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IN THE CIRCUIT COURT OF THE 11TH
JUDICIAL CIRCUIT IN AND FOR
MIAMI-DADE COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

CASE NO. 2024-023451-CA-01

COLOUR REPUBLIC, LLC

Plaintiff,

vs.

JOHN DOE a/k/a PEDRO A. VALLEJO,

Defendant.

**EMERGENCY EX-PARTE MOTION FOR ORDER DIRECTING THE FLORIDA
DEPARTMENT OF STATE TO REMOVE A FRAUDULENT FILING¹**

Plaintiff, Colour Republic, LLC ("Colour"), by and through undersigned counsel, hereby move on an emergency *ex-parte* basis, for entry of an Order directing the Florida Department of State to remove a fraudulent filing from Colour's records on Sunbiz.

Ex-Parte Relief

This motion is being filed on an *ex-parte* basis because Defendant John Doe a/k/a Pedro A. Vallejo ("Defendant") has committed illegal acts against Colour using a false name and address. As such, Colour does not, as of the time of this filing, know Defendant's true name or address and cannot serve Defendant with the Complaint in this matter or with this motion.

Additionally, an *ex-parte* filing is appropriate even if Colour was able to serve Defendant because if Defendant is given notice of the relief requested herein, Colour has a good faith belief

¹ On December 10, 2024, Colour filed its Verified Complaint in this matter. The Verified Complaint is attached hereto as Exhibit "A" and incorporated herein.

that Defendant would commit additional illegal acts against Colour before the relief requested can be granted and the appropriate action can be taken by the Florida Department of State.

Emergency Relief

Colour seeks relief on an emergency basis because Defendant has already attempted to use his illegal acts to gain access to Colour's bank account and corporate records.

In further support of this Motion, Colour states as follows:

FACTUAL ALLEGATIONS

5. On December 3, 2024, Colour received an email notification from the Florida Department of State advising as follows: "This notice is to make you aware of a recent change or filing on the Florida Department of State, Division of Corporations' records. If you or another authorized person did not make the change or filing, you should review your records at <http://www.sunbiz.org/search.html>."

6. Upon review of the corporate information on Sunbiz, Colour discovered that the registered agent and manager had been changed to an individual named "Pedro Vallejo" (the "Fraudulent Filing"). A copy of the Fraudulent Filing is attached hereto as Exhibit "B."

7. Colour was not aware of the changes nor did it authorize any such changes.

8. Colour immediately contacted the Doral Police Department to make a report.

9. Within two hours of Colour being notified of the unauthorized changes on Sunbiz,

Defendant was at a Wells Fargo branch in Hialeah attempting to add himself as a signatory to Colour's bank account.²

10. Colour immediately contacted the Hialeah Police Department to make a report.

11. Colour contacted the office of the Florida Department of State who confirmed that there can only be one amended Annual Report filed for a company per day. Per the instructions received, Colour had articles of amendment physically filed with a Statement of Fact detailing the fraudulent conduct. A copy of the Statement of Fact is attached hereto as Exhibit "C."

12. False information submitted in a document to the Department of State constitutes a third degree felony. Section 817.155, Florida Statutes.

13. The Florida Department of State has advised Colour that a Court Order directing the Florida Department of State to remove the Fraudulent Filing from Sunbiz is required before the Fraudulent Filing can be removed.

WHEREFORE, Colour respectfully requests that the Court enter an Order, in the form attached hereto, directing the Florida Department of State to immediately remove the Fraudulent Filing, and for such further relief as this Court deems just and proper.

² Wells Fargo, after becoming suspicious, refused to accept the change requested by Defendant, and instead contacted Colour.

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Respectfully submitted,

MARKO & MAGOLNICK, P.A.

Attorneys for Plaintiff

3001 S.W. 3rd Avenue

Miami, Florida 33129

Telephone: (305) 285-2000

Facsimile: (305) 285-5555

By: /s/Joel S. Magolnick

Joel S. Magolnick, Esq.

Florida Bar No.: 776068

magolnick@mm-pa.com

Filing # 212555821 E-Filed 12/10/2024 02:59:53 PM

EXHIBIT "A"

IN THE CIRCUIT COURT OF THE 11TH
JUDICIAL CIRCUIT IN AND FOR
MIAMI-DADE COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

CASE NO.

