

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF FLORIDA  
Miami Division

**Case Number: 12-21005-CIV-MORENO**

MIGUEL A. NAVARRO,

Plaintiff,

vs.

BJ RETREADER TIRES INC. and LORENZO  
BUITRON, individually,

Defendants.

---

**ORDER DENYING MOTION TO DISMISS COUNT IV**

THIS CAUSE came before the Court upon the Defendants' Motion to Dismiss Count IV (D.E. No. 10), filed on May 15, 2012. The Defendants' argued that count IV should be dismissed because the Plaintiff had failed to satisfy the notice requirement of Florida's Minimum Wage Act. In order to file a claim for minimum wage in Florida, a plaintiff is required to notify the employer in writing of the plaintiff's intent to file such a claim and provide the employer with fifteen days after this notice to settle the claim. Fla. Stat. § 448.110(6)(a) (2011).

In response to this motion, the Plaintiff stated that he had sent the required written notice to the Defendants on January 20, 2012 and attached a copy of the notice it had provided to Defendants. The attached notice complies with Florida's Minimum Wage Act: it identifies the minimum wage the plaintiff claims he should have received, the estimated work dates and hours, and the total amount of alleged unpaid wages. Fla. Stat. § 448.110(6)(a)(2011). The notice is clearly labeled as a "Notice of Intent to Initiate Litigation under the Florida Minimum Wage Act" and advises Defendants that they have fifteen calendar days to resolve the matter before suit would be filed

against them.

THE COURT has considered the motion, response and the pertinent portions of the record, and being otherwise fully advised in the premises, it is

**ADJUDGED** that the motion is DENIED. The Defendants must file a response to the Plaintiff's Complaint by **June 26, 2012**.

DONE AND ORDERED in Chambers at Miami, Florida, this 4<sup>th</sup> day of June, 2012.

  
\_\_\_\_\_  
FEDERICO A. MORENO  
CHIEF UNITED STATES DISTRICT JUDGE

Copies provided to:  
Counsel of Record