

**ITEM #66<sub>(2)</sub>**

**ADDITIONAL MATERIAL**

**Regular Meeting**

**JUNE 4, 2019**

**SUBMITTED AT THE REQUEST OF**

**VICE-MAYOR DALE V.C. HOLNESS**

## Eulen America – May 2019

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### Basic Company Information

American Sales and Management Organization, LLC d/b/a Eulen America is a limited liability company that provides outsourcing services in the aviation, janitorial, and security sectors.<sup>1</sup> Eulen America's parent company is Eulen Group, based in Spain and operating in 14 countries.<sup>2</sup> Eulen Group is a global provider of general services, specializing in cleaning activities, security, support services (logistics, general services and telemarketing), FSM (Facility Services & Management) health services, comprehensive maintenance, temporary employment and environmental services.<sup>3</sup>

### Eulen's Mistreatment of U.S. Workers

According to Eulen's 2015 corporate responsibility report, the Company takes pride in promoting social responsibility and paying wages above the legal minimum to its Spanish workforce.<sup>4</sup> Throughout many Eulen worksites at U.S. airports, workers are confronted with a lack of respect for their rights, which demonstrates the increasing need for U.S. Eulen workers to organize and form a union.

### *Opposition to Workers' Organizing Efforts in the U.S.*

The National Labor Relations Board (NLRB) has investigated charges against Eulen for alleged violations of the National Labor Relations Act and at three different airports, NLRB Region Directors have found merit in charges that Eulen unlawfully fought workers' organizing to improve their conditions and filed formal complaints against the company. The allegations that Eulen has retaliated against workers by firing them are particularly troubling. The unfair labor practices charges filed against Eulen are summarized below.

### Terminations of Union Supporters at Fort Lauderdale International Airport

- In August 2016, the NLRB issued a complaint against Eulen finding probable cause that Eulen unlawfully fired a worker because of her union activities. The worker had previously gone on strike on two occasions to protest Eulen's unfair labor practices and poor working conditions. The NLRB complaint also alleged that Eulen fired the worker to discourage employees from engaged in union activities. On January 30, 2018, an NLRB administrative law judge issued a decision on the complaint ruling that Eulen committed unfair labor practices when it fired the worker and refused to rehire her because she engaged in activities in support of the union. Following a legal challenge by Eulen, in December 2018 the NLRB upheld the administrative law judge's decision.<sup>5</sup> However, Eulen has now appealed the Board's decision and the case is currently pending before the District of Columbia Court of Appeals.<sup>6</sup>

- In August 2013, Eulen fired an employee at FLL, after he appeared on television and at a rally protesting low wages. Following issuance of an unfair labor practice complaint by the NLRB, on June 25, 2015, Eulen agreed to settle the case without admitting any wrongdoing and pay the worker \$21,000 in back pay and interest. Additionally, as part of the settlement Eulen agreed to modify its employee handbook to repeal rules that interfered with employee rights to engage in concerted activity and union activity, as well as post a notice that Eulen will comply with all federal labor laws and respect the employees' right to organize and support labor unions.<sup>7</sup>

#### **Ronald Reagan Washington National Airport**

- In September, 2015, charges were filed against Eulen<sup>8</sup> alleging, among other things, that one or more company representatives illegally interrogated Ronald Reagan Washington National Airport workers about their union activities and that Eulen created the impression that their union activities were under surveillance and discriminatorily enforced rules to discourage union activity. The NLRB found enough evidence to issue an unfair labor practice Complaint against Eulen. In July 2016, Eulen agreed to settle the charges without admitting any wrongdoing and agreed to post a notice stating that it would not interfere with workers' rights to organize.

#### **John F. Kennedy International Airport**

- In March 2016 Region 29 of the NLRB found merit in charges that Eulen was threatening workers with unspecified reprisals for engaging in union activity and told employees not to speak to the Union, and that Eulen maintained an unlawful rule in the handbooks it provided to employees. The NLRB found enough evidence to issue an unfair labor practice Complaint against Eulen. Subsequently, in July 2016 along with the Ronald Reagan airport case mentioned above, Eulen agreed to settle the case without admitting any wrongdoing.<sup>9</sup>
- In October 2016 the NLRB issued a complaint against Eulen alleging that around February 2016 Eulen directed employees to refrain from engaging in union activities, and just a few months later in June 2016 Eulen fired a worker allegedly due to her involvement in union activities. The case settled in January 2017, with Eulen paying \$2,000 to the fired worker in lieu of reinstatement and without admission of wrongdoing.<sup>10</sup>

