

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

ADAM STAPP, ON BEHALF OF
HIMSELF AND ALL OTHER SIMILARLY
SITUATED EMPLOYEES,

Plaintiffs,

-vs-

Case No. 6:06-cv-810-Orl-28UAM

SUN STATE TREES & PROPERTY
MAINTENANCE, INC., RANDALL A.
NELLIS,

Defendants.

ORDER

This case is before the Court on Plaintiffs' Motion for Entry of Final Default Judgment Against Defendant, Sun State Trees & Property Maintenance, Inc. (Doc. No. 67) filed July 16, 2008 and the Motion for Entry of Judgment In Accordance With Defendant's Offer of Judgment and Plaintiffs' Acceptance of Offer of Judgment (Doc. No. 68) filed October 17, 2008. The United States Magistrate Judge has submitted a report recommending that the motions be granted.

After an independent *de novo* review of the record in this matter, and noting that no objections were timely filed, the Court agrees entirely with the findings of fact and conclusions of law in the Report and Recommendation. Therefore, it is **ORDERED** as follows:

1. That the Report and Recommendation filed December 10, 2008 (Doc. No. 69) is **ADOPTED** and **CONFIRMED** and made a part of this Order.

2 Plaintiffs' Motion for Entry of Final Default Judgment Against Defendant, Sun State Trees & Property Maintenance, Inc (Doc. 67) is **GRANTED**.

3. The Motion for Entry of Judgment In Accordance With Defendant's Offer of Judgment and Plaintiffs' Acceptance of Offer of Judgment (Doc. 68) is **GRANTED**.

4. Final Judgment is hereby entered in favor of Plaintiffs and against Defendants Sun State Trees & Property Maintenance, Inc. and Randall A. Nellis, jointly and severally, for a total sum of \$35,420.00.

5. This total sum shall be distributed as follows:

Plaintiff Adam Stapp: \$1,800.00 in total damages; \$3,484.00 in attorneys' fees and costs; totaling \$5,284.00;

Plaintiff Kelvin Lopez: \$2,700.00 in total damages; \$3,484.00 in attorneys' fees and costs; totaling \$6,184.00;

Plaintiff Alexander Kolakowski: \$1,800.00 in total damages; \$3,484.00 in attorneys' fees and costs; totaling \$5,284.00;

Plaintiff Julian Hairston: \$5,850.00 in total damages; \$3,484.00 in attorneys' fees and costs; totaling \$9,334.00; and

Plaintiff Joshua Flanagan: \$5,850.00 in total damages; \$3,484.00 in attorneys' fees and costs; totaling \$9,334.00.

6. The Clerk is directed to enter judgment in accordance with this Order and to thereafter close this file.

DONE and **ORDERED** in Chambers, Orlando, Florida this 7th day of January,

2009.

A handwritten signature in black ink, appearing to read 'J.A.', written over a horizontal line.

JOHN ANTOON II
United States District Judge

Copies furnished to:

United States Magistrate Judge
Counsel of Record
Unrepresented Party