

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CLAUDIA GAYLE, Individually, On
Behalf of All Others Similarly
Situating as Class Representative,

SUPPLEMENTAL
REPORT AND
RECOMMENDATION

Plaintiffs,

CV 07-4672 (NGG)(MDG)

- against -

HARRY'S NURSES REGISTRY, INC., and
HARRY DORVILIER a/k/a HARRY
DORVILIER,

Defendants.

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Plaintiffs brought this action against defendants for unpaid overtime wages under the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 201 et seq. On August 23, 2013, this Court filed a Report and Recommendation addressing the plaintiffs' motion for attorneys' fees, as well as the parties' cross-motions to amend the judgment. See ct. doc. 206. Plaintiffs have moved for a supplemental report and recommendation to increase the amount of costs awarded. See ct. doc. 207.

DISCUSSION

Although the plaintiffs had requested an award of \$6,878.73 for various costs incurred during the course of this litigation, this Court recommended in the Report and Recommendation an award

of costs of only \$2,460.29. This Court recommended disallowance of plaintiffs' request of \$4,418.44 for the costs incurred by the claims administrator in mailing the notices of pendency and consent forms. This Court noted that plaintiffs failed to submit an invoice or other documentation from the claims administrator and did not provide any reason for the amount requested, which this Court found to be high since notice was sent to fewer than 500 people.

In their instant motion, plaintiffs have provided an invoice from the claims administrator and pointed to their original explanation that the administrator charged increased costs for having to retype labels due to defendants' lack of cooperation. The increased cost claimed for retyping the labels was \$1,428.00, in addition to a set \$2,500 fee for services and costs. While this Court recognizes that plaintiffs' counsel may have actually paid the claims administrator for all fees charged, this Court finds that \$1,428.00 is too much to charge for retyping approximately 500 labels. Therefore, I respectfully recommend that the Court award additional costs of \$3,490.44 for the following items charged by the claims administrator: \$2,500 for the negotiated fee, \$500 in additional costs for typing 500 labels and \$490.44 for costs of mailing and printing.

CONCLUSION

For the foregoing reasons, I grant the plaintiffs' motion to supplement my original Report and Recommendation and respectfully

