

EGT,MEDIATION,REF_TRL

**U.S. District Court
Southern District of Florida (Miami)
CIVIL DOCKET FOR CASE #: 1:08-cv-22317-EGT**

Diaz v. Jaguar Restaurant Group, LLC et al
Assigned to: Magistrate Judge Edwin G. Torres
Case in other court: 09-16046-CC
Cause: 29:0201 Fair Labor Standards Act

Date Filed: 08/20/2008
Jury Demand: Plaintiff
Nature of Suit: 710 Labor: Fair
Standards
Jurisdiction: Federal Question

Plaintiff**Isabel Diaz**

*plaintiff and all others similarly
situated under 29USC216(b)*

represented by **Jamie H. Zidell**

300 71st Street
Suite 605
Miami Beach, FL 33141
305-865-6766
Fax: 865-7167
Email: ZABOGADO@AOL.COM
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Daniel T. Feld

J. H. Zidell
300 71st Street
Suite 605
Miami Beach, FL 33141
305-865-6766
Fax: 305-865-7167
Email: DanielFeld.Esq@Gmail.com
ATTORNEY TO BE NOTICED

K. David Kelly

J.H. Zidell, PA
J.H. Zidell, PA
300 71st Street, Ste. 605
Miami Beach, FL 33141
305-865-6766
Email: david.kelly38@rocketmail.com
ATTORNEY TO BE NOTICED

V.

Defendant**Jaguar Restaurant Group, LLC**

represented by **Sundeep K. Mullick**
Segall/Gordich P.A.
801 Brickell Avenue

Suite 900
Miami, FL 33131
305-755-4933
Fax: 786-375-5095
Email: skm@segallgordich.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Melissa Alagna
Ruden McClosky Smith Schuster &
Russell
701 Brickell Avenue
Suite 1900
Miami, FL 33131
305-755-4934
Fax: 305-438-7438
Email: mma@segallgordich.com
ATTORNEY TO BE NOTICED

Norman S. Segall
Segall/Gordich P.A.
801 Brickell Avenue
Suite 900
Miami, FL 33131
305-755-4930
Fax: 305-438-7438
Email: nss@segallgordich.com
ATTORNEY TO BE NOTICED

Defendant

Eduardo Durazo

represented by **Sundeep K. Mullick**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Melissa Alagna
(See above for address)
ATTORNEY TO BE NOTICED

Norman S. Segall
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Jagmar Management Group, LLC

represented by **Sundeep K. Mullick**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Melissa Alagna

(See above for address)
ATTORNEY TO BE NOTICED

Norman S. Segall
 (See above for address)
ATTORNEY TO BE NOTICED

Defendant

Jagmar Brands, LLC
TERMINATED: 10/20/2009

represented by **Sundeep K. Mullick**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Melissa Alagna
 (See above for address)
ATTORNEY TO BE NOTICED

Norman S. Segall
 (See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
08/20/2008	<u>1</u>	COMPLAINT against all defendants Filing fee \$ 350. Receipt#: 543959, filed by Isabel Diaz.(dj) (Entered: 08/20/2008)
08/20/2008	<u>2</u>	Summons Issued as to Jaguar Restaurant Group, LLC, Eduardo Durazo, Jagmar Management Group, LLC, Jagmar Brands, LLC. (dj) (Entered: 08/20/2008)
08/21/2008	<u>3</u>	Notice of Court Practice in FLSA Cases. Signed by Judge Donald L. Graham on 8/21/2008. (ls) (Entered: 08/22/2008)
08/22/2008	<u>4</u>	Statement of: Claim by Isabel Diaz. (Kelly, K.) (Entered: 08/22/2008)
09/15/2008	<u>5</u>	<i>Defendants'</i> ANSWER to Complaint <i>and Affirmative Defenses</i> by Jaguar Restaurant Group, LLC, Eduardo Durazo, Jagmar Management Group, LLC, Jagmar Brands, LLC.(Alagna, Melissa) (Entered: 09/15/2008)
09/16/2008	<u>6</u>	ORDER/NOTICE Setting Status Conference:Telephonic Status Conference set for 11/5/2008 02:00 PM before Judge Donald L. Graham. Status report due by 10/31/08. Signed by Judge Donald L. Graham on 9/16/08. (gfw) (Entered: 09/16/2008)
09/22/2008	<u>7</u>	SCHEDULING REPORT- Rule 26(f). (Attachments: # <u>1</u> Appendix Magistrate Election)(Kelly, K.) (Entered: 09/22/2008)
09/22/2008		Clerks Notice of Docket Correction and Instruction to Filer re <u>7</u> SCHEDULING REPORT- Rule 26(f). Error - Docket text does not match document; . Instruction to filer - In the future please add all docket text to match document title. It is not necessary to refile this document. (ls) (Entered: 09/22/2008)

