

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

STEVEN CLAYTOR,

Plaintiff,

v.

Case No: 5:14-cv-411-Oc-30PRL

THE MOJO GRILL AND CATERING
CO OF BELLVIEW, LLC, et al.,

Defendants.

FINAL DEFAULT JUDGMENT

THIS CAUSE comes before the Court upon Plaintiff's Motion for Entry of Default Final Judgment (Doc. 8). The Court, having reviewed the motion and Plaintiff's complaint, and being otherwise fully advised in the premises, concludes that the motion is due to be granted.

On July 21, 2014, Plaintiff filed a complaint against Defendants alleging a claim for unpaid overtime compensation under the Fair Labor Standards Act, 29 U.S.C. §§ 207, 216(b). As of September 10, 2014, Defendants failed to answer or otherwise respond to Plaintiff's complaint. (Doc. 6). Consequently, on September 11, 2014, clerk's default was entered against Defendants. (Doc. 7). Plaintiff now seeks final default judgment against Defendants. (Doc. 8). In support of his request, Plaintiff submitted an affidavit outlining the amount of unpaid overtime wages and liquidated damages owed to Plaintiff as

calculated under 29 U.S.C. § 216(b). (Doc. 9).¹ Specifically, Plaintiff seeks damages in the amount of \$15,042.50, constituting \$7,521.25 for unpaid overtime wages and \$7,521.25 in liquidated damages. (*Id.*). Plaintiff also submitted the affidavit of Shawn L. Birken outlining the attorney's fees and costs incurred in pursuing this action, which amounted to \$1,155.00 and \$760.00, respectively. (Doc. 8, Ex. B). The Court construes the affidavit of Mr. Birken as a request for attorney's fees and costs.

Under 29 U.S.C. § 216(b) and Federal Rule of Civil Procedure 55(b), the Court agrees that Plaintiff is entitled to damages in the amount of \$15,042.50. The Court also concludes that Plaintiff's request for attorney's fees in the amount of \$1,155.00 and costs in the amount of \$760 is reasonable.

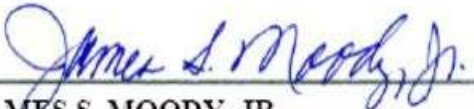
Accordingly, it is therefore **ORDERED AND ADJUDGED** that:

1. Plaintiff's Motion for Entry of Default Final Judgment (Doc. 8) is **GRANTED**.
2. The Clerk is directed to enter Final Default Judgment in favor of Plaintiff and against Defendants in the amount of \$16,957.50, which represents \$15,042.50 in damages, \$1,155.00 in attorney's fees, and \$760 in costs. This amount shall accrue postjudgment interest at the federal statutory rate.

¹Plaintiff filed an amended affidavit of Steven Claytor describing his damages on October 17, 2014. (Doc. 9).

3. The Clerk is directed to close this case and terminate any pending motions as moot.

DONE AND ORDERED at Tampa, Florida on this 27th day of October, 2014.



JAMES S. MOODY, JR.
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel/Parties of Record

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