

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ MAR 31 2014 ★
BROOKLYN OFFICE

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CESAR GOMEZ, on behalf of himself and
all others similarly situated,

Plaintiff,

- against -

NOT FOR PUBLICATION
MEMORANDUM & ORDER
12-CV-1264 (CBA)(MDG)

EL RANCHO DE ANDRES CARNE DE TRES INC.
d/b/a ANDRES CARNE DE TRES, HAROLD
VARGAS and DIANA VARGAS

Defendants.

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AMON, Chief United States District Judge.

Plaintiff Cesar Gomez brought claims pursuant to the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201, et seq., and the New York Labor Law (“NYLL”), against Defendants El Rancho De Andres Carne De Tres Inc. d/b/a/ Andres Carne De Tres, Diana Vargas, and Harold Vargas (“defendants”) for unpaid compensation, liquidated damages, and prejudgment interest. Although defendants initially answered, after their counsel withdrew they consistently failed to defend this action. On May 31, 2013, this Court adopted Magistrate Judge Marilyn Go’s Report and Recommendation (“R&R”) recommending that the Court strike defendants’ answers and enter default judgment against them. (DE # 24.) On July 9, 2013, Gomez moved for default judgment and damages under the FLSA and NYLL, as well as for reasonable attorney’s fees. (DE # 27, 28.) This Court referred Gomez’s motion to Magistrate Judge Go, who, on March 11, 2014, issued an R&R recommending default judgment be granted in the amount of \$27,917.08. (DE # 33.)

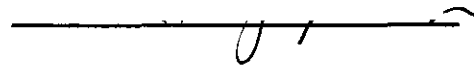
Neither party has objected to the R&R. When deciding whether to adopt an R&R, a district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). To accept those

portions of the R&R to which no timely objection has been made, “a district court need only satisfy itself that there is no clear error on the face of the record.” Jarvis v. N. Am. Globex Fund, L.P., 823 F. Supp. 2d 161, 163 (E.D.N.Y. 2011) (internal quotation marks omitted). The Court has reviewed the record and finding no clear error, hereby adopts Magistrate Judge Go’s R&R as the opinion of the Court. Accordingly, the Court directs the Clerk of Court to enter final judgment against defendants and in favor of Cesar Gomez for his FLSA and NYLL claims in the amount of \$27,917.08, consisting of: (1) minimum wages of \$4,789.00, (2) spread of hours pay of \$529.25, (3) statutory damages of \$2,500.00, (4) liquidated damages of \$10,107.25, (5) prejudgment interest of \$119.08, and (6) attorneys’ fees and costs of \