COLOUR REPUBLIC, LLC

Plaintiff,

vs.

JOHN DOE a/k/a PEDRO A. VALLEJO,

Defendant.

_____ /

VERIFIED COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, Colour Republic, LLC ("Colour"), sues defendant, John Doe a/k/a Pedro Vallejo ("Defendant"), and, as grounds therefor, states as follows:

PARTIES AND JURISDICTION

1. This is an action for injunctive relief and for damages.
2. At all relevant times, Colour was and is a Florida limited liability company, with its principal place of business in Miami-Dade County, Florida.
3. At all relevant times, Defendant, whose real identity is currently unknown, purports to have an address of 8179 NW 8th St., Apt. 78, Miami, Florida 33126.¹

FACTUAL ALLEGATIONS

5. On December 3, 2024, Colour received an email notification from the Florida

¹ Upon information and belief, Defendant's address is also false. Once the true identity of the Defendant becomes known, Colour will amend its Complaint accordingly.

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Department of State advising as follows: "This notice is to make you aware of a recent change or filing on the Florida Department of State, Division of Corporations' records. If you or another authorized person did not make the change or filing, you should review your records at <http://www.sunbiz.org/search.html>."

6. Upon review of the corporate information on Sunbiz, Colour discovered that the registered agent and manager had been changed to an individual named "Pedro Vallejo."

7. Colour was not aware of the changes nor did it authorize any such changes.

8. Colour immediately contacted the Doral Police Department to make a report.

9. Within two hours of Colour being notified of the unauthorized changes on Sunbiz, Defendant was at a Wells Fargo branch in Hialeah trying to add himself as a signatory to Colour's bank account.²

10. Colour immediately contacted the Doral Police Department to make a report.

11. Colour contacted the office of the Florida Department of State who confirmed that there can only be one amended Annual Report filed for a company per day. Per the instructions received, Colour had articles of amendment physically filed with a Statement of Fact detailing the fraudulent conduct. A copy of the Statement of Fact is attached hereto as Exhibit "A."

12. Colour has also been advised the Florida Department of State that Colour cannot remove the fraudulent filing from Sunbiz without a Court Order requiring them to remove the records.

² Wells Fargo became suspicious, did not accept the change requested by Defendant, and instead contacted Colour.

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13. False information submitted in a document to the Department of State constitutes a third degree felony. Section 817.155, F.S.

COUNT I

TORTIOUS INTERFERENCE

14. Colour re-alleges and incorporates the allegations of Paragraphs 1-13 of this Complaint as though more fully set forth herein, and alleges further:

15. At all relevant times, Colour has legitimate and protectable interests in its business relationships with its business associates, clients, and vendors, including Wells Fargo, as well as with the Florida Department of State.

16. At all relevant times, Defendant was aware that Colour has ongoing business relationships with its business associates, clients, and vendors, including Wells Fargo, as well as with the Florida Department of State.

17. Defendant, without a legal right to do so, has illegally, tortiously, intentionally and maliciously interfered with Colour's rights with regard to its business relationships with its business associates, clients, and vendors, including Wells Fargo, as well as with the Florida Department of State.

18. As a direct and proximate result of Defendant's interference, Colour has suffered damages, in an amount to be proven at trial.

WHEREFORE, Colour demands judgment against Defendant for compensatory damages, plus costs, and for such further relief as this Court deems just and proper.

Colour Republic v. John Doe
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COUNT II

INJUNCTIVE RELIEF

19. Colour re-alleges and incorporates the allegations of Paragraphs 1-13 of this Complaint as though more fully set forth herein, and alleges further:

20. Colour seeks entry of an injunction, prohibiting Defendant from the continuing illegal and unauthorized interference with Colour's business, banking, and business records.

21. By virtue of the foregoing, Colour has demonstrated a likelihood of success on the merits of its claim that Defendant, for the sole purpose of causing injury to Colour, is

22. By virtue of the foregoing, Colour has also demonstrated that a balancing of the equities favors the issuance of an injunction against Defendant.

