

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

GUILHERME AMORIM,

Plaintiff,

v.

Case No. 6:17-cv-578-Orl-37TBS

GMR INTERNATIONAL CUISINE,
INC.; and GILSON RODRIGUES,

Defendants.

ORDER

In the instant action, Plaintiff sues Defendants GMR International Cuisine, Inc. (“GMR”) and Gilson Rodrigues (“Mr. Rodrigues”), GMR’s president, registered agent, and general manager, to recover unpaid overtime compensation under the Fair Labor Standards Act (“FLSA”). (Doc. 1 (“**Complaint**”).) Defendants did not answer the Complaint or otherwise appear in this action. Accordingly, the Clerk entered default against them on May 24, 2017. (Docs. 13, 14.)

Plaintiff then moved for the entry of default judgment. (Doc. 15 (“**Motion**”).) In a Report and Recommendation issued August 9, 2017, U.S. Magistrate Judge Thomas B. Smith recommended that the Court grant the Motion and award Plaintiff: (1) \$3,490.43 in actual damages; (2) \$3,490.43 in statutory liquidated damages; and (3) \$480 in costs. (Doc. 16 (“**R&R**”).) Based on these respective amounts, Magistrate Judge Smith recommends that the Court enter judgment in the amount of **\$7,460.86**—accruing interest

at the statutory rate – in favor of Plaintiff and against Defendants, jointly and severally.¹
(*Id.* at 10.)

No objections were filed, and the time for doing so has elapsed. So in the absence of clear error, the Court finds that the R&R is due to be adopted. *See Wiand v. Wells Fargo Bank, N.A.*, No. 8:12-cv-557-T-27EAJ, 2016 WL 355490, at *1 (M.D. Fla. Jan. 28, 2016) (finding that, in the absence of objections, district courts are required to review the report and recommendation of a magistrate judge for clear error); *see also Marcort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006) (same).

Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. U.S. Magistrate Judge Thomas B. Smith's Report and Recommendation (Doc. 16) is **ADOPTED, CONFIRMED**, and made a part of this Order.
2. Plaintiff's Motion for Entry of Final Default Judgment & Incorporated Memorandum of Law (Doc. 15) is **GRANTED**.
3. The Clerk is **DIRECTED** to enter judgment in favor of Plaintiff Guilherme Amorim and against Defendants GMR International Cuisine, Inc. and Gilson Rodrigues, jointly and severally, in the amount of **\$7,460.86**, accruing interest at the statutory rate, and comprising:
 - a. **\$3,490.43** in actual damages;

¹ "The overwhelming weight of authority is that a corporate officer with operational control of a corporation's covered enterprise is an employer along with the corporation, jointly and severally liable under the FLSA for unpaid wages." *Patel v. Wargo*, 803 F.2d 632, 637-38 (11th Cir. 1986). In the R&R, Magistrate Judge Smith found that "[t]he averments in Plaintiff's complaint and his affidavit testimony [were] sufficient to substantiate Plaintiff's claim that both Defendants were his employers." (Doc. 16, p. 7.)

- b. **\$3,490.43** in statutory liquidated damages; and
- c. **\$480** in costs.

4. The Clerk is also **DIRECTED** to close the file.

DONE AND ORDERED in Chambers in Orlando, Florida, on August 28, 2017.




ROY B. DALTON JR.
United States District Judge

Copies to:
Counsel of Record