jw) (Entered: 06/05/2015)
06/04/2015	<a href="#">23</a>	Plaintiff's MOTION for Default Judgment <i>Final only as to Defendant TRUST SECURITY SERVICES, INC., for Claim, and for</i> , MOTION for Extension of Time to File One Motion Regarding Fees and Costs Including Future Fees Regarding Collection of Default at the Conclusion of the Case ( Responses due by 6/22/2015) by Alberto Perez Perez. (Attachments: # <a href="#">1</a> Affidavit of Plaintiff Alberto Perez Perez)(Jaff, Rivkah) (Entered: 06/04/2015)
06/02/2015	<a href="#">22</a>	MOTION to Appoint Counsel by Jose C Lugones. Responses due by 6/19/2015 (Attachments: # <a href="#">1</a> Exhibit Account Statement, # <a href="#">2</a> Exhibit Account Statement)(yar) (Entered: 06/03/2015)
05/21/2015	<a href="#">21</a>	REPLY Brief in Support re <a href="#">13</a> Defendant's MOTION to Dismiss <a href="#">1</a> Complaint filed by Palmetto Ford Truck Sales, Inc.. (Knox, Kenneth) Modified text on 5/21/2015 (yar). (Entered: 05/21/2015)
05/12/2015	<a href="#">20</a>	NOTICE of Attorney Appearance by Lisa Ann McGlynn on behalf of Palmetto Ford Truck Sales, Inc.. Attorney Lisa Ann McGlynn added to party Palmetto Ford Truck Sales, Inc.(pty:dft). (McGlynn, Lisa) (Entered: 05/12/2015)
05/11/2015	<a href="#">19</a>	RESPONSE in Opposition re <a href="#">13</a> Defendant's MOTION to Dismiss <a href="#">1</a> Complaint filed by Alberto Perez Perez. Replies due by 5/21/2015. (Attachments: # <a href="#">1</a> Affidavit)(Kelly, K.) (Entered: 05/11/2015)
05/08/2015	<a href="#">18</a>	RESPONSE to <a href="#">8</a> Statement <i>Defendant's Response to Plaintiff's Statement of Claim</i> by Palmetto Ford Truck Sales, Inc.. (Knox, Kenneth) Modified text on 5/11/2015 (yar). (Entered: 05/08/2015)
05/08/2015	<a href="#">17</a>	ORDER STRIKING <a href="#">11</a> Answer to Complaint filed by Jose C Lugones and directing defendant to answer through counsel. Signed by Senior Judge James Lawrence King on 5/8/2015. (ch1) (Entered: 05/08/2015)
05/08/2015	<a href="#">16</a>	ORDER by Clerk of Entry of Default re <a href="#">15</a> Motion for Clerks Entry of Default as to Trust Security Services, Inc.. Signed by DEPUTY CLERK on 05/08/2015. (yar) (Entered: 05/08/2015)
05/08/2015	<a href="#">15</a>	Plaintiff's MOTION for Clerks Entry of Default as to Trust Security Services, Inc. by Alberto Perez Perez. (Jaff, Rivkah) (Entered: 05/08/2015)
05/07/2015	14	NOTICE of Hearing: Pursuant to an Order of Referral entered by Senior U.S. District Judge James Lawrence King, (D.E. #7), a settlement conference in this matter is scheduled before United States Magistrate Judge Edwin G. Torres at the James Lawrence King Federal Justice Building, 99 NE 4th Street, 10th Floor, Courtroom 10-5, Miami, FL 33132, on Wednesday, September 23, 2015 at 1:30 p.m. The settlement conference shall be attended by all parties and their counsel of record. Each side shall have a party representative present with full authority to

		negotiate and finalize any settlement agreement reached. (mdc) (Entered: 05/07/2015)
