UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOSE L. ROJAS, *individually and on behalf of all employees similarly situated*

Plaintiffs,

- against -

SH GENERAL CONTRACTING CORP. et al.,

Defendant.

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18-CV-10253 (VSB) (RWL)

OPINION & ORDER

Appearances:

Jiajing Fan
Hang & Associates, PLLC
New York, New York
Counsel for Plaintiff

VERNON S. BRODERICK, United States District Judge:

Plaintiffs Jose L. Rojas, Mateo Real, Arturo Loyola, Javier Cardona, William Cabeza, Clemente Caguana, Jesus Yupa, Victor J. Gil, Wilfredo Guillen, German T. Jimenez, and Sergio De La Cruz (collectively, "Plaintiffs") bring this action seeking compensatory damages, liquidated damages, statutory penalties, costs, and attorneys' fees, from Defendants SH General Construction Corp., S.H. General Contracting LLC, SH GC Corp., and Samir Hoti (collectively "Defendants") for violations of the Fair Labor Standards Act (the "FLSA") and New York Labor Law (the "NYLL"). I issued an Order to Show Cause on April 3, 2019, why a default judge should not be entered against Defendants, and set the return date as May 3, 2019, (Doc. 33), which was rescheduled for May 24, 2019, (Doc. 35). Defendants failed to appear on May 24, 2019, and a default was entered on the issue of liability (Doc. 37), and on May 28, 2019, I referred the action to Magistrate Judge Robert W. Lehrburger, (Doc. 38).

Before me is Judge Lehrburger's October 25, 2019, Report and Recommendation, (Doc. 50), which recommends awarding Plaintiffs: $316,395.04 in unpaid overtime wages and statutory damages; $15,630.00 in attorneys' fees; and $884.00 in costs and disbursements; for a total sum of $332,909.04. Additionally, the Report and Recommendation recommends an award of pre-judgment interest at a rate of 9% calculated from November 6, 2018 through the date of final judgment in a sum to be calculated by the Clerk of Court. (Doc. 50 at 37.)

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 the report and recommendation of a magistrate, 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." *Nelson v. Smith*, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985).

Here, although the Report and Recommendation provided that "the parties shall have fourteen (14) days to file written objections to this Report and Recommendation," (Doc. 50 at 37), neither party has filed an objection, or sought an extension of time to file an objection. I have reviewed Judge Lehrburger's thorough and well-reasoned Report and Recommendation for clear error and, after careful review, find none. I therefore adopt the Report and Recommendation in its entirety.

Accordingly, Plaintiffs are awarded $316,395.04 in unpaid overtime wages and statutory damages; $15,630.00 in attorneys' fees; and $884.00 in costs and disbursements; for a total sum of $332,909.04. Additionally, Plaintiffs are awarded pre-judgment interest at a rate of 9% calculated from November 6, 2018, through the date of final judgment in a sum to be calculated by the Clerk of Court.

The Clerk's Office is respectfully directed to enter judgment in the amount of $332,909.04, and to calculate the appropriate interest owed.

SO ORDERED.

Dated: November 25, 2019
New York, New York

Vernon S. Broderick
United States District Judge