

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION

DANIEL DEMAYO, on behalf of himself and
others similarly situated,

Plaintiff,

v.

Case No. 5:08-cv-528-Oc-GRJ

REEDY'S ALL SERVICE, INC., a Florida
corporation, DAVID REEDY, individually,
WAYNE REEDY, individually,

Defendants.

MEMORANDUM DECISION AND ORDER

This lawsuit was brought by Plaintiff, Daniel DeMayo, against Reedy's All Service, Inc., David Reedy and Wayne Reedy pursuant to 29 U.S.C. § 216(b) of the Fair Labor Standards Act of 1938 for recovery of unpaid overtime wages. A non-jury trial was held before the undersigned on February 8, 2010. After the trial the Court directed the parties to file proposed findings of fact and conclusions of law. Instead of filing separate proposed findings of fact and conclusions of law the parties have filed a Joint Proposed Order (Doc. 24), which the parties request that the Court enter in lieu of the Court entering its own findings and order.

Accordingly, in view of the fact that the parties jointly propose the entry of the Joint Order - and having independently reviewed the Joint Proposed Order and finding that the Joint Proposed Order fairly represents the evidence presented and the Court's decision - the Court hereby adopts and fully incorporates all of the findings and

conclusions set forth in the Joint Proposed Order into this memorandum decision and order as if fully set forth herein.

Plaintiff, Daniel DeMayo shall recover from Defendants, Reedy's All Service, Inc., David Reedy and Wayne Reedy, jointly and severally, damages in the sum of \$4,000.00 for unpaid overtime wages and liquidated damages in the sum of \$4,000.00 for a total sum of \$8,000.00. The Court also finds that Plaintiff is the prevailing party and is, therefore, entitled to reasonable attorney's fees. The parties have agreed as to the number of hours and Defendants have not contested Plaintiff's request for an hourly rate calculated at \$300.00 per hour. The Court therefore finds that Plaintiff shall also be entitled to recovery of the agreed upon number of hours at the rate of \$300.00 per hour.¹ The Clerk is directed to enter judgment in favor of Plaintiff and against Defendants in the sum of \$8,000.00, terminate all pending motions and close the file.

IT IS SO ORDERED.

DONE AND ORDERED in Ocala, Florida, on March 24, 2010.



GARY R. JONES
United States Magistrate Judge

Copies to:
All Counsel

¹ The determination in this Order that Plaintiff's counsel is entitled to recover attorney's fees at the rate of \$300.00 per hour is applicable to this case only and shall have no precedential value in any other cases pending before the undersigned and shall not be used in any other cases as precedent to support the reasonable hourly rate of Plaintiff's counsel. While the Court does not find the rate unreasonable the finding in this case was based upon the fact that Defendants did not contest the hourly rate of \$300.00