#### **Contentions of Discrimination and Sexual Harassment**

- In late March 2019, a former Eulen worker filed a lawsuit against Eulen in the 11th Judicial Circuit Court for Miami-Dade County, Florida, claiming that he was discriminated against based on his age and retaliated against under Florida state law. In the complaint the plaintiff – age 74 at time of filing – alleges that Eulen security managers would constantly micromanage him and threaten to fire him without cause but that they did not treat

similarly situated younger employees this way. The Plaintiff also claims that he was referred to as “the old guy” by other employees. Plaintiff alleges that he complained to Eulen’s human resources about the disparate treatment but no action was taken to address his complaints. In July 2018, the Plaintiff further alleges he was terminated and replaced by a younger individual and that Eulen retained all employees who exhibited discriminatory conduct towards him despite the Company’s knowledge of said employees engaging in discrimination actions. As of May 8, 2019, Eulen has not yet responded to the lawsuit and the case remains open.<sup>11</sup>

- In February 2019, a former Eulen airport supervisor filed a lawsuit against Eulen in the 11th Judicial Circuit Court for Miami-Dade County, Florida, claiming that he was discriminated based on race, gender and national origin. In the complaint the plaintiff—a Black Haitian male—recounts having been discharged in March 2018 following a dispute about him leaving at the end of his shift without having completed certain lavatory duties. However, the plaintiff alleges that as a supervisor he was prohibited from staying after his shift and that lavatory work was only done upon request of the manager or if time allowed it. On the day in question, the plaintiff alleged that he did not do lavatory work because he did not receive a request to do the work. Plaintiff further alleges that on other occasions Hispanic and White American Supervisors did not complete lavatory work and were never fired. Finally, the plaintiff claims that a female supervisor with less experience earned a higher wage rate than he did. As of May 8, 2019, Eulen has not yet responded to the lawsuit and the case remains open.<sup>12</sup>
- In October 2018, a former Eulen employee at Miami International Airport filed a discrimination lawsuit against Eulen under Florida state law claiming race and national origin discrimination. Plaintiff – a Black American - alleges that throughout his employment he was subject to disparate treatment from his supervisors and that his supervisors gave preferential treatment to Spanish-speaking Cubans. The Plaintiff’s allegations include that on or about November 2017, Eulen demoted him and three other Black employees without proper reasoning, and that he was replaced by a non-English speaking Cuban. In January 2018, Plaintiff lost his work ID and followed the company protocol for a lost ID. Plaintiff claims that he not allowed to work for almost a month because his supervisors prolonged the process for him to get a new work ID while Spanish speaking employees would not have to wait for almost a month to get a new ID. Upon receipt of the new work ID, the company directed Plaintiff to wait until his supervisor contacted him to about his return to work. Plaintiff was not contacted and was subsequently informed by the company that he was terminated for failing to return to work after receiving his ID. Plaintiff claims that he was retaliated against and discriminated against on the basis of his race and national origin. Eulen has denied the claims and filed a

motion to dismiss the case currently pending before the court. The case remains open and pending in the 11<sup>th</sup> Judicial Circuit Court for Miami-Dade County.<sup>13</sup>

