

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 08-61717-CIV-Lenard/Garber

LEWIS JASSON, JOHN MOCCIA,
and LISA CALLAWAY,

Plaintiff,

v.

BAGELSTEINS, INC., a Nevada
corporation d/b/a BAGELSTEIN'S
ORIGINAL NEW YORK DELI,
BAGELSTEIN'S ORIGINAL NEW
YORK DELI, L.L.P., ROBERT
DAVIDSON, and MELINDA
DAVIDSON, individually

Defendants.

ORDER

THIS CAUSE is before the Court by reference from United States District Judge Joan A. Lenard. The Court has received plaintiffs' Motion to Enforce Settlement Agreement [DE 79], filed on September 29, 2009. No response in opposition has been filed by the defendants.

The parties to this cause reached a settlement and executed a settlement agreement on July 8, 2009. Said settlement was found to be "a reasonable compromise of the issues between the parties" and its acceptance was recommended by Senior United States Magistrate Judge Peter R. Palermo, who conducted a settlement conference. Judge Palermo's recommendation was accepted by District Judge Lenard on August 7, 2009, who entered an Order approving the settlement and dismissing the cause [DE 78].

The settlement was for a total of \$9,000.00 to be paid by the defendants over a one year period at a monthly rate of \$750.00. Additionally, the defendants were to pay plaintiffs' counsel the amount of \$3,500.00 for attorneys' fees and costs.

Defendants have made one payment of \$750.00 on August 6, 2009, but have made no further payments. Said defendants have breached the terms of the settlement agreement by having failed to make timely monthly payments as required thereby. Accordingly, it is hereby

ORDERED that plaintiffs' Motion to Enforce Settlement Agreement is GRANTED. The defendants shall, on or before ten (10) days from the date of this Order, pay the sum of \$8,250.00, the unpaid balance of the agreed upon settlement. In addition thereto plaintiffs' attorneys are hereby awarded attorneys' fees and costs in the amount of \$762.50 for legal work that was necessary and reasonable and shall be paid to plaintiffs' attorneys on or before ten (10) days from the date of this Order.

DONE AND ORDERED in Chambers at Miami, Florida this 20th day of October, 2009.


BARRY L. GARBER
UNITED STATES MAGISTRATE JUDGE