

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION**

LEWIS VACCARO,

Plaintiff,

vs.

Case No. 3:08-cv-776-J-32JRK

CUSTOM SOUNDS, INC.,  
a Florida corporation,  
MELVILLE O. LETTSOME,  
and ELVIS LETTSOME,

Defendants.

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**ORDER**

This case, brought pursuant to the Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.* ("FLSA"), is before the Court on Plaintiff's Motion for Default Judgment against Defendants. (Doc. 16.) The Court previously reserved ruling on Plaintiff's motion pending the outcome of a damages hearing before the assigned United States Magistrate Judge. (Doc. 19.) The hearing was held on December 11, 2009 (Doc. 21), and the Honorable James R. Klindt issued a Report and Recommendation (Doc. 23) recommending that Plaintiff's damages be calculated as \$19,424.00,<sup>1</sup> attorney's fees be calculated as \$2,970.00, and costs be calculated as \$486.00, for a total of

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<sup>1</sup>This amount represents awards of (1) \$164.80 in minimum wages plus \$164.80 in liquidated damages; (2) \$1,047.20 in unpaid overtime compensation plus \$1,047.20 in liquidated damages; (3) \$6,000.00 in lost wages plus \$6,000.00 in liquidated damages; and (4) \$5,000.00 in compensatory damages for emotional distress.

\$22,880.00. No party has filed any objections to the Report and Recommendation, and the time in which to do so has now passed.

Accordingly, upon independent review of the file and for the reasons stated in the Report and Recommendation (Doc. 23) and this Court's prior Order (Doc. 19), it is hereby

**ORDERED:**

1. Plaintiff's Motion for Default Judgment (Doc. 16) is **GRANTED**.
2. The Report and Recommendation of the Magistrate Judge (Doc. 23) is

**ADOPTED** as the opinion of the Court.<sup>2</sup>

3. The Clerk is directed to enter a default judgment in favor of plaintiff, LEWIS VACCARO, and against defendants CUSTOM SOUNDS, INC., MELVILLE O. LETTSOME, and ELVIS LETTSOME, jointly and severally, in the amount of \$22,880.00.

4. Thereafter, the Clerk should close the file.

**DONE AND ORDERED** at Jacksonville, Florida, this 24th day of March, 2010.

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<sup>2</sup>While the Court adopts the Magistrate Judge's recommendation regarding the award of emotional distress damages in this default situation, the undersigned reserves judgment whether, in a contested case, emotional distress damages are awardable in an FLSA retaliation scenario.

  
TIMOTHY J. CORRIGAN  
United States District Judge

jmm

Copies:

Honorable James R. Klindt

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