- Also, in October 2018 a former Eulen employee at Miami International Airport filed a discrimination lawsuit against Eulen claiming that she was demoted and then terminated because of her disability or because of her age. Plaintiff alleges that she was approached by a Eulen manager who told her that she would need to resign her position due to her age and because of the breaks she needed to take to manage her diabetes. After the Plaintiff refused to resign she was demoted and her hours were reduced. The Plaintiff also alleges that she was told by the manager that there were no positions available for a sick person. In early 2017, following a short suspension, Plaintiff was told that she would be called back to work when they found her a new position, but she was never called back to work. Eulen has denied the allegations and the case is currently pending in the United States District Court Southern District of Florida (Miami Division).<sup>14</sup>
- In September 2018, Eulen and an individual Eulen supervisor were sued in the United States District Court Southern District of Florida (Miami Division) for retaliation and sex and national origin discrimination by two former employees who worked at the Miami Airport. The plaintiffs are a Cuban-Russian married couple who each worked for Eulen for many years. Allegations include that the individual defendant, a Eulen supervisor would continuously harass the female plaintiff for being Russian and a woman, stating that Russians that married Cubans were “stupid” and “pigs.” The Complaint also alleges that the supervisor was widely known for harassing female Eulen employees, alleging that on a continuous and daily basis he would use sexually charged language, solicited sex from female employees and asked them to send him naked pictures. According to the Complaint, no one complained about the supervisor’s behavior because it was widely known that complaints would result in being fired. However, the female plaintiff alleges that she repeatedly complained directly to the supervisor and objected to his actions, and that in August 2017 she informed the supervisor’s supervisor – (also mentioned in the October 2018 lawsuit above) – of the supervisor’s discriminatory conduct towards women. Instead of acting against the supervisor, she was allegedly offered a position during a shift he knew she could not cover, thus constructively discharging her. Approximately two weeks later, her husband, the other plaintiff in the case, was fired even though he had never been written up or reprimanded. Even though Eulen denied the allegations of the Complaint it agreed to settle the case under unknown terms on April 30, 2019.<sup>15</sup>

### **Whistleblower Claim**

- In September 2018 a former Eulen employees filed a lawsuit against Eulen claiming violation of Florida’s Whistle-Blower Act. The plaintiff alleges that due to her supervisory position she had knowledge about issues that included, but were not limited to, possible

violations of overtime laws, disability laws, federal security laws within the context of an airport, and many more violations of internal policies and procedures. According to the complaint, she claims that in or about December 2016 she discussed these issues with her direct supervisor and a written complaint done on or about January 2017 was to be forwarded to HR for review and investigation. The plaintiff then alleges that almost immediately after her complaint she began to receive disparate treatment from Eulen, and was subsequently terminated. As of May 8, 2019, Eulen has denied all allegations of the complaint, and the case remains pending in the 11<sup>th</sup> Judicial Circuit Court for Miami-Dade County.<sup>16</sup>

### ***Wage and Hour Actions Filed***

Eulen has an alarming history of wage and hour claims filed by its employees for alleged failure to pay overtime and alleged wage theft. Though Eulen always denied the allegations, many of these claims have culminated in settlements. Some of the most recent cases are summarized below.

#### **Wage Complaints at Ft. Lauderdale Airport**

For more than one year Eulen workers at Ft. Lauderdale airport have raised questions about not being paid the full amount of hours that they work leading a group of workers to file wage recovery complaints with Broward County in 2016. In an attempt to dismiss the workers allegations, Eulen submitted attendance and payroll records that appeared to show underpayment of hours worked by employees. When confronted with its own records, and without explaining the discrepancies, in October 2016 Eulen offered to pay workers the full amount they demanded, but without acknowledging any wrongdoing.<sup>17</sup> A few weeks later, Eulen fired one of the workers that presented a wage recovery claim. On November 15, 2016, Eulen workers at FLL went on their fourth strike in less than 2 years, this time to protest against Eulen's recent treatment of its FLL employees.

#### **Overtime Lawsuits**

- In March 2019, a former Eulen Miami Airport worker filed a lawsuit against Eulen claiming that in December 2018 Eulen implemented a new payroll system that automatically deducted thirty minutes daily from employees' hours regardless of whether or not the employee took a break. As a result, the Plaintiff alleges that she and other similarly situated employees were not compensated for all the hours worked, including not being paid at the proper overtime rate for hours worked in excess of 40 per week. Plaintiff claims that after she complained about this practice to her manager and a human resources representative in January 2019, in February 2019 Eulen terminated her in retaliation for her raising this wage and hour issue.<sup>18</sup> On May 7, 2019, Eulen removed the case to the United

States District Court for the Southern District of Florida (Miami) and remains open. As of May 8, 2019, Eulen has not answered the allegations of the lawsuit.<sup>19</sup>