10/07/2008	8	Statement of: Response to Statement of Claim by Jaguar Restaurant Group, LLC, Eduardo Durazo, Jagmar Management Group, LLC, Jagmar Brands, LLC. (Alagna, Melissa) (Entered: 10/07/2008)
10/07/2008	9	RESPONSE to 4 Statement filed by Jaguar Restaurant Group, LLC, Eduardo Durazo, Jagmar Management Group, LLC, Jagmar Brands, LLC. [See Image at DE #8](ls) (Entered: 10/08/2008)
10/08/2008		Clerks Notice of Docket Correction and Instruction to Filer re 8 Statement filed by Jagmar Brands, LLC, Eduardo Durazo, Jagmar Management Group, LLC, Jaguar Restaurant Group, LLC. Error - Wrong Event Selected ; Correction - Redocketed by Clerk as Response/Reply (Other). Instruction to Filer - In the future, please select the proper event. It is not necessary to refile this document. (ls) (Entered: 10/08/2008)
10/17/2008	10	NOTICE of Filing Discovery: Notice of Service of Answers to Interrogatories by Jaguar Restaurant Group, LLC, Eduardo Durazo, Jagmar Management Group, LLC, Jagmar Brands, LLC.(Alagna, Melissa) (Entered: 10/17/2008)
11/03/2008	11	RESPONSE/REPLY <i>Supplemental Response to Request for Production</i> filed by Jaguar Restaurant Group, LLC, Jagmar Management Group, LLC. (Alagna, Melissa) (Entered: 11/03/2008)
11/04/2008		Clerks Notice of Docket Correction and Instruction to Filer re 11 Response/Reply (Other) filed by Jagmar Management Group, LLC, Jaguar Restaurant Group, LLC. Error - Wrong Event Selected ; Correction - Instruction to Filer - In the future, please select the proper event, i.e. Notice of Filing Discovery. It is not necessary to refile this document. (ls) (Entered: 11/04/2008)
11/05/2008	13	Minute Entry for proceedings held before Judge Donald L. Graham: Status Conference held on 11/5/2008. Court Reporter: Carly Horenkamp, Phone: 305-523-5138 (cf) (Entered: 11/14/2008)
11/10/2008	12	ORDER REFERRING CASE to Magistrate Judge Edwin G. Torres for Trial. Judge Donald L. Graham no longer assigned as presider/referral judge(s) in case. Signed by Judge Donald L. Graham on 11/7/2008. (ls) (Entered: 11/10/2008)
01/13/2009	14	Defendant's MOTION to Compel <i>Responses to Discovery</i> by Jaguar Restaurant Group, LLC, Eduardo Durazo, Jagmar Management Group, LLC, Jagmar Brands, LLC. Responses due by 2/2/2009 (Alagna, Melissa) (Entered: 01/13/2009)
01/15/2009	15	SCHEDULING ORDER: Final Pretrial Conference set for 10/5/2009 10:00 AM in Miami Division before Magistrate Judge Edwin G. Torres. Jury Trial set for 10/19/2009 09:00 AM before Magistrate Judge Edwin G. Torres. Amended Pleadings due by 3/15/2009. Discovery due by 6/15/2009. In Limine Motions due by 9/1/2009. Dispositive Motions due by 8/15/2009. Pretrial Stipulation due by 10/1/2009.. Signed by Magistrate Judge Edwin G. Torres on 01/15/2009. (lc1) (Entered: 01/15/2009)
01/15/2009	16	Order on Trial Instructions. Signed by Magistrate Judge Edwin G. Torres on

		1/15/2009. (lc1) (Entered: 01/15/2009)
01/22/2009	17	RESPONSE in Opposition re 14 Defendant's MOTION to Compel <i>Responses to Discovery</i> filed by Isabel Diaz. (Feld, Daniel) (Entered: 01/22/2009)
01/27/2009	18	NOTICE of Mediator Selection: John Salmon selected. (Attachments: # 1 Proposed Mediation Order)(Feld, Daniel) (Entered: 01/27/2009)
01/27/2009	19	ORDER Scheduling Mediation. Mediation Hearing set for 2/24/2009 02:00 PM. Signed by Magistrate Judge Edwin G. Torres on 01-27-2009. (lc1) (Entered: 01/27/2009)
01/29/2009	20	Notice of Mediation Hearing before Mediator, John W. Salmon filed by John W. Salmon. Mediation Hearing set for 2/24/2009 02:00 PM (Salmon, John) (Entered: 01/29/2009)
02/17/2009	21	Defendant's MOTION for Summary Judgment <i>and Incorporated Memorandum of Law</i> by Jaguar Restaurant Group, LLC, Eduardo Durazo, Jagmar Management Group, LLC, Jagmar Brands, LLC. Responses due by 3/6/2009 (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D)(Segall, Norman) (Entered: 02/17/2009)
02/18/2009	22	ORDER granting 14 Defendant's Motion to Compel Discovery. With respect to the procedural objections raised by both parties, the Court finds good cause to excuse both procedural violations as de minimis. Thus, the motion to compel the first request for production will not be denied as untimely. Similarly, Plaintiff's neglect in timely responding to the second request for production will also not be deemed a complete waiver of all objections. Turning to the merits of the issues raised by both requests for production, the Court finds that Plaintiff has not met his burden of showing that no discovery should be permitted in response to First Request Nos. 14, 15 and Second Request No. 3. Though Plaintiff may be entirely correct that his work status may ultimately not be admissible, Defendant has shown sufficient cause to obtain such information for now as they may support Defendant's theory that he was never employed by Defendant. Plaintiff's argument that this theory lacks all merit is premature and should not be addressed on a discovery dispute. Therefore, Plaintiff should produce responsive documents, if any, to the requests for production at issue. Plaintiff shall comply with this Order in ten (10) days. Defendant's request for attorneys' fees is Denied as the Court finds that Plaintiff's opposition to the discovery was substantially justified. Docket Order Signed by Magistrate Judge Edwin G. Torres on 2/18/2009. (EGT) (Entered: 02/18/2009)
02/25/2009	23	REPORT of Mediation Disposition: Impasse(Salmon, John) (Entered: 02/25/2009)
03/10/2009	24	ORDER on 21 Defendant's Motion for Summary Judgment. Upon review of the record, a timely response to Defendant's Motion has not been filed. Accordingly, Plaintiff is on notice that the Court will dispose of the pending motion based on the record presented on the motion within ten (10) days. Plaintiff may file a response to the motion within ten days to avoid the Court ruling on the motion by default under S.D. Fla. Local R. 7.1. Docket Order Signed by Magistrate Judge Edwin G. Torres on 3/10/2009. (EGT) (Entered: 03/10/2009)

