

FILED
U.S. DISTRICT COURT E.D.N.Y.
★ SEP 04 2012 ★
Rec'd 9/6/12
Wrb

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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:
ANDRZEJ JANUS, on behalf of himself and on behalf of :
all others similarly situated, :
:
Plaintiff, :
:
-against- :
:
REGALIS CONSTRUCTION, INC., and JAN :
POMIANEK, :
:
Defendants. X

BROOKLYN OFFICE

11-CV-5788 (ARR)

NOT FOR ELECTRONIC
OR PRINT PUBLICATION

OPINION & ORDER

ROSS, United States District Judge:

The court has received the Report and Recommendation (“R&R”) (Dkt. No. 15) on the instant case, dated July 23, 2012, from the Honorable Victor V. Pohorelsky, United States Magistrate Judge. No objections have been filed, so the court has reviewed the R&R for clear error on the face of the record. See Advisory Comm. Notes to Fed. R. Civ. P. 72(b); accord Edwards v. Town of Huntington, No. 05-CV-339, 2007 U.S. Dist. LEXIS 50074, at *6 (E.D.N.Y. July 11, 2007); McKoy v. Henderson, No. 05 Civ. 1535, 2007 U.S. Dist. LEXIS 15673, at *1 (S.D.N.Y. March 5, 2007). Having reviewed the record, I find no clear error and hereby adopt the R&R, in its entirety, as the opinion of the court pursuant to 28 U.S.C. § 636(b)(1).

Accordingly, plaintiff’s motion for default judgment (Dkt. No. 14) is granted. The Clerk of Court is directed to enter judgment in favor of plaintiff against both defendants as follows:

1. Awarding \$494.00 in unpaid overtime and liquidated damages under the Fair Labor Standards Act, 29 U.S.C. § 201, et seq.;
2. \$14,873.75 in unpaid overtime and liquidated damages under the New York Labor Law;

3. Prejudgment interest totaling \$4,009.96 through May 31, 2012, plus an additional \$2.38 per diem from June 1, 2012 through the date of judgment;
4. \$10,280 in attorney's fees; and
5. \$649.52 in costs.

SO ORDERED.

S/Judge Ross

Allyne R. Ross
United States District Judge

Dated: September 4, 2012
Brooklyn, New York

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Magistrate Judge Pohorelsky