

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 09-22121-CIV-LENARD/TURNOFF

**MANUEL VILERLA-RIVAS,**

Plaintiff,

vs.

**OSTERIA DE GLI AMICI, LLC, et  
al.,**

Defendants.

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**DEFAULT JUDGMENT**

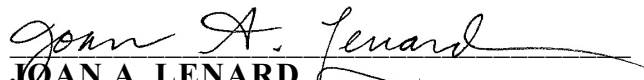
**THIS CAUSE** is before the Court on Plaintiff's Motion to Compel Defendants' Compliance with Settlement Agreement ("Motion," D.E. 17), filed on December 7, 2009. Plaintiff's Motion requests the Court find that Defendants have not complied with the settlement agreement and enter judgment against Defendants. The Court referred Plaintiff's Motion to Magistrate Judge William C. Turnoff on December 8, 2009. The Magistrate Judge held a status conference on December 21, 2009, and subsequently issued a Report and Recommendation ("Report," D.E. 22), on December 30, 2009. The Report finds that the Parties entered into a valid and binding settlement agreement, Defendants are in default for failure to make any payments, and Defendants have not contested Plaintiff's Motion. (Report at 2-3.) Thus, the Report recommends the Court grant Plaintiff's Motion and therein provided Defendants with fourteen days to file any objections. As of the date of this Order, Defendants have failed to file any objections to the Report. Failure to timely file objections

shall bar parties from attacking on appeal the factual findings contained in the report. See Resolution Trust Corp. v. Hallmark Builders, Inc., 996 F.2d 1144, 1149 (11th Cir. 1993).

Having reviewed the Motion, the Report, and related pleadings, it is hereby **ORDERED AND ADJUDGED** that:

1. The Magistrate Judge's Report and Recommendation (D.E. 22), issued on December 30, 2009, is **ADOPTED**;
2. Plaintiff's Motion to Compel Defendants' Compliance with Settlement Agreement (D.E. 17), filed on December 7, 2009, is **GRANTED**;
3. Default judgment is entered against Defendants Osteria De Gli Amici, LLC, and Jose D. Davila, in the total amount of \$6,000.00, which represents the amount due under the settlement agreement, plus interest and costs, for which sum let execution issue.

**DONE AND ORDERED** in Chambers at Miami, Florida, this 20th day of January, 2010.

  
**JOAN A. LENARD**  
**UNITED STATES DISTRICT JUDGE**