

IN THE CIRCUIT COURT OF THE 15th
JUDICIAL CIRCUIT IN & FOR PALM
BEACH COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

THOMAS BOOTHE,	:	CASE NO.
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
ABC JS AUTO IMPORTS, LLC	:	
d/b/a DELRAY HYUNDAI,	:	
	:	
Defendants.	:	
_____	/	

COMPLAINT

Plaintiff, THOMAS BOOTHE, through counsel, sues Defendant, ABC JS AUTO IMPORTS, LLC d/b/a DELRAY HYUNDAI (hereinafter referred to as the "Employer"), and alleges as follows:

A. JURISDICTION

1. This is an action for damages for an amount in excess of the minimal jurisdictional limits of this Court, to wit: FIFTY THOUSAND (\$50,000.00) DOLLARS, exclusive of interest, fees or costs but less than \$75,000.00, exclusive of interest, fees or costs, for all relief available to Plaintiff in this case. Alternatively, Plaintiff has limited his relief for this claim to less than \$75,000.00.

B. THE PARTIES

2. For Count I, based on the Employer's actions as described herein, Plaintiff was retaliated against in violation of §448.102, Fla. Stat.

3. The Employer was Plaintiff's employer at all times material and does business in Palm Beach County, Florida as a Florida limited liability corporation d/b/a Delray Hyundai. While Plaintiff worked for the Employer as a Biller in its Finance Department, it employed 10 or more employees.

4. Plaintiff was the Employer's employee working as a Biller from 5/28/24 through 9/18/24 when he was fired by Manny Vallejo, General Manager, & Katie Parker, Controller, based on his 8/15/24 written and verbal complaint to Alina Parilla, Office Manager, and follow-up complaints to the Employer's upper management. Prior to Plaintiff's 8/15/24 complaint, he had received no discipline or reprimands from the Employer.

5. In Plaintiff's 8/15/24 complaint, he complained and/or protested to the Employer that, among other operational issues, he observed the Employer's Title Clerk forge a customer's signature on a tax form who then had the Inventory Clerk to illegally notarize the forged customer signature for submittal to the State of Florida in order to complete a sale so the Employer could book the auto sale. When Plaintiff complained to the Employer's Office Manager about what he saw, he was told to "keep quiet" since that was how the Employer operated efficiently.

6. When Plaintiff continued to complain about the forged signature that was improperly notarized in violation of §319.33 and §831.02, Fla. Stats., and the FDUTPA, he was fired.

7. Based on ¶¶ 4-6, Plaintiff objected to and/or complained to the Employer about an activity, policy or practice of the Employer that violated state laws, rules and regulations and several federal statutes as well.

8. As a direct and proximate result of the Employer's acts as alleged above, the Employer violated §448.102, Fla. Stat. and Plaintiff has been damaged and he is entitled to the relief as provided at §448.103(2), Fla. Stat.

9. Pursuant to §448.104, Fla. Stat., Plaintiff is entitled to his attorneys' fees and costs for bringing this action and Plaintiff has retained the undersigned law firm and is obligated thereby to pay for such fees and costs incurred herein.

10. All conditions precedent to the filing of this action (if any) have occurred or have been otherwise waived.

COUNT I
PLAINTIFF'S WHISTLE-BLOWER'S
CLAIM AGAINST THE EMPLOYER

11. The allegations of ¶¶ 1-10 are realleged and incorporated herein by reference.

12. This is a claim for damages pursuant to the Whistle-Blower's Act, codified at §§448.102(3), Fla. Stat.

13. As a direct and proximate result of the Employer's acts, the Employer retaliated against Plaintiff in violation of §448.102(3), Fla. Stat., entitling him to the remedies provided at §448.103(2), Fla. Stat.

WHEREFORE, Plaintiff demands judgment against the Employer for the remedies provided at §§448.103(2), Fla. Stat. (as limited by ¶1 above), including his attorneys' fees and costs as provided at §448.104, Fla. Stat., and any other relief this Court deems just and proper.

JURY DEMAND

Plaintiff demands a trial by jury for Count I.

Respectfully submitted,

/s/ Lawrence J. McGuinness

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