23. By virtue of Defendant's wrongful conduct, Colour has suffered and will continue to suffer significant damages, the amount of which is unascertainable at this time.

24. Unless Defendant is enjoined from the foregoing conduct, Colour will be irreparably harmed.

25. Colour does not have an adequate remedy at law.

26. The granting of the injunctive relief sought herein does not contravene the public interest.

WHEREFORE, Colour respectfully requests that the Court enter an injunction enjoining Defendant, directly or indirectly, whether alone or in concert with others, until hearing and thereafter until further Order of this Court, from illegally, wrongfully, unjustifiably and/or

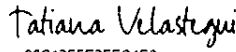
Colour Republic v. John Doe
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intentionally interfering with Colour's business, banking, and business records, and for such further relief as this Court deems just and proper.

VERIFICATION

I, Tatiana Velastegui, Controller of Colour Republic, LLC, do hereby verify that I have read the foregoing Complaint and further verify that the factual allegations set forth therein are true and correct.

Signed by:

96C13FFE3FEC4E3 ...
Tatiana Velastegui, Controller
12/10/2024

Respectfully submitted,

MARKO & MAGOLNICK, P.A.
Attorneys for Plaintiff
3001 S.W. 3rd Avenue
Miami, Florida 33129
Telephone: (305) 285-2000
Facsimile: (305) 285-5555

By: /s/Joel S. Magolnick
Joel S. Magolnick, Esq.
Florida Bar No.: 776068
magolnick@mm-pa.com

EXHIBIT "B"

2024 FLORIDA LIMITED LIABILITY COMPANY AMENDED ANNUAL REPORT

DOCUMENT# L04000011606

Entity Name: COLOUR REPUBLIC, LLC

Current Principal Place of Business:

8901 NW 33 STREET
STE 100
DORAL, FL 33172

Current Mailing Address:

8901 NW 33 STREET
STE 100
DORAL, FL 33172 US

FEI Number: 20-0720422

Certificate of Status Desired: Yes

Name and Address of Current Registered Agent:

VALLEJO, PEDRO A
8179 NW 8TH ST
APT
MIAMI, FL 33126 US

The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.

SIGNATURE: PEDRO VALLEJO

12/03/2024

Electronic Signature of Registered Agent

Date

Authorized Person(s) Detail :

Title MANAGER
Name VALLEJO, PEDRO A
Address 8179 NW 8TH ST
APT 78
City-State-Zip: MIAMI FL 33126

I hereby certify that the information indicated on this report or supplemental report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am a managing member or manager of the limited liability company or the receiver or trustee empowered to execute this report as required by Chapter 605, Florida Statutes, and that my name appears above, or on an attachment with all other like empowered.

SIGNATURE: PEDRO VALLEJO

MANAGER

12/03/2024

Electronic Signature of Signing Authorized Person(s) Detail

Date

EXHIBIT "C"

L04000011606

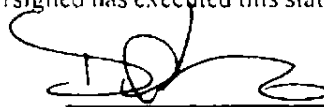
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STATEMENT OF FACT

The undersigned hereby certifies, under penalty of perjury, and notifies the Florida Department of State (the "Department") that states the following facts with regard to COLOUR REPUBLIC, L.L.C (the "Company"):

1. My name is David Everett Marko, Esq., and I am an attorney and an authorized agent for the Company;
2. The Articles of Organization were filed on February 12, 2004 and assigned document number L04000011606;
3. Carlos Davalos and Remigio Davalos, are the true and correct Managers of the Company and M&M RA Services, L.L.C is the true and correct registered agent of the Company. The registered office address of the registered agent is 3001 SW 3rd Avenue, Miami, Florida 33129;
4. On December 3, 2024, an Amended Annual Report was filed fraudulently by "Pedro A. Vallejo," changing the registered agent name and address, and the authorized person/manager details of the Company (the "Fraudulent Filing");
5. Pedro A. Vallejo is not affiliated with the Company in any capacity and had no authority to file the amendment;
6. The Fraudulent Filing was filed without the knowledge or consent of the manager of the Company and stamped with filing number 9647234795CC; and
7. The Fraudulent Filing constitutes a false, fictitious, or fraudulent statement in a matter within the jurisdiction of the Department, as described in Section 817.155, Florida Statutes.

