

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

----- X

**SEBASTIAN VILLARRUBIA, KEIBER  
APARCEDO, and MAURICIO MAYOR GOMEZ,** :

Plaintiffs, :

- against - :

**LA HOGUERA PAISA RESTAURANT &  
BAKERY CORP., LA HACIENDA DON JULIO  
CORP., JOSE RESTREPO, and NAHUM  
RODRIGUEZ,** jointly and severally, :

Defendants. :

----- X

**MEMORANDUM DECISION  
AND ORDER**

18-CV-4929 (AMD) (PK)

**ANN M. DONNELLY**, United States District Judge:

On August 29, 2018, the plaintiffs brought this action against the defendants alleging violations of the Fair Labor Standards Act, the New York Labor Law, Title VII of the Civil Rights Act of 1964, the New York City Human Rights Law and the New York State Human Rights Law. (ECF No. 1.) On January 10, 2019, the Clerk of Court entered a Certificate of Default and on March 15, 2019, the plaintiffs moved for default judgment against La Hoguera Paisa Restaurant. (ECF Nos. 13, 16-17.) I referred the motion to United States Magistrate Judge Peggy Kuo. On April 6, 2020, I adopted Judge Kuo’s Report and Recommendation in its entirety and entered a default judgment against the defendant on the plaintiffs’ wage and hour claims; I also granted the plaintiffs leave to renew their request for attorneys’ fees. (ECF No. 31.)

Counsel submitted documentation in support of the request for attorneys’ fees on June 8, 2020 (ECF No. 23), as well as a letter providing clarifying information on June 12, 2020 (ECF

No. 36). On October 9, 2020, Judge Kuo recommended that I award \$12,630.00 in attorneys' fees.<sup>1</sup> (ECF No. 36.) No objections have been filed to the Report and Recommendation, and the time for doing so has passed.

A district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). To accept those portions of the report and recommendation to which no timely objection has been made, "a district court need only satisfy itself that there is no clear error on the face of the record." *Jarvis v. N. Am. Globex Fund L.P.*, 823 F. Supp. 2d 161, 163 (E.D.N.Y. 2011) (internal quotation marks and citation omitted).

I have reviewed Judge Kuo's comprehensive Report and Recommendation and find no error. Accordingly, I adopt the Report and Recommendation in its entirety. The plaintiffs are awarded \$12,630.00 in attorneys' fees.

**SO ORDERED.**

s/Ann M. Donnelly  
ANN M. DONNELLY  
United States District Judge

Dated: Brooklyn, New York  
November 2, 2020

---

<sup>1</sup> Judge Kuo adjusted counsel's hourly rate from \$400 an hour to \$375 an hour, and reduced the number of hours billed from 35.45 to 33.68.