

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

BRITTANY DESTEFANO,

Plaintiff,

v.

Case No. 6:16-cv-752-Orl-37TBS

DOHI, INC., FBI INVESTMENT
GROUP, INC., and FARIBORZ ISHANI,

Defendants.

ORDER

This cause is before the Court on the following:

1. Plaintiff's Motion for Entry of Final Default Judgment (Doc. 17), filed July 7, 2016;
2. Plaintiff's Addendum Motion and Memorandum in Support of Request for Award of Attorney's Fees (Doc. 19), filed July 22, 2016;
3. U.S. Magistrate Judge Thomas B. Smith's Report and Recommendation (Doc. 20), filed August 1, 2016;
4. Plaintiff's Notice of Withdrawal of Request for Attorney's Fees (Doc. 21), filed August 9, 2016; and
5. Plaintiff's Notice of Non-Objection to Report and Recommendation (Doc. 22), filed on August 9, 2016.

Plaintiff filed this action on May 3, 2016, alleging that Defendants failed to pay her appropriate overtime wages in violation of the Fair Labor Standards Act ("**FLSA**"). (See Doc. 1.) In light of Defendants' failure to appear, a Clerk's default was entered on June 14, 2016. (Doc. 16.) In the instant Report and Recommendation ("**R&R**"), U.S. Magistrate

Judge Thomas B. Smith addresses Plaintiff's Motion for Default Judgment against Defendants (Doc. 17) and Motion for Attorney's Fees (Doc. 19), both of which were filed in July 2016. Magistrate Judge Smith recommends that the Court (1) grant the Motion for Default Judgment; and (2) granting in part the Motion for Attorney's Fees, such that Plaintiff is awarded: (i) \$946.57 in actual damages; (ii) \$946.57 in liquidated damages; (iii) \$510.00 in costs; and (iv) \$3,440.00 in attorney's fees.¹ (Doc. 20, pp. 8–12.)

On August 9, 2016, Plaintiff filed a Notice of Withdrawal of Request for Attorney's Fees, stating that she "only seeks a judgment of costs." (Doc. 21.) On the same date, Plaintiff filed a Notice of Non-Objection to Report and Recommendation (Doc. 22), which expresses her agreement with the amount of damages and costs recommended by Magistrate Judge Smith. Unsurprisingly, Defendants have not filed any objections to the R&R, and the time for doing so has expired.

Having conducted an independent, de novo review of the entire record, the Court agrees with Magistrate Judge Smith's recommendations but excludes those concerning attorney's fees.

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

1. With the exception of those recommendations concerning Plaintiff's subsequently-withdrawn claim for attorney's fees, U.S. Magistrate Judge Thomas B. Smith's Report and Recommendation (Doc. 20) is **ACCEPTED**, **ADOPTED**, and made part of this Order.
2. Plaintiff's Motion for Default Judgment (Doc. 17) is **GRANTED**.

¹ This figure presents a downward adjustment from the \$4,675.00 that Plaintiff originally requested in her Motion for Attorney's Fees. (Doc. 19, p. 5.)

3. The **CLERK IS DIRECTED TO ENTER FINAL JUDGMENT** in favor of Plaintiff and against Defendants in the amount of \$946.57 in actual damages, \$946.57 in liquidated damages, and \$510.00 in costs.
4. Plaintiff's Motion for Attorney's Fees (Doc. 19) is **DENIED AS MOOT**.

DONE AND ORDERED in Chambers in Orlando, Florida, on August 22, 2016.




ROY B. DALTON JR.
United States District Judge

Copies:

Counsel of Record