		03/10/2009)
03/16/2009	25	RESPONSE in Opposition re 21 Defendant's MOTION for Summary Judgment <i>and Incorporated Memorandum of Law</i> filed by Isabel Diaz. (Kelly, K.) (Entered: 03/16/2009)
03/16/2009	26	Statement of: Material Facts in Opposition to 21 Defendants' Motion for Summary Judgment by Isabel Diaz re 25 Response in Opposition to Motion. (Attachments: # 1 Affidavit Plaintiff, # 2 Affidavit Sysco Representative) (Kelly, K.) Modified link to 21 on 3/17/2009 (tas). (Entered: 03/16/2009)
03/24/2009	27	REPLY to Response to Motion re 21 Defendant's MOTION for Summary Judgment <i>and Incorporated Memorandum of Law</i> filed by Jaguar Restaurant Group, LLC, Eduardo Durazo, Jagmar Management Group, LLC, Jagmar Brands, LLC. (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Alagna, Melissa) (Entered: 03/24/2009)
06/18/2009	28	Notification of Ninety Days Expiring by Isabel Diaz re 21 Defendant's MOTION for Summary Judgment <i>and Incorporated Memorandum of Law</i> filed by Jagmar Brands, LLC, Eduardo Durazo, Jagmar Management Group, LLC, Jaguar Restaurant Group, LLC (Kelly, K.) (Entered: 06/18/2009)
06/22/2009	29	ORDER denying 21 Defendants' Motion for Summary Judgment. Signed by Magistrate Judge Edwin G. Torres on 6/22/2009. (EGT) (Entered: 06/22/2009)
07/28/2009	30	NOTICE OF UNAVAILABILITY by Isabel Diaz for dates of 10/19/09 Trial Period <i>Concerning Potential Calendar Conflict</i> (Kelly, K.) (Entered: 07/28/2009)
09/03/2009	31	Unopposed MOTION Excusal from Trial Date <i>on 10/19/09</i> by Isabel Diaz. (Kelly, K.) (Entered: 09/03/2009)
09/03/2009	32	ORDER granting 31 Motion to be Excused from Trial. The motion is granted and the trial shall commence October 20, 2009. Docket Order Signed by Magistrate Judge Edwin G. Torres on 9/3/2009. (EGT) (Entered: 09/03/2009)
09/17/2009	33	Plaintiff's MOTION for Leave to File <i>Amended Complaint</i> by Isabel Diaz. (Attachments: # 1 Amended Complaint, # 2 Opt In Notice, # 3 Proposed Order)(Mamane, Isaac) (Entered: 09/17/2009)
09/30/2009	34	RESPONSE to Motion re 33 Plaintiff's MOTION for Leave to File <i>Amended Complaint</i> filed by Jaguar Restaurant Group, LLC, Eduardo Durazo, Jagmar Management Group, LLC, Jagmar Brands, LLC. Replies due by 10/13/2009. (Segall, Norman) (Entered: 09/30/2009)
10/01/2009	35	PRETRIAL STIPULATION by Isabel Diaz. (Attachments: # 1 A - Plaintiff's Witness List, # 2 B - Defendants' Witness List, # 3 C - Plaintiff's Exhibit List, # 4 Defendants' Exhibit List)(Mamane, Isaac) (Entered: 10/01/2009)
10/01/2009	36	NOTICE by Isabel Diaz re 35 Pretrial Stipulation <i>Notice of Filing Objections to Defendants' Exhibit List</i> (Mamane, Isaac) (Entered: 10/01/2009)
10/02/2009	37	Plaintiff's MOTION in Limine, Plaintiff's MOTION for Extension of Time to