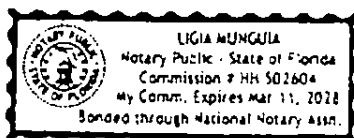
IN WITNESS WHEREOF, the undersigned has executed this statement of fact on this 3rd day of December, 2024.

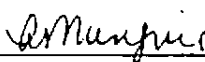


David Everett Marko, Esq.
Authorized Representative, Attorney in Fact

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 3rd day of December, 2024, by David Everett Marko, Esq., who is personally known to me, as its authorized representative and registered agent for Colour Republic, L.L.C.

(NOTARY SEAL)




Notary Public, State of Florida
Print Name: Ligia Munguia
Commission No.: _____
My Commission Expires _____

IN THE CIRCUIT COURT OF THE 11TH
JUDICIAL CIRCUIT IN AND FOR
MIAMI-DADE COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

CASE NO.

COLOUR REPUBLIC, LLC

Plaintiff,

vs.

JOHN DOE a/k/a PEDRO A. VALLEJO,

Defendant.

**[PROPOSED] ORDER GRANTING EMERGENCY *EX-PARTE* MOTION FOR ORDER
DIRECTING THE FLORIDA DEPARTMENT OF STATE TO REMOVE A
FRAUDULENT FILING**

THIS MATTER came before the Court on Plaintiff Colour Republic, LLC's Emergency *Ex-Parte* Motion for Order Directing the Florida Department of State to Remove a Fraudulent Filing (the "Motion"), and the Court having reviewed the file and being otherwise duly advised in the premises, it is hereby

ORDERED AND ADJUDGED that

1. The Motion is **GRANTED**.
2. The Florida Department of State is hereby directed to remove from Sunbiz the following fraudulent filing: 2024 Florida Limited Liability Company Amended Annual Report for Colour Republic, LLC (DOCUMENT# L04000011606), filed on December 3, 2024 stamped with filing number 9647234795CC.

Colour Republic v. John Doe
Order on Emergency Motion

Case No.

DONE AND ORDERED in Chambers in Miami, Florida on this ___ day of December 2024.

HON. PEDRO P. ECHARTE
CIRCUIT COURT JUDGE

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL
CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA**

CASE NO: 2024-023451-CA-01

SECTION: CA09

JUDGE: Pedro P Echarte Jr.

Colour Republic, LLC

Plaintiff(s)

vs.

John Doe

Defendant(s)

**ORDER GRANTING EMERGENCY EX-PARTE MOTION FOR ORDER DIRECTING
THE FLORIDA DEPARTMENT OF STATE TO REMOVE A FRAUDULENT FILING**

THIS MATTER came before the Court on Plaintiff Colour Republic, LLC's Emergency *Ex-Parte* Motion for Order Directing the Florida Department of State to Remove a Fraudulent Filing (the "Motion"), and the Court having reviewed the file and being otherwise duly advised in the premises, it is hereby

ORDERED AND ADJUDGED that

1. The Motion is **GRANTED**.
2. The Florida Department of State is hereby directed to remove from Sunbiz the following fraudulent filing: 2024 Florida Limited Liability Company Amended Annual Report for Colour Republic, LLC (DOCUMENT# L04000011606), filed on December 3, 2024 stamped with filing number 9647234795CC.

DONE and **ORDERED** in Chambers at Miami-Dade County, Florida on this 11th day of December, 2024.

2024-023451-CA-01 12-11-2024 9:24 AM

2024-023451-CA-01 12-11-2024 9:24 AM

Hon. Pedro P Echarte Jr.

CIRCUIT COURT JUDGE

Electronically Signed

No Further Judicial Action Required on **THIS MOTION**

CLERK TO **RECLOSE** CASE IF POST JUDGMENT

Electronically Served:

JOEL S MAGOLNICK, magolnick@mm-pa.com

JOEL S MAGOLNICK, sandy@mm-pa.com

JOEL S MAGOLNICK, file@mm-pa.com

Physically Served: