

United States District Court
for the
Southern District of Florida

Celso Acosta Garcia, et al., Plaintiff,)	
)	
v.)	Civil Action No. 18-cv-23399-Civ-
)	Scola
Pajeoly Corp., Paolo Maietta, and Jennifer Betancur, Defendants.		

Order on the Plaintiff's Motion for Reconsideration

This matter is before the Court on the plaintiff Celso Acosta Garcia's motion for reconsideration of the Court's order on his motion for partial summary judgment. After considering the motion and the applicable law, the Court **grants** Garcia's motion for reconsideration (**ECF No. 108**).

Garcia filed this suit to recover overtime wages purportedly owed to him, alleging violations of the Fair Labor Standards Act, 29 U.S.C. § 201, *et.seq.* against the Defendants Pajeoly Corp. d/b/a La Ventana ("La Ventana"), Paolo Maietta, and Jennifer Betancur. The Court granted in part Garcia's motion for partial summary judgment finding that (1) La Ventana is a covered enterprise; (2) Garcia is an employee of La Ventana; and (3) Maietta and Betancur are Garcia's individual employers. (ECF No. 106.) Despite these findings, the Court declined to find that liability had been established because several affirmative defenses, including that the Defendants acted in good faith, remain unresolved. (*Id.*) Garcia now moves for reconsideration of the Court's decision not to find that the Defendants are liable in its order, contending that it constituted a clear error, because the "Defendants admit within their response to Plaintiff's Amended Statement of Claim that the [t]otal [a]mount of wages unpaid total \$9218.97." (ECF No. 108 at ¶ 3.)

Because the Defendants admit to owing Garcia for at least some overtime wages within the statute of limitations period (ECF No. 108-1), and because good faith is a defense against liquidated damages not liability, the Court **grants** Garcia's motion for reconsideration (**ECF No. 108**) and finds that the Defendants are liable for the unpaid overtime wages. *See Alvarez Perez v. Sanford-Orlando Kennel Club Inc.*, 515 F.3d 1150, 1163 (11th Cir. 2008) ("there is, however, a good faith defense, which gives the court discretion to reduce or deny an award of liquidated damages").

(Continued on the following page)

Done and ordered in chambers, at Miami, Florida, on October 10, 2019.

A handwritten signature in blue ink, appearing to read 'R. N. Scola, Jr.', written over a horizontal line.

Robert N. Scola, Jr.
United States District Judge