

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 08-20218-CIV-UNGARO/SIMONTON

PAOLO ORTIZ, et al.,

Plaintiffs,

v.

SANTULI CORP., et al.,

Defendants.

\_\_\_\_\_ /

VERDICT FORM

1. Do you find that, as to each Plaintiff named below, the Defendant has proven by a preponderance of the evidence that the use of the tip credit to satisfy the minimum wage obligation was taken in accordance with requirements of the law?

ORTIZ	Yes _____	No <u>✓</u>
ANGULO	Yes _____	No <u>✓</u>
LARZABAL	Yes _____	No <u>✓</u>
JOHN PEREZ	Yes _____	No <u>✓</u>
MARIA PEREZ	Yes _____	No <u>✓</u>

[Note: If your answer to question 1 is "No" as to any Plaintiff, you will have found a minimum wage violation as to each Plaintiff for whom you marked "No." As to each Plaintiff for whom you marked "No", you will need to determine minimum wage damages in paragraph 3, labeled "Minimum Wage Damages."]

GO TO QUESTION 2.

2. Do you find that the Plaintiffs have proven by a preponderance of the evidence that the Defendant either knew or showed reckless disregard for the matter of whether its conduct was prohibited by the Fair Labor Standards Act?

Yes  No

[Note: If you have found for a specific Plaintiff, and your answer to this question is "Yes," you will need to determine the damages going back three years from the day when each Plaintiff joined this case. If your answer is "No," you will need to determine damages going back two years from the date each Plaintiff joined this case.]

IF YOUR ANSWER TO QUESTION 1 WAS "NO," GO TO QUESTION 3; IF YOUR ANSWER TO QUESTION 1 WAS "YES," SKIP QUESTION 3 AND GO TO QUESTION 4.

3. MINIMUM WAGE DAMAGES (answer only if you found a minimum wage violation in your answer to question 1).

Plaintiffs should be awarded the following minimum wage damages:

[Note: The total minimum wage owed may be calculated by multiplying the total number of hours worked (including any hours over 40 hours per week) by the minimum wage rate required by law, and subtracting the amount paid by the Defendants.]

<u>Plaintiff</u>	<u>Total Minimum Wages Owed</u>
ORTIZ	\$ <u>11,358.96</u>
ANGULO	\$ <u>23,465.22</u>
LARZABAL	\$ <u>5,442.04</u>
JOHN PEREZ	\$ <u>20,468.60</u>
MARIA PEREZ	\$ <u>12,717.35</u>

GO TO QUESTION 4.

4. OVERTIME DAMAGES

Plaintiffs should be awarded the following overtime pay damages which are presently owed, if any:

[Note: Do not double count damages, if any, already awarded in your answer to question 3. That is, if you awarded "straight time" for hours worked in excess of 40 hours per week in your answer to question 3, this money should not be included in the amount awarded, if any, in this answer.]

<u>Plaintiff</u>	<u>Total Overtime Owed</u>
ORTIZ	\$ <u>6,081.70</u>
ANGULO	\$ <u>5,240.92</u>
LARZABAL	\$ <del>4,881.25</del> - 126.35
JOHN PEREZ	\$ <u>5,344.17</u>
MARIA PEREZ	\$ <u>3,106.67</u>
PEDROSO	\$ <u>5,644.85</u>

GO TO QUESTION 5.

