

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF FLORIDA  
**Case Number: 16-23170-CIV-MORENO**

ELLIOT GELBER, and all others similarly  
situated, RUBEN YERO, SIGFREDO  
HERNANDEZ, MONICA VILA, FARA DIAZ,  
JORGE AGULAR, CASSANDRA BAKER,  
SYLVIA BATISTA, SANDRA AMENEIRO,  
JEAN VALBRUM, ANGEL LOPEZ, CARLOS  
TOLENTINO, MAGALIE SANTIAGO, LUIS  
PAGAN, LAREZO MORERA, RUBEN  
CATALA, ANEWRY S ROSARIO, and REY  
RIJOS,

Plaintiffs,

vs.

AKAL SECURITY, INC.,

Defendant.

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**ORDER GRANTING RECONSIDERATION OF SUMMARY JUDGMENT**

Pursuant to Federal Rules of Civil Procedure 56 and 58, and in accordance with the reasons stated in Open Court, the Court reconsiders its Order Denying Summary Judgment. Consistent with the parties' indication in Open Court that there are no issues of material fact, the Court finds in favor of the Plaintiffs that there was no bona fide meal break for the Air Security Officers on the return empty legs of their work flights and that Plaintiffs are entitled to compensation for their travel time under *Kolhein v. Glynn County, Ga.*, 915 F.2d 1473 (11th Cir. 1990) and the Code of Federal Regulations § 785.19. Specifically, the Court found the undisputed evidence showed that the Air Security Officers were not "relieved of work for the purpose of eating a regularly scheduled meal."

After hearing testimony on the issue of willfulness and given Plaintiff's waiver of jury trial on this issue, the Court finds the Defendant did not act willfully in violating the Fair Labor Standards Act and acted on the good faith advice of counsel.

DONE AND ORDERED in Open Court at Miami, Florida, this 14<sup>th</sup> of October 2018 and signed in chambers this 9<sup>th</sup> day of October 2018.

  
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FEDERICO A. MORENO  
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record