



LEXSEE 291 F. APPX. 310

**JASON A. PELLON, DANNY BALLADARES, et al., Plaintiffs-Appellants, versus  
BUSINESS REPRESENTATION INTERNATIONAL, INC., JOSEPH C.  
LORENZO, Defendants-Appellees.**

**No. 08-10133**

**UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT**

*291 Fed. Appx. 310; 2008 U.S. App. LEXIS 19077*

**September 3, 2008, Decided  
September 3, 2008, Filed**

**NOTICE:** PLEASE REFER TO FEDERAL RULES OF APPELLATE PROCEDURE RULE 32.1 GOVERNING THE CITATION TO UNPUBLISHED OPINIONS.

**PRIOR HISTORY:** [\*\*1]

Appeal from the United States District Court for the Southern District of Florida. D. C. Docket No. 06-22738-CV-FAM.

*Pellon v. Bus. Representation Int'l, Inc., 528 F. Supp. 2d 1306, 2007 U.S. Dist. LEXIS 92360 (S.D. Fla., 2007)*

**DISPOSITION:** AFFIRMED.

**COUNSEL:** For Jason A. Pellon, Danny Balladares, Ivan Perez, James Gonzalez, Frandceau Dujour, Joel Cruz, Reazul Ansari, Larry Butler, Pedro Luis Perez, Adrian Hussain, Jorge Rodriguez, Alfred Edwards, Enrique Aguilera, Eugene Bravo, Walter Guasp, Mohammad S. Haq, Jacques Jean, Augusto Manon, Jose Merino, Ana Narvaez, Javier Orozco, Joalbert Suyama, Carlos Vigo, Donald Wilcox, Hector Zea, Appellants: Jamie H. Zidell, J.H. Zidell, P.A., MIAMI BEACH, FL.

For Business Representation International, Inc., Appellee: Mark J. Beutler, Epstein Becker & Green, P.C., Miami, FL.

For Joseph C. Lorenzo, Appellee: Michael W. Casey, III,

Epstein Becker & Green, P.C., MIAMI, FL.

**JUDGES:** Before BIRCH and MARCUS, Circuit Judges, and FORRESTER, \* District Judge.

\* Honorable J. Owen Forrester, United States District Judge for the Northern District of Georgia, sitting by designation.

**OPINION**

[\*311] PER CURIAM:

Appellants, a group of fifty-three airport employees commonly known as "skycaps," appeal from the district court's entry of summary judgment in favor of their employer, Business Representation International, Inc. [\*\*2] ("BRI"), and BRI's sole owner, Joseph C. Lorenzo (together, "the defendants"). The skycaps allege that the defendants violated certain minimum wage requirements of the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 201 *et seq.* On appeal, they contend that the district court erred in rejecting their claims that: (1) BRI failed to give them adequate notice of its intention to use their tips towards its minimum wage obligations under the FLSA; (2) BRI required them to perform "non-tipped" tasks beyond their ordinary job responsibilities without appropriate compensation; and (3) a fee they were required to collect from customers constituted

impermissible tip-sharing within the meaning of the FLSA.

We review a district court's grant of summary judgment *de novo*. See, e.g., *Natural Answers, Inc. v. SmithKline Beecham Corp.*, 529 F.3d 1325, 1329 (11th Cir. 2008). Summary judgment is appropriate where "there is no genuine issue as to any material fact and . . . the movant is entitled to judgment as a matter of law." *Fed. R. Civ. P. 56(c)*. On summary judgment, we "view the evidence and all factual inferences therefrom in the light most favorable to the non-moving party, and resolve

all reasonable [\*\*3] doubts about the facts in favor of the non-movant." *Kingsland v. City of Miami*, 382 F.3d 1220, 1226 (11th Cir. 2004).

After thorough review of the record and careful consideration of the parties' briefs and oral argument, we affirm on the basis of the district court's well-reasoned order issued on December 17, 2007. See *Pellon v. Bus. Representation Int'l, Inc.*, 528 F. Supp. 2d 1306 (S.D. Fla. 2007).

**AFFIRMED.**