		File <i>Motion in Limine Nunc Pro Tunc</i> by Isabel Diaz. (Attachments: # 1 Exhibit Recibo Finiquito)(Kelly, K.) (Entered: 10/02/2009)
10/05/2009	38	Minute Entry for proceedings held before Magistrate Judge Edwin G. Torres: Final Pretrial Conference held on 10/5/2009. (Digital 10:13:58.) (Tape #09EGT-69-367.) (mdc) (Entered: 10/05/2009)
10/05/2009	39	OMNIBUS ORDER FOLLOWING PRETRIAL CONFERENCE: (1) Order denying 37 Plaintiff's Motion in Limine with respect to Defendant's exhibit, for the reasons stated on the record at the pretrial conference and denying the Motion as moot with respect to the remaining matters addressed at the hearing for which a stipulation on the record will be introduced; (2) denying as moot 37 Plaintiff's Motion for Extension of Time to File motion in limine nunc pro tunc; (3) denying 33 Plaintiff's Motion for Leave to File Amended Complaint, for the reasons stated on the record at the pretrial conference. Docket Order Signed by Magistrate Judge Edwin G. Torres on 10/5/2009. (EGT) (Entered: 10/05/2009)
10/16/2009	40	Exhibit List <i>Amended</i> by Isabel Diaz.. (Mamane, Isaac) (Entered: 10/16/2009)
10/16/2009	41	NOTICE by Isabel Diaz of <i>Filing Plaintiff's Proposed Verdict Form</i> (Attachments: # 1 Plaintiff's Proposed Verdict Form)(Mamane, Isaac) (Entered: 10/16/2009)
10/16/2009	42	Exhibit List (<i>Amended</i>) by Eduardo Durazo, Jagmar Brands, LLC, Jagmar Management Group, LLC, Jaguar Restaurant Group, LLC.. (Segall, Norman) (Entered: 10/16/2009)
10/16/2009	43	NOTICE by Eduardo Durazo, Jagmar Brands, LLC, Jagmar Management Group, LLC, Jaguar Restaurant Group, LLC of <i>Filing Defendant's Proposed Verdict Form</i> (Attachments: # 1 Verdict Form)(Segall, Norman) (Entered: 10/16/2009)
10/19/2009	44	Proposed Jury Instructions by Eduardo Durazo, Jagmar Brands, LLC, Jagmar Management Group, LLC, Jaguar Restaurant Group, LLC. (Segall, Norman) (Entered: 10/19/2009)
10/19/2009	45	NOTICE by Eduardo Durazo, Jagmar Brands, LLC, Jagmar Management Group, LLC, Jaguar Restaurant Group, LLC of <i>Filing Isabel Diaz' Deposition Transcripts</i> (Attachments: # 1 Transcripts, # 2 Exhibit)(Segall, Norman) (Entered: 10/19/2009)
10/20/2009	46	ORDER DISMISSING WITH PREJUDICE any and all claims against Defendant Jagmar Brands LLC based upon the parties' stipulation introduced in open court at trial. Docket Order Signed by Magistrate Judge Edwin G. Torres on 10/20/2009. (EGT) (Entered: 10/20/2009)
10/20/2009	47	Minute Entry for proceedings held before Magistrate Judge Edwin G. Torres: Civil Jury Trial begun on 10/20/2009, Civil Jury Trial held on 10/20/2009. Court Reporter: Judy Shelton, Phone: 305-523-5294 (Digital 9:22:49.) (mdc) (Entered: 10/20/2009)
10/21/2009	48	Minute Entry for proceedings held before Magistrate Judge Edwin G. Torres: Jury Trial held on 10/21/2009. Witness Hector Sanchez, Angel Carranza and

		Isabel Diaz testified. Court Reporter: Judy Shelton, Phone: 305-523-5294 (Digital 9:23:00.) (mdc) (Entered: 10/21/2009)
10/22/2009	49	MOTION for Judgment as a Matter of Law and Incorporated Memorandum of Law by Eduardo Durazo, Jagmar Management Group, LLC, Jaguar Restaurant Group, LLC. (mdc) (Entered: 10/23/2009)
10/22/2009	50	MOTION to Amend 5 Answer to Complaint to Conform to the Evidence by Eduardo Durazo, Jagmar Management Group, LLC, Jaguar Restaurant Group, LLC. Responses due by 11/9/2009 (mdc) (Entered: 10/23/2009)
10/22/2009	51	Minute Entry for proceedings held before Magistrate Judge Edwin G. Torres: Jury Trial held on 10/22/2009. Witness Isabel Diaz, Jacqueline Vargas, Robert Schwartz, Francisco Martin Moreno, Luis Biganzoli, Eduardo Durazo and Omar Francisco Cruz testified. Court Reporter: Judy Shelton, Phone: 305-523-5294 (Digital 9:55:40.) (mdc) (Entered: 10/23/2009)
10/23/2009	52	Court's Jury Instructions. (mdc) (Entered: 10/23/2009)
10/23/2009	53	Minute Entry for proceedings held before Magistrate Judge Edwin G. Torres: Jury Trial completed on 10/23/2009. Rebuttal Witness Eduardo Durazo testified. Court Reporter: Judy Shelton, Phone: 305-523-5294 (Digital 9:11:00.) (mdc) (Entered: 10/23/2009)
10/23/2009	54	Jury Note. (mdc) (Entered: 10/23/2009)
10/23/2009	55	JURY VERDICT. (mdc) (Entered: 10/23/2009)
11/02/2009	56	ORDER denying 49 Defendants' Motion for Judgment as a Matter of Law; granting 50 Defendants' Motion to Amend/Correct Answer to Complaint. Signed by Magistrate Judge Edwin G. Torres on 11/2/2009. (EGT) (Entered: 11/02/2009)
11/02/2009	57	FINAL JUDGMENT in favor of the Defendants against the Plaintiff. Signed by Magistrate Judge Edwin G. Torres on 11/2/2009. (EGT) (Entered: 11/02/2009)
11/16/2009	58	Defendant's MOTION for Bill of Costs by Eduardo Durazo, Jagmar Brands, LLC, Jagmar Management Group, LLC, Jaguar Restaurant Group, LLC. Responses due by 12/4/2009 (Attachments: # 1 Exhibit)(Segall, Norman) (Entered: 11/16/2009)
11/16/2009	59	Defendant's MOTION for Bill of Costs by Eduardo Durazo, Jagmar Brands, LLC, Jagmar Management Group, LLC, Jaguar Restaurant Group, LLC. Responses due by 12/4/2009 (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D)(Segall, Norman) (Entered: 11/16/2009)
11/19/2009	60	Plaintiff's MOTION for Extension of Time to File Response as to 58 Defendant's MOTION for Bill of Costs, 59 Defendant's MOTION for Bill of Costs <i>in the Alternative</i> , Plaintiff's MOTION <i>to Term Costs Motion and Bill of Costs</i> by Isabel Diaz. (Attachments: # 1 Exhibit Perdomo Order)(Kelly, K.) (Entered: 11/19/2009)
11/27/2009	61	NOTICE OF APPEAL as to 57 Judgment, 56 Order on Motion for Judgment