05/04/2015	<a href="#">13</a>	Defendant's MOTION to Dismiss <a href="#">1</a> Complaint with Incorporated Memorandum of Law by Palmetto Ford Truck Sales, Inc.. Responses due by 5/21/2015 (Attachments: # <a href="#">1</a> Exhibit Exhibit 1)(Knox, Kenneth) Modified title text on 5/5/2015 (asl). (Entered: 05/04/2015)
04/29/2015	<a href="#">12</a>	SUMMONS (Affidavit) Returned Executed on <a href="#">1</a> Complaint with a 21 day response/answer filing deadline by Alberto Perez Perez. Jose C Lugones served on 4/1/2015, answer due 4/22/2015; Palmetto Ford Truck Sales, Inc. served on 4/1/2015, answer due 5/4/2015; Trust Security Services, Inc. served on 4/1/2015, answer due 4/22/2015. (Zidell, Jamie) (Entered: 04/29/2015)
04/27/2015	<a href="#">11</a>	"STRICKEN" ANSWER to Complaint by Jose C Lugones. (yar) Modified on 5/8/2015 (ls). (Stricken per DE #17) (Entered: 04/27/2015)
04/23/2015	10	ORDER granting <a href="#">9</a> Motion for Extension of Time to File Response/Answer to a Complaint or Other Case Initiating Document Palmetto Ford Truck Sales, Inc.. Answer due 5/4/2015. Re: <a href="#">1</a> Complaint filed by Alberto Perez Perez. Signed by Senior Judge James Lawrence King on 4/23/2015. (pkk) (Entered: 04/23/2015)
04/22/2015	<a href="#">9</a>	Defendant's MOTION for Extension of Time to File Response/Reply/Answer as to <a href="#">1</a> Complaint by Palmetto Ford Truck Sales, Inc.. Attorney Kenneth Alan Knox added to party Palmetto Ford Truck Sales, Inc.(pty:dft). (Knox, Kenneth) (Entered: 04/22/2015)
03/30/2015	<a href="#">8</a>	Statement of: claim by Alberto Perez Perez re <a href="#">7</a> Order Referring Case to Judge (Kelly, K.) (Entered: 03/30/2015)
03/30/2015	<a href="#">7</a>	ORDER REQUIRING PLAINTIFF TO FILE STATEMENT OF CLAIM AND REFERRING CASE to Magistrate Judge Edwin G. Torres for Settlement Conference. Signed by Senior Judge James Lawrence King on 3/30/2015. (jw) (Entered: 03/30/2015)
03/27/2015	<a href="#">6</a>	NOTICE of Attorney Appearance by K. David Kelly on behalf of Alberto Perez Perez. Attorney K. David Kelly added to party Alberto Perez Perez(pty:pla). (Kelly, K.) (Entered: 03/27/2015)
03/27/2015	<a href="#">5</a>	NOTICE of Attorney Appearance by Rivkah Fay Jaff on behalf of Alberto Perez Perez. Attorney Rivkah Fay Jaff added to party Alberto Perez Perez(pty:pla). (Jaff, Rivkah) (Entered: 03/27/2015)
03/27/2015	<a href="#">4</a>	Summons Issued as to Jose C Lugones, Palmetto Ford Truck Sales, Inc., Trust Security Services, Inc. (bb) (Entered: 03/27/2015)
03/26/2015	<a href="#">3</a>	Clerks Notice pursuant to 28 USC 636(c). Parties are hereby notified that the U.S. Magistrate Judge Edwin G. Torres is available to handle any or all proceedings in this case. If agreed, parties should complete and file the attached form. (bb) (Entered: 03/27/2015)

03/26/2015	2	Judge Assignment to Senior Judge James Lawrence King (bb) (Entered: 03/27/2015)
03/26/2015	<a href="#">1</a>	COMPLAINT against All Defendants. Filing fees \$ 400.00 receipt number 113C-7593465, filed by Alberto Perez Perez. (Attachments: # <a href="#">1</a> Summon(s), # <a href="#">2</a> Civil Cover Sheet)(Zidell, Jamie) (Entered: 03/26/2015)