- In November 2017, two former Eulen baggage handlers who worked at the Miami Airport filed a lawsuit against Eulen in federal district court for wage and overtime claims under the Fair Labor Standards Act. The suit alleges that the plaintiffs spent an average of 10 hours per week “engaged to be waiting” predominantly for Eulen’s benefit and/or on call time, but that they were never paid anything for that time. Plaintiffs claim that they should be paid for the overtime rate for the time worked above 40 hours in a week for the time at issue. Eulen filed a motion to compel arbitration and stated that the plaintiffs would not have been eligible to be hired by Eulen unless they completed and signed Eulen’s mandatory arbitration agreement which prevented them to bring the subject lawsuit to the court. The judge granted Eulen’s motion to compel arbitration, resulting in the case to be stayed and administratively closed pending arbitration.<sup>20</sup>
- In June 2015, 13 employees brought a collective action lawsuit to the Miami Southern District Court of Florida against Eulen claiming unpaid overtime.<sup>21</sup> Eulen rejected these allegations, and also defended itself against the claims by asserting that plaintiffs “failed to mitigate their damages by acts including their failure to complain or report any alleged illegality of work requested of them.”<sup>22</sup> Despite denying the allegations, Eulen finally agreed to settle the case on March 9, 2016. As part of the settlement Eulen agreed to pay an estimated \$60,000 consisting of \$2,730.76 to each of the 13 plaintiffs<sup>23</sup> and \$24,500 in attorney fees and costs for the representation of the plaintiffs.
- In October 2014 another case was filed by two Miami airport employees alleging that their checks did not reflect the real number of hours worked and Eulen failed to pay them overtime. The suit alleged that every time Plaintiffs complained they were told there were failures in the computerized system, and both Plaintiffs claimed that they faced retaliation by being fired as a result of their complaints regarding overtime pay.<sup>24</sup> Although Eulen denied the allegations, the case was settled under unknown terms on April 14, 2015.<sup>25</sup>
- In November 2014, another lawsuit was filed in the Miami Southern District Court of Florida on behalf of terminated Eulen employees which alleged that after Eulen settled a previous wage and hour case, Plaintiffs’ counsel provided Eulen attorneys with the names of 36 additional current employees that were represented in another forthcoming overtime case and that shortly thereafter Eulen requested that the 36 employees sign an arbitration agreement requiring them to arbitrate all current and future claims. According to the complaint, after some of the employees refused to sign such agreements, the employees faced retaliation and were terminated. Eulen denied the allegations, but eventually agreed to settle the case under unknown terms on December 15, 2015.<sup>26</sup>

### ***New York City Paid Sick Leave Complaints Filed***

In April 2019 several Eulen America workers at JFK International Airport filed complaints with the NYC Department of Consumer and Worker Protection (DCWP) concerning a possible violation of NYC's Paid Sick Leave Law. The complaints allege that Eulen limited their ability to use their paid sick time that they accrued from the previous year and improperly requested workers to submit a doctor's note for as little as one day out of work.

The DCWP is currently investigating the complaints. Eulen has not publicly responded to the allegations.

### ***Health and Safety Problems on the Job***

**Miami International Airport (2016):** Up to 2016 Eulen had used Ultra Aviation, Inc. as a subcontractor to perform baggage handling work at the tug drive of terminal D of Miami International Airport. In the past Eulen referred to Ultra as a key subcontractor from which it derived hundreds of thousands of dollars in contracts.<sup>27</sup>

The Ultra workers subcontracted by Eulen reported many issues about their worksite, including poor ventilation with exposure to carbon monoxide fumes and high temperatures, lack of protective equipment, drinking water being sourced from a tap next to a toilet, and driving vehicles in dangerous conditions. It was only after the Ultra workers started organizing and provided public testimony to county officials and the press that Eulen agreed to bring additional fans to the worksite as well as switch the gas-powered tugs to electric tugs.

After these workers started organizing for better conditions, Eulen's subcontractor reacted with intimidation tactics – interrogation, impression of surveillance and threats of reprisals, prompting the workers to file unfair labor practices charges against Ultra, the NLRB found merit in the charges presented by the workers. Shortly after Ultra agreed to settlement with the NLRB,<sup>28</sup> the workers at tug drive of terminal D received layoff notices. The workers were later instructed to apply to Eulen because Eulen would perform this work itself rather than subcontract it to Ultra. Yet, Eulen did not hire a significant amount of the displaced workers, all of whom were union activists and several of whom have been leaders in the organizing efforts at the airport. Eulen's failure to hire all of the Ultra displaced workers is a blow to those who exercise their rights to improve working conditions.

### ***OSHA Citations***

Since 2012, the Occupational Safety and Health Administration has cited Eulen for multiple violations of federal workplace health and safety standards at Tampa International Airport.



