

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

CASE NO. 12-cv-24106-JLK

YULEIMY M. RAMOS, *and all others*  
*similarly situated,*

Plaintiff,

v.

GUIRIBITEY COSMETIC & BEAUTY  
INSTITUTE, INC, *a Florida corporation;*  
PEDRO GUIRIBITEY, *individually;*  
TATIANA GUIRIBITEY, *individually;* and  
JACOBO GUIRIBITEY, *individually*

Defendants.

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**ORDER ON FINDING OF UNDISPUTED FACT**

THIS CAUSE comes before the Court upon a review of the record. Plaintiff previously has sought summary judgment that individual Defendants Tatiana Guiribitey, Jacobo Guiribitey, and Pedro Guiribitey had operational control of the corporate Defendant. D.E. 43. By separate Order Denying Plaintiff's Motion for Partial Summary Judgment, the Court has denied the Motion but found that there is no dispute as to the issue of Defendant Tatiana's exercise of operational control over the corporate Defendant. D.E. 69.

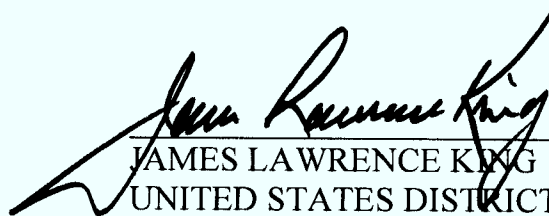
In her Response to Interrogatory, Defendant Tatiana Guiribitey concedes she had operational control over the corporate Defendant. D.E. 43-3 #9. Moreover, she names

herself as a person who she supervised employee work conditions, determined the method and rate of employee pay, kept employment records, made sure sufficient funds were available to make payroll, and was in charge of day-to-day operations. D.E. 43-3 #2, 3, 6-8. Defendants' Response to the Motion for Partial Summary Judgment does not address Defendant Tatiana Guiribitey.

In the interest of narrowing the issues in advance of the upcoming trial set for the two-week period beginning January 13, 2014 and saving the time of arguing this issue at the pretrial conference set for December 13, 2013 (at which time issues are narrowed), the Court finds that the issue of Defendant Tatiana Guiribitey's having operational control over the corporate Defendant is undisputed.

Accordingly, upon a careful review of the record and the Court being otherwise fully advised, it is **ORDERED, ADJUDGED, and DECREED** that Defendant Tatiana Guiribitey's had operational control over the corporate Defendant for the three-year time period preceding the filing of the Complaint and the issue need not be litigated at trial.

**DONE and ORDERED** in Chambers at the James Lawrence King Federal Justice Building and United States Courthouse, Miami, Florida this 21st day of November, 2013.

  
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JAMES LAWRENCE KING  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF FLORIDA

cc: All Counsel of Record