

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

GARY SILVEIRA,

Plaintiff,

v.

Case No: 5:16-cv-554-Oc-30PRL

BEST WELDING AND FABRICATION,
LLC and MAROUN N. AOUN,

Defendants.

ORDER

THIS CAUSE comes before the Court on Plaintiff's Unopposed Motion to Set Aside Dismissal with Prejudice and for Final Judgment of Default (Doc. 27). Upon review and consideration, the Court concludes the Motion should be granted.

Plaintiff filed this Fair Labor Standards Act case against Defendants in September 2016. (Doc. 1). In May 2017, the Parties mediated and reached a settlement. (Doc. 23). The terms of the Settlement Agreement required Defendants to pay Plaintiff \$30,800, and pay Plaintiff's counsel \$21,700 under a structured agreement. (Doc. 23-1, ¶ 3). If Defendants failed to make the structured payments, the Settlement Agreement provided:

Should Defendants default on the structured payments set forth herein, the amount remaining to be paid will become accelerated and a final judgment shall be entered without protest by Defendants.


(Doc. 23-1, ¶ 3.D.). The Court approved the Settlement Agreement on May 11, 2017, and dismissed the case with prejudice. (Doc. 24).

Defendants subsequently paid Plaintiff and his counsel a total of \$8,825. (Doc. 27, ¶ 6). But Defendants are now in arrears, having failed to pay Plaintiff in July and September, and failing to make a payment to Plaintiff's counsel. (Doc. 27, ¶ 7). The remaining balance owed, which is accelerated pursuant to the Settlement Agreement, is \$43,675. Plaintiff requests that the Court enter a final judgment against Defendants in that amount, to which Defendants do not object. (Doc. 27, ¶ 12).

Accordingly, it is ORDERED AND ADJUDGED that:

1. The Clerk is directed to reopen this case.
2. Plaintiff's Unopposed Motion to Set Aside Dismissal with Prejudice and for Final Judgment of Default (Doc. 27) is GRANTED.
3. The Clerk is directed to enter a Final Judgment in the amount of \$43,675.00 in favor of Plaintiff Gary Silveira, and against Defendants Best Welding and Fabrication, LLC and Maroun N. Aoun, bearing interest at the rate prescribed by 28 U.S.C. § 1961.
4. The Court further ORDERS that Defendant Maroun N. Aoun shall complete the Fact Information Sheet located at Doc. 27-1, and file a notice of compliance in this case after it has been provided to Plaintiff's counsel.
5. All pending motions are denied as moot.
6. The Clerk is directed to close this file.

DONE and **ORDERED** in Tampa, Florida, this 19th day of September, 2017.



JAMES S. MOODY, JR.
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel/Parties of Record