*Tampa International Airport (2012):* In 2012 as part of two investigations that resulted from an inspection of Eulen America, Inc., as a Delta Airlines' service contractor at Tampa International Airport, Eulen was issued five different citations for violating federal standards.

- In one inspection Eulen was found to have violated standards related to bloodborne pathogens<sup>29</sup> OSHA found that even though Eulen's cabin cleaners were exposed to bloodborne pathogens, Eulen had failed to develop and implement a written exposure control plan. The Eulen Corporate Safety Director agreed that they would develop and implement a bloodborne pathogen exposure control plan and offer the Hepatitis B Vaccine to exposed employees.
- In another inspection<sup>30</sup> Eulen was cited and fined for a total of \$4,050, of which \$3,240 were for a serious violation due to Eulen's ramp employees who opened the door of an airplane without the extension of guardrails. \$810 where due to Eulen's failure not to record an accident in its OSHA Log where an employee was climbing down stairs of high lift truck fell and sustained injuries. Eulen entered into an informal settlement with OSHA agreeing to pay \$3,038 for both of these violations.
- In the same inspection<sup>31</sup> Eulen was cited but not fined for two additional violations which included vehicle nameplates being illegible and not including the date of evaluation and identity of the person(s) performing the training and evaluation.

### Litigation Related to Injuries to Passengers

There are multiple lawsuits that have been filed by passengers of airlines that Eulen served who suffered injuries while using Eulen's wheelchair services and or passengers who claim have been injured as a result of negligent actions by Eulen.

- A case filed in December 2018, a Miami International Airport passenger alleges that she suffered injuries after a Eulen cart made an abrupt turn allegedly causing her right arm to be pinned between the cart and a column at the airport. Eulen has denied the allegations and the case is currently pending in the 11<sup>th</sup> Judicial Circuit Court for Miami-Dade County, Florida.<sup>32</sup>
- In a case filed in August 2017, in the 11<sup>th</sup> Judicial Circuit Court for Miami-Dade County, Florida, a passenger traveling through Miami International Airport claims that when she sat down on a Eulen-provided wheelchair she immediately sustained severe lacerations, and fractured a bone to her right ring finger on a sharp protrusion under the right arm rest. She also claims that she had to receive immediate emergency treatment at a hospital in Miami in which her finger had to be reattached,<sup>33</sup> alleging negligent practices by Eulen to ensure the safety of the passengers it services. Eulen denied the allegations; however, it agreed to settle the case under unknown terms in November 2018.

- In a case filed in July 2017, in the 11<sup>th</sup> Judicial Circuit Court, a passenger traveling through Miami International Airport in March 2016 claims that she suffered injuries after a Eulen cart collided with a wall.<sup>34</sup> Even though Eulen denied the allegations, the case was settled under unknown terms in April 2018.
- In a 2016 case, a passenger traveling through Miami International Airport claims that she suffered injuries after being run into/over by a Eulen golf cart because of Eulen's negligent acts.<sup>35</sup> Even though Eulen denied the allegations, the case was settled under unknown terms in November 2018.

## References

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<sup>1</sup> <http://www.eulen.com/us/>

<sup>2</sup> Eulen Group Corporate Responsibility Report 2016 (In Spanish), p. 21

<sup>3</sup> Eulen Press Release: Alejandro Fonseca Jaubert, New CEO for Grupo Eulen in the United States, 11/02/16

<sup>4</sup> Eulen Group Corporate Responsibility Report 2015, p. 64

<sup>5</sup> 367 NLRB No. 42 (2018)

<sup>6</sup> NLRB Case No. 12-CA-176653

<sup>7</sup> NLRB Case No.12-CA-113350

<sup>8</sup> NLRB Case No. 05-CA-161072

<sup>9</sup> NLRB Case No. 29-CA-167314

<sup>10</sup> NLRB Case No. 29-CA-178354

<sup>11</sup> Diez v. American Sales and Management Organization LLC , Case No. 2019-009158-CA-01, 11<sup>th</sup> Judicial Circuit, Miami-Dade County, Filed March 25, 2019

<sup>12</sup> Romain v. American Sales and Management Org LLC , Case No. 2019-004826-CA-01, 11<sup>th</sup> Judicial Circuit, Miami-Dade County, Filed February 13, 2019

<sup>13</sup> Aladin v. American Sales and Management Organization, LLC Case No, 2018-035267-CA-01, 11<sup>th</sup> Judicial Circuit, Miami-Dade County, filed October 17, 2018.

