

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

Case No. 09-60153-CIV-COHN/SELTZER

DUNKIN' DONUTS FRANCHISED  
RESTAURANTS, LLC and DD IP HOLDER, LLC,

Plaintiffs,

vs.

ANGELO TORRES & SONS -DOWNTOWN  
BROWARD BLVD., INC., GILBERT TORRES and  
ANGELO TORRES, JR.,Defendants.  

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**CONSENT ORDER**

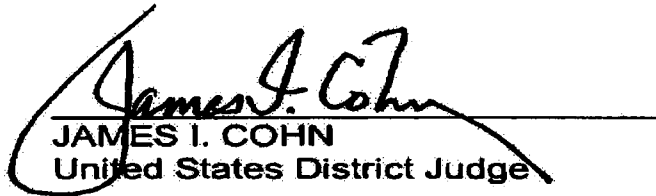
IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiffs and Defendant Angelo Torres & Sons-Downtown Broward Blvd., Inc., *et al.*, that Plaintiffs' Motion for a Preliminary Injunction is resolved upon the following terms and conditions:

1. That Defendants, without admitting breach of the Franchise Agreement, shall cure the violations at its shop located at 1450 Broward Boulevard, Fort Lauderdale, Florida 33496, and identified on the Food Safety and Sanitation Inspection Report (attached hereto as Exhibit A) by no later than April 22, 2009.
2. That, in accordance with the Franchise Agreement, Defendants shall pay to Plaintiffs the attorneys' fees and costs incurred in this action totaling \$2,139.25. Defendants shall pay this amount in full by certified check made payable to "Dunkin' Donuts Franchised Restaurants LLC" by no later than April 29, 2009.

3. That, in the event that Defendants fail to satisfy any of its obligations under this Consent Order and Plaintiffs are required to incur additional fees and costs to enforce the terms of this Consent Order, Defendants shall pay Plaintiffs for such fees and costs in addition to the fees and costs identified in paragraph 2.

Accordingly, it is **ORDERED AND ADJUDGED** that Plaintiffs' Motion for Preliminary Injunction is hereby **DENIED as moot**, and the hearing set for 9:00 a.m. on Friday, April 17, 2009 is hereby **CANCELLED**.

**DONE AND ORDERED** in Chambers at Fort Lauderdale, Broward County, Florida, this 15th day of April, 2009.

  
JAMES I. COHN  
United States District Judge

Copies furnished to:

Counsel of record via CM/ECF

(attachment)

# FOOD SAFETY & SANITATION INSPECTION REPORT

PC# 327278 ADDRESS: 1450 W Broward Blvd Ft Lauderdale

Item	Description	RFSS Manual Reference	Photo ID Key	Inspection Date: <u>3/6/09</u>			Cured*	Re-inspection Date: <u>3/11/09</u>	
				Yes	No	N/A		Yes = Cured	No = Deficiency
FS 1	Are sanitizer solutions clean and of adequate concentration, and test strips used?	RFSS 2-31 & 35	FS 1	Yes	No	N/A	Cured*	Yes	No
FS 2	Are two or three-compartment sinks set up properly (Wash, Rinse, Sanitize, Air-dry)?	RFSS 2-33 & 34	FS 2	Yes	No	N/A	Cured*	Yes	No
FS 3	Are necessary brushes and cleaning utensils available and in-use?	RFSS 2-32	FS 3	Yes	No	N/A	Cured*	Yes	No
FS 4	Are equipment & utensils washed, rinsed & sanitized properly and at proper frequency?	RFSS 2-20, 31 to 42	FS 4	Yes	No	N/A	Cured*	Yes	No
FS 5	Is hot and cold running water available at all sinks?	RFSS 2-8, 2-46	FS 5	Yes	No	N/A	Cured*	Yes	No
FS 6	Are food probe thermometers in use, accurate & sanitized properly?	RFSS 2-11 & 12	FS 6	Yes	No	N/A	Cured*	Yes	No
FS 7	Are refrigerated items in storage units stored at 41°F maximum?	RFSS 2-16	FS 7	Yes	No	N/A	Cured*	Yes	No
FS 8	Are refrigerated items in cold holding units stored at 41°F maximum?	RFSS 2-22 & 23	FS 8	Yes	No	N/A	Cured*	Yes	No
FS 9	Are Employees free of illness symptoms?	RFSS 2-4 & 5, Emp. Health Placard	FS 9	Yes	No	N/A	Cured*	Yes	No
FS 10	Do the Employees and Restaurant Manager understand the Dunkin' Brands Inc. standard for Employee Health and is placard posted?	RFSS 2-4 & 5	FS 10	Yes	No	N/A	Cured*	Yes	No
FS 11	Are handwash sinks provided, shielded, accessible, working properly, dedicated for hand washing only and supplied with approved hand soap and single use paper towels or heated hand dryer?	RFSS 2-8, 2-32, 2-46	FS 11	Yes	No	N/A	Cured*	Yes	No
FS 12	Are all Crewmembers demonstrating proper hygiene (e.g. properly washing hands, properly using gloves, bandaging & covering cuts, burns, & scratches)?	RFSS 2-7 to 10	FS 12	Yes	No	N/A	Cured*	Yes	No
FS 13	Is restaurant free of pests? (e.g. no evidence of rodents, bugs, or birds)	RFSS 2-49 to 52	FS 13	Yes	No	N/A	Cured*	Yes	No
FS 14	Is the restaurant free of imminent health hazards (e.g. sewer backup, alleged illness outbreak, adulterated product, power outage, no running water)?	RFSS 4-2 to 10	FS 14	Yes	No	N/A	Cured*	Yes	No
FS 15	Are foods protected from contamination (e.g. off floor, covered, not under leaking pipes or condensation, shielded from sink, leftovers used only once, approved storage containers, unprocessed produce washed in colander)?	RFSS 2-15 to 20 & 24 to 30	FS 15	Yes	No	N/A	Cured*	Yes	No
FS 16	Are food allergen risks addressed (e.g. food properly labeled, current flavor strips, allergen decal posted, nut products stored below non-nut products, nut products made after non-nut products, food contact surfaces cleaned after preparation of products containing allergens)?	RFSS 2-16, 19, 24, 27, 41	FS 16	Yes	No	N/A	Cured*	Yes	No
FS 17	Are all foods dated, rotated FIFO and within code date?	RFSS 2-16, 17, 23, 24	FS 17	Yes	No	N/A	Cured*	Yes	No
FS 18	Are Dunkin' Donuts pre-portioned breakfast items cooked in an approved microwave to 140°F (or per recipe depending on product) for 15 seconds minimum?	RFSS 2-22	FS 18	Yes	No	N/A	Cured*	Yes	No
FS 19	Are hot potentially hazardous foods held at 140°F minimum?	RFSS 2-22 & 23	FS 19	Yes	No	N/A	Cured*	Yes	No
FS 20	Are Bulk Food Items (soup, meat, chili) cooked or leftovers reheated in approved equipment to 165°F (or 140°F depending on product) for 15 seconds minimum?	RFSS 2-21 & 22	FS 20	Yes	No	N/A	Cured*	Yes	No

Cured\* = The deficiency was resolved in the moment. A Notice To Cure has not been issued for this item.