

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

WILLIAM KRAMEL, et al.,)	
)	
Plaintiffs,)	
)	
vs.)	Case No. 09-0043-CV-W-GAF
)	
ADVANCE ELECTRIC COMPANY)	
INCORPORATED OF RAYTOWN,)	
et al.,)	
)	
Defendants.)	

ORDER GRANTING MOTION FOR DEFAULT JUDGMENT

Presently before the Court is Plaintiffs William Kramel and Derrick Freeman’s (collectively “Plaintiffs”) Motion for Default Judgment. (Doc. #22). Plaintiffs filed the instant action against Defendants Advance Elective Company Incorporated of Raytown, Theotis Donnell, and Ameenah Donnell (collectively “Defendants”) on January 21, 2009 (Doc. #1), and served them on May 1, 2009. (Doc. ##4-6). Thereafter, Plaintiffs filed their First Amended Complaint on July 15, 2009 (Doc. #14), and served Defendants on July 20, 2009. (Doc. ##16-18). To date, Defendants have not answered Plaintiffs’ Complaint or First Amended Complaint or responded to either the pending Motion or the Court’s Order to Show Cause dated November 5, 2009 (Doc. #23).

In affidavits attached to the pending Motion, Plaintiffs represent damages as follows:

Plaintiff William Kramel;

Uncompensated work-time: \$20,130.00¹

¹Includes uncompensated straight time of 425 hours at \$30 per hour; uncompensated overtime of 39 hours at \$45 per hour; and partially compensated overtime of 375 hours at \$15 per hour. Kramel Aff., ¶27.

Liquidated damages ² :	\$20,130.00
<u>Expenses:</u>	<u>\$ 2,213.54</u> ³
Kramel sub-total:	\$42,473.54

Plaintiff Derrick Freeman:

Uncompensated work-time:	\$ 9,101.25 ⁴
Liquidated damages:	\$ 9,101.25
<u>Expenses:</u>	<u>\$ 238.28</u> ⁵
Freeman sub-total:	\$18,440.78

Attorneys' Fees: \$10,488.00⁶

Total: **\$71,402.32**

Because Defendants have failed to plead or otherwise defend, Plaintiffs' Motion is GRANTED. Therefore, it is

ORDERED that Defendants are jointly and severally liable for damages in the amount of \$71,402.32. Defendants shall remit payment in the amount of \$71,402.32 to Plaintiffs' counsel, Mark V. Dugan of Dugan Scholzman LLC, within sixty (60) days from the date of this Order.

s/ Gary A. Fenner

Gary A. Fenner, Judge
United States District Court

DATED: December 14, 2009

²Under the Fair Labor Standards Act, Plaintiffs are entitled to liquidated damages in an amount equal to actual damages. 29 U.S.C. § 216(b) (2009). *See also Braswell v. City of El Dorado*, 187 F.3d 954, 957 (8th Cir. 1999).

³*See* Kramel Aff., ¶¶17-26.

⁴Includes uncompensated straight time of 459.75 hours at \$15 per hour; uncompensated overtime of 23 hours at \$22.50 per hour; and partially compensated overtime of 225 hours at \$7.50 per hour. Freeman Aff., ¶27.

⁵*See* Freeman Aff., ¶¶23-26

⁶Based on 36.8 hours at \$285 per hour. Dugan Aff., ¶¶7, 12-13.