

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 14-13774
Non-Argument Calendar

D.C. Docket No. 1:12-cv-20624-WMH

MAXIMILLIAN ABREU,
DARIO SILVESTRO,
MICHELLE ZAPATA,
on their own behalves and others similarly situated,
CIRCE C. RAYMOND,
EUNICE URAMIARE,
FRANCISCO R. ARRUNTEGUI,
JAVIER OITANA,
JULIO CHENG,
LEONARDO ARRAEZ,

Plaintiffs - Appellants,

versus

RUSSIAN PALACE, INC., etc.

Defendant,

DMITRI KOTIKOVSKI,

Defendant - Appellee.

Appeal from the United States District Court
for the Southern District of Florida

(July 9, 2015)

Before WILSON, JORDAN, and JILL PRYOR, Circuit Judges.

PER CURIAM:

Maximillian Abreu, on behalf of himself and other similarly situated Appellants (collectively, Appellants), appeals the district court's order granting Defendant-Appellee Dmitri Kotikovski's motion for summary judgment. Appellants filed suit against their former employer, Russian Palace, Inc. (Russian Palace), and Kotikovski individually pursuant to the Fair Labor Standards Act (FLSA), alleging that they had not been paid weekly and overtime wages. The district court entered a default judgment against Russian Palace and Kotikovski. However, Kotikovski successfully moved to set aside the default judgment against him and subsequently filed a motion for summary judgment, which the district court granted.

After consideration of the parties' briefs and upon thorough review of the record, we find that summary judgment was properly entered. The district court correctly determined that Abreu failed to present evidence that Russian Palace exceeded the gross annual revenue threshold of \$500,000.00 required to establish

enterprise coverage under the FLSA, and he failed to establish that Appellants were entitled to individual coverage under FLSA as cooks, chefs, servers, and managers because their job duties were inconsistent with duties that have been considered to include activities of interstate commerce. Accordingly, the judgment of the district court granting Kotikovski's motion for summary judgment is

AFFIRMED.