		as a Matter of Law, Order on Motion to Amend/Correct by Isabel Diaz Filing fee \$ 455.00. Within ten days of the filing date of a Notice of Appeal, the appellant must complete the Eleventh Circuit Transcript Order Form regardless of whether transcripts are being ordered [Pursuant to FRAP 10(b)]. For information go to our FLSD website under Transcript Information. (Kelly, K.) (Entered: 11/27/2009)
11/27/2009	62	TRANSCRIPT INFORMATION FORM by Isabel Diaz re 61 Notice of Appeal,. Trial (all except jury selection) transcript(s) ordered. Order placed by J.H. Zidell, Esq.. Email sent to Court Reporter Coordinator. (Kelly, K.) (Entered: 11/27/2009)
11/30/2009		Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re 61 Notice of Appeal, Filing Fee: (FEE NOT PAID) (hh) (Entered: 11/30/2009)
11/30/2009	63	ORDER granting 60 Plaintiff's Motion for Extension of Time to Respond to motions for costs; denying 60 Plaintiff's Motion to Stay resolution of motions for costs. The Court will only stay collateral fee or cost determinations pending appeal by agreement of the parties or upon the filing of a cost bond. In this case, there is no indication of any such agreement in the motion to stay (or "term") the pending motions for costs. Accordingly, that request for an indefinite stay is denied. Plaintiff has an additional ten days from this date to file her response to the motions, or alternatively file a cost bond to stay under Rule 62 entry or enforcement of a cost judgment. Docket Order Signed by Magistrate Judge Edwin G. Torres on 11/30/2009. (EGT) (Entered: 11/30/2009)
11/30/2009	64	RESPONSE to Motion re 60 Plaintiff's MOTION for Extension of Time to File Response as to 58 Defendant's MOTION for Bill of Costs, 59 Defendant's MOTION for Bill of Costs <i>in the Alternative</i> Plaintiff's MOTION to Term Costs Motion and Bill of Costs Plaintiff's MOTION for Extension of Time to File Response as to 58 Defendant's MOTION for Bill of Costs, 59 Defendant's MOTION for Bill of Costs <i>in the Alternative</i> filed by Eduardo Durazo, Jagmar Brands, LLC, Jagmar Management Group, LLC, Jaguar Restaurant Group, LLC. Replies due by 12/10/2009. (Segall, Norman) (Entered: 11/30/2009)
12/01/2009	65	USCA Appeal Fees received \$ 455.00 receipt number 1012633 re 61 Notice of Appeal, filed by Isabel Diaz (hh) (Entered: 12/01/2009)
12/01/2009	66	RESPONSE in Opposition re 58 Defendant's MOTION for Bill of Costs, 59 Defendant's MOTION for Bill of Costs filed by Isabel Diaz. (Kelly, K.) (Entered: 12/01/2009)
12/03/2009	67	COURT REPORTER ACKNOWLEDGMENT re 62 Transcript Information Form Court Reporter: Judy Shelton, Phone: 305-523-5294 (jsn) (Entered: 12/03/2009)
12/10/2009	68	REVISED COURT REPORTER ACKNOWLEDGMENT re 62 Transcript Information Form Court Reporter: Judy Shelton, Phone: 305-523-5294 (jsn) (Entered: 12/10/2009)

12/10/2009	69	ACKNOWLEDGMENT OF RECEIPT FROM USCA re 61 Notice of Appeal, date received by USCA 12/3/09 USCA number 09-16046-C (hh) (Entered: 12/11/2009)
01/10/2010	70	TRANSCRIPT of Civil Jury Trial, Afternoon Session held on 10/20/2009 before Magistrate Judge Edwin G. Torres, Volume Number 1 of 4, 1-186 pages, re: 61 Notice of Appeal, Court Reporter: Judy Shelton, Phone: 305-523-5294. Transcript may be viewed at the court public terminal or purchased by contacting the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 2/3/2010. Redacted Transcript Deadline set for 2/16/2010. Release of Transcript Restriction set for 4/13/2010. (jsn) (Entered: 01/10/2010)
01/10/2010	71	TRANSCRIPT of Civil Jury Trial held on 10/21/2009 before Magistrate Judge Edwin G. Torres, Volume Number 2 of 4, 1-225 pages, re: 61 Notice of Appeal, Court Reporter: Judy Shelton, Phone: 305-523-5294. Transcript may be viewed at the court public terminal or purchased by contacting the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 2/3/2010. Redacted Transcript Deadline set for 2/16/2010. Release of Transcript Restriction set for 4/13/2010. (jsn) (Entered: 01/10/2010)
01/10/2010	72	TRANSCRIPT of Civil Jury Trial held on 10/22/2009 before Magistrate Judge Edwin G. Torres, Volume Number 3 of 4, 1-253 pages, re: 61 Notice of Appeal, Court Reporter: Judy Shelton, Phone: 305-523-5294. Transcript may be viewed at the court public terminal or purchased by contacting the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 2/3/2010. Redacted Transcript Deadline set for 2/16/2010. Release of Transcript Restriction set for 4/13/2010. (jsn) (Entered: 01/10/2010)
01/10/2010	73	TRANSCRIPT of Civil Jury Trial held on 10/23/2009 before Magistrate Judge Edwin G. Torres, Volume Number 4 of 4, 1-112 pages, re: 61 Notice of Appeal, Court Reporter: Judy Shelton, Phone: 305-523-5294. Transcript may be viewed at the court public terminal or purchased by contacting the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 2/3/2010. Redacted Transcript Deadline set for 2/16/2010. Release of Transcript Restriction set for 4/13/2010. (jsn) (Entered: 01/10/2010)
01/11/2010	74	TRANSCRIPT NOTIFICATION - Transcript(s) ordered on: 12/09/2009 by J.H. Zidell, Esq. has/have been filed by Court Reporter: Judy Shelton, 305-523-5294 re 61 Notice of Appeal, 62 Transcript Information Form. (jsn) (Entered: 01/11/2010)
01/31/2010	75	ORDER granting in part and denying in part 58 Motion for Bill of Costs; granting in part and denying in part 59 Motion to Tax Costs, filed by Defendants; entering FINAL JUDGMENT OF COSTS in favor of

		Defendants. Signed by Magistrate Judge Edwin G. Torres on 1/31/2010. (EGT) (Entered: 01/31/2010)
02/11/2010	76	Defendant's MOTION for Writ of <i>Execution after Judgment</i> by Eduardo Durazo, Jagmar Brands, LLC, Jagmar Management Group, LLC, Jaguar Restaurant Group, LLC. Responses due by 3/1/2010 (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Segall, Norman) (Entered: 02/11/2010)
03/02/2010	77	ORDER granting 76 Motion for Entry of Writ of Execution. Upon review of the motion, the absence of any timely opposition, and the good cause shown on the face of the motion that the Court's judgment remains outstanding, the Court directs the Clerk of the Court, pursuant to Fed.R.Civ.P. 69, to enter and file the writ of execution attached as Exhibit B to the motion. Docket Order Signed by Magistrate Judge Edwin G. Torres on 3/2/2010. (EGT) (Entered: 03/02/2010)
03/04/2010	78	Writ of Execution Issued (mg) (Entered: 03/04/2010)
03/10/2010	79	CERTIFICATE of Readiness transmitted to USCA re 61 Notice of Appeal, filed by Isabel Diaz, USCA # 09-16046-CC (hh) (Entered: 03/10/2010)
03/10/2010	80	Certified and Transmitted Record on Appeal to US Court of Appeals Consisting of (2) Volumes of Pleadings and (4) Volumes of Transcripts re 61 Notice of Appeal, (hh) (Entered: 03/10/2010)
03/24/2010	81	Acknowledgment of Receipt of COR/ROA from USCA re 61 Notice of Appeal, filed by Isabel Diaz. Date received by USCA: 3/18/10. USCA Case Number: 09-16046-CC. (hh) (Entered: 03/24/2010)
12/23/2010	82	Plaintiff's MOTION to Vacate 78 Writ of Execution Issued, 77 Order on Motion for Writ, 75 Order on Motion for Bill of Costs,,, by Isabel Diaz. Responses due by 1/10/2011 (Attachments: # 1 Exhibit 11th Cir. Opinion) (Kelly, K.) (Entered: 12/23/2010)
02/15/2011	83	MANDATE of USCA (certified copy) REVERSED and REMANDED. We reverse the district court's decision to allow Jaguar to amend its Answer during trial and remand for the district court to conduct a trial on damages as to 61 Notice of Appeal, filed by Isabel Diaz ; Date Issued: 2/10/11 ; USCA Case Number: 09-16046-CC (hh) (Entered: 02/15/2011)
02/15/2011	84	NOTICE by Isabel Diaz <i>Setting Cause For Trial</i> (Feld, Daniel) (Entered: 02/15/2011)
02/17/2011	85	Appeal Record Returned from USCA (Miami/Records): Consisting of (2) Volumes of Pleadings and (4) Volumes of Transcripts 61 Notice of Appeal, USCA # 09-16046-CC (hh) (Entered: 02/17/2011)
02/23/2011	86	ORDER of USCA, pursuant to Appellant's "Motion for Attorney's Fees and to Tax Costs....," which is construed as a motion for appellate attorney's fees, including fees on fees, and as a motion for taxable costs. Appellant's motion for appellate attorney's fees, including fees on fees, is REMANDED TO District Court to determine, at the conclusion of the proceedings below, the issues of entitlement and the reasonable amount of appellate attorney's fees to be awarded. Appellant's motion for taxable costs is DENIED WITHOUT