<sup>14</sup> Jimenez Canedo v. Eulen America Case 1:18-cv-24372-CMA, U.S. District Court Southern District of Florida (Miami), Filed October 22, 2018

<sup>15</sup> Valiente et al v. Eulen America, Inc. et al Case 1:18-cv-23597-CMA, U.S. District Court Southern District of Florida (Miami), Filed October 22, 2018

<sup>16</sup> Marin Igarza et al v. American Sales and Management Organization, LLC, Case No, 2018-030690-CA-01, 11<sup>th</sup> Judicial Circuit, Miami-Dade County, Filed September 10, 2018

<sup>17</sup> Eulen America Letter to Broward County Office of Intergovernmental Affairs and Professional Standards, 10/12/16

<sup>18</sup> Santana v. American Sales and Management Organization LLC , Case No. 2019-009533-CA-01, 11<sup>th</sup> Judicial Circuit, Miami-Dade County, Filed March 28, 2019

<sup>19</sup> Santana v. American Sales and Management Organization, LLC Case No. 1:19-cv-21835-UU, Southern District of Florida, Filed May 7, 2019

<sup>20</sup> Pena et al v. Eulen America, Case No. 1:17-cv-24265-JEM, Southern District of Florida (Miami), Filed November 2017

<sup>21</sup> Lantigua et al v. American Sales and Management Organization, LLC et al, Case No. 1:15-cv-22327-DPG, Southern District of Florida (Miami), Filed June 19, 2015, First Amended Complaint.

<sup>22</sup> Lantigua et al v. American Sales and Management Organization, LLC et al, Case No. 1:15-cv-22327-DPG, Southern District of Florida (Miami), Filed June 19, 2015, Answer and Affirmative Defenses to Plaintiff's First Amended Complaint, p. 5.

<sup>23</sup> Lantigua et al v. American Sales and Management Organization, LLC et al, Case No. 1:15-cv-22327-DPG, Southern District of Florida (Miami), Parties Joint Motion for Approval of Settlement and Stipulation of Dismissal, March 9, 2016

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<sup>24</sup> Diaz v. American Sales and Management Organization, LLC et al., Case No. 1:14-cv-23711-WCT, U.S. District Court Southern District of Florida (Miami), Filed October 8, 2014, Complaint.

<sup>25</sup> Diaz v. American Sales and Management Organization, LLC et al., Case No. 1:14-cv-23711-WCT, U.S. District Court Southern District of Florida (Miami), Filed October 8, 2014,

<sup>26</sup> Ismael Rodriguez Diaz et al vs. American Sales and Management Organization, Eulen America, Inc., Case No. 1:14-cv-24245-RNS, U.S. District Court Southern District of Florida (Miami), Filed November 10, 2014

<sup>27</sup> American Sales and Management Organization dba Eulen America v. Luiz Rodriguez Lopez, Brent Blake, Juan Carlos Alvarez and Mariano Aguilo, Case No. 2014-017706-CA-01, Fourth Amended Complaint p. 20

<sup>28</sup> NLRB Cases 12-CA-176961, 12-CA-175848.

<sup>29</sup> OSHA Inspection 316388719

<sup>30</sup> OSHA Inspection 316388776

<sup>31</sup> OSHA Inspection 316388776

<sup>32</sup> Torres v. Eulen America, Inc., Case No. 2018-040362-CA-01, 11<sup>th</sup> Judicial Circuit, Miami-Dade County, Filed December 4, 2018

<sup>33</sup> Sandoval v. Eulen America Inc., Case No. 2017-018832-CA-01, 11<sup>th</sup> Judicial Circuit, Miami-Dade County, Filed August 3, 2017

<sup>34</sup> Nieves Van-Caneghem v. Eulen American Inc., Case No. 2017-017555-CA-01, 11<sup>th</sup> Judicial Circuit, Miami-Dade County, Filed July 21, 2017

<sup>35</sup> Rico vs. Eulen America Inc., American Sales and Management Organization, Case No 2016-032002-CA-01, U.S. District Court Southern District of Florida (Miami), Filed December 15, 2016