		PREJUDICE to requesting said relief in District Court as to 61 Notice of Appeal, filed by Isabel Diaz, USCA # 09-16046-CC (hh) (Entered: 02/23/2011)
03/01/2011	87	ORDER granting 82 Motion to Vacate 78 Writ of Execution and 77 Order on Motion for Writ of Execution, upon the issuance of the mandate and reversal of final judgment. Docket Order Signed by Magistrate Judge Edwin G. Torres on 3/1/2011. (EGT) (Entered: 03/01/2011)
05/04/2011	88	Plaintiff's MOTION Set Telephonic Status Conference by Isabel Diaz. (Kelly, K.) Modified with correct relief on 5/5/2011 (lh). (Entered: 05/04/2011)
05/05/2011	89	Clerks Notice to Filer re 88 Motion for Telephonic Status Conference to set Trial Date. Filer Selected the Wrong Motion Relief(s); ERROR - The Filer selected the wrong motion relief(s) when docketing the motion. The correction was made by the Clerk. It is not necessary to refile this document but future motions filed must include applicable reliefs. (lh) (Entered: 05/05/2011)
06/06/2011	90	ORDER granting 88 Motion for Status Conference. A telephonic hearing shall be held June 21, 2011, at 1:30 p.m. Counsel shall communicate in advance with the courtroom deputy (305-523-5297) to arrange for the conference call. Additionally, counsel for Defendant shall in advance of the hearing file a notice as to counsel's status as counsel of record for Defendant. Docket Order Signed by Magistrate Judge Edwin G. Torres on 6/6/2011. (EGT) (Entered: 06/06/2011)
06/06/2011		Pursuant to DE#90 Set/Reset Hearings Telephone Conference set for 6/21/2011 01:30 PM in Miami Division before Magistrate Judge Edwin G. Torres. (dgj) (Entered: 06/07/2011)
06/21/2011	91	Minute Entry for proceedings held before Magistrate Judge Edwin G. Torres: Status Conference held on 6/21/2011. Trial set for 9/12/11 @ 9:00 a.m. New Scheduling Order will be issued. (Digital 13:35:05 TO 14:01:10.) (mdc) (Entered: 06/22/2011)
07/06/2011	92	NOTICE OF UNAVAILABILITY by Isabel Diaz for dates of 9/12/11 Trial Period <i>Regarding Potential Calendar Conflict</i> (Kelly, K.) (Entered: 07/06/2011)
07/18/2011	93	STATUS REPORT ORDER. At the conclusion of the status conference following the remand of the case from the Court of Appeals, Defendant's counsel requested ten days to finalize his representation with Defendant for the remainder of the action. To date, an amended notice of appearance or motion for substitution of counsel has not been filed. Accordingly Defendant's counsel shall file such notice or motion, or alternatively move to withdraw entirely from the case, by July 22, 2011. If a motion to withdraw is filed, the certificate shall provide the latest available address for the Defendants and certify that counsel has advised the corporate defendant that it must secure substitute counsel to pursue the defense of the case. Counsel shall also certify that Defendant is aware that a default judgment may be entered against it if substitute counsel does not appear on its behalf. Status Report due by 7/22/2011. Docket Order Signed by Magistrate Judge Edwin G. Torres on

		7/18/2011. (EGT) (Entered: 07/18/2011)
07/22/2011	94	NOTICE of Attorney Appearance by Norman S. Segall on behalf of Jaguar Restaurant Group, LLC (Segall, Norman) (Entered: 07/22/2011)
08/10/2011	95	Defendant's MOTION <i>for Status Conference, Issuance of Scheduling Order and Continuance of Trial Date</i> by Eduardo Durazo. (Segall, Norman) (Entered: 08/10/2011)
08/12/2011	96	AFFIDAVIT in Support re 95 Defendant's MOTION <i>for Status Conference, Issuance of Scheduling Order and Continuance of Trial Date</i> filed by Eduardo Durazo, Jagmar Brands, LLC, Jagmar Management Group, LLC, Jaguar Restaurant Group, LLC. (Mullick, Sundeep) (Entered: 08/12/2011)
08/12/2011	97	MOTION to Dismiss for Lack of Jurisdiction 1 <i>Complaint Tender of Full Payment and Motion to Dismiss with Prejudice</i> by Eduardo Durazo, Jagmar Brands, LLC, Jagmar Management Group, LLC, Jaguar Restaurant Group, LLC. Responses due by 8/29/2011 (Attachments: # 1 Exhibit A)(Mullick, Sundeep) (Entered: 08/12/2011)
08/16/2011	98	MOTION for Hearing re 97 MOTION to Dismiss for Lack of Jurisdiction 1 <i>Complaint Tender of Full Payment and Motion to Dismiss with Prejudice</i> MOTION to Dismiss for Lack of Jurisdiction 1 <i>Complaint Tender of Full Payment and Motion to Dismiss with Prejudice</i> by Eduardo Durazo, Jagmar Brands, LLC, Jagmar Management Group, LLC, Jaguar Restaurant Group, LLC. (Mullick, Sundeep) (Entered: 08/16/2011)
08/16/2011	99	MOTION to Expedite <i>Motion to Shorten Briefing Schedule and for Expedited Consideration of Motion to Dismiss [D.E. #97]</i> by Eduardo Durazo, Jagmar Brands, LLC, Jagmar Management Group, LLC, Jaguar Restaurant Group, LLC. (Mullick, Sundeep) (Entered: 08/16/2011)
08/17/2011	100	ORDER denying 99 Motion to Expedite. Upon review of the motion the Court finds no good cause to expedite briefing on the motion, in part because the necessity of an immediate ruling on the motion due to the scheduled trial date will be moot. The Court will review the issues raised in the motion after full briefing is complete. Docket Order Signed by Magistrate Judge Edwin G. Torres on 8/17/2011. (EGT) (Entered: 08/17/2011)
08/17/2011	101	ORDER granting in part 95 Motion for Continuance. Upon review of the motion and given the current status of the record, including the filing of a motion to dismiss and a notice of unavailability by Plaintiff's counsel, the Court's stated intention to try the case on or about September 12th is not realistic. Therefore, that trial date is continued pending further Order of the Court. Additionally, the Court will consider at a later date whether a further status conference is required or whether another trial date should be set. Docket Order Signed by Magistrate Judge Edwin G. Torres on 8/17/2011. (EGT) (Entered: 08/17/2011)
08/26/2011	102	RESPONSE in Opposition re 97 MOTION to Dismiss for Lack of Jurisdiction 1 <i>Complaint Tender of Full Payment and Motion to Dismiss with Prejudice</i> MOTION to Dismiss for Lack of Jurisdiction 1 <i>Complaint Tender of Full Payment and Motion to Dismiss with Prejudice</i> filed by Isabel Diaz.

		(Attachments: # 1 Exhibit "A")(Zidell, Jamie) (Entered: 08/26/2011)
09/06/2011	103	REPLY to Response to Motion re 97 MOTION to Dismiss for Lack of Jurisdiction 1 Complaint <i>Tender of Full Payment and Motion to Dismiss with Prejudice</i> MOTION to Dismiss for Lack of Jurisdiction 1 Complaint <i>Tender of Full Payment and Motion to Dismiss with Prejudice</i> filed by Eduardo Durazo, Jagmar Brands, LLC, Jagmar Management Group, LLC, Jaguar Restaurant Group, LLC. (Attachments: # 1 Exhibit 1)(Mullick, Sundeep) (Entered: 09/06/2011)
09/15/2011	104	NOTICE by Isabel Diaz re 102 Response in Opposition to Motion, <i>of Filing Supplemental Authority</i> (Attachments: # 1 Klinger v. Phil Mook Enterprises) (Zidell, Jamie) (Entered: 09/15/2011)
10/12/2011	105	Notice of Supplemental Authority by Isabel Diaz (Attachments: # 1 Exhibit "A" Tapia v. FLorida Cleanex, Inc. [D.E. 67])(Zidell, Jamie) (Entered: 10/12/2011)
12/30/2011	106	Notification of Ninety Days Expiring <i>AND REQUEST FOR TRIAL TO OCCUR BY 2/20/12</i> by Isabel Diaz re 97 MOTION to Dismiss for Lack of Jurisdiction 1 Complaint <i>Tender of Full Payment and Motion to Dismiss with Prejudice</i> filed by Jagmar Brands, LLC, Eduardo Durazo, Jagmar Management Group, LLC, Jaguar Restaurant Group, LLC (Kelly, K.) (Entered: 12/30/2011)
01/15/2012	107	Notice of Supplemental Authority re 98 MOTION for Hearing re 97 MOTION to Dismiss for Lack of Jurisdiction 1 Complaint <i>Tender of Full Payment and Motion to Dismiss with Prejudice</i> MOTION to Dismiss for Lack of Jurisdiction 1 Complaint <i>Tender of Full Payment and Motion to Dis</i> by Isabel Diaz (Attachments: # 1 Exhibit "A")(Feld, Daniel) (Entered: 01/15/2012)
01/18/2012	108	ORDER denying 97 Motion to Dismiss for Lack of Jurisdiction; denying 98 Motion for Hearing. To a great extent, the pending motion to dismiss has now been rendered moot by the Eleventh Circuit's substitute opinion entered in the case of <i>Dionne v. Floormasters Enterprises, Inc.</i> , No. 09-15405 (11th Cir. Jan. 13, 2012), which clarified that the Court's opinion in that case is limited to its very narrow facts and, specifically, requires a concession of mootness and does not apply to the tender of full payment of amounts claimed by the employee in a FLSA case before trial or after judgment. The pending motion is based entirely upon a proposed extension of the Court's now-withdrawn original opinion. Moreover, other cases that considered the issues raised here rejected attempts to expand the scope of the original opinion. <i>See, e.g., Tapia v. Florida Cleanex, Inc.</i> , No. 09-21569 (S.D. Fla. Oct. 12, 2011) (Ungaro, J., D.E. 67, collecting cases). Judge Ungaro's opinion has now been sustained by the Eleventh Circuit on rehearing. And, even under the original panel opinion, the Court could not possibly find that Defendant's unilateral actions taken after a trial and an appeal rendered Plaintiff's claim for damages and attorneys' fees moot. But, in any event, the entire issue is now moot for purposes of this case. A new scheduling Order shall be entered specially setting the case for trial on April 9, 2012. Docket Order Signed by Magistrate Judge Edwin G. Torres on 1/18/2012. (EGT) (Entered: 01/18/2012)

01/19/2012	109	Unopposed MOTION to Reset Trial Date by Isabel Diaz. (Attachments: # 1 Text of Proposed Order)(Feld, Daniel) (Entered: 01/19/2012)
01/19/2012	110	ORDER granting 109 Unopposed Motion to Re-set Trial Date. The Court shall issue a revised scheduling Order that sets trial in this case on remand commencing April 2, 2012. Docket Order Signed by Magistrate Judge Edwin G. Torres on 1/19/2012. (EGT) (Entered: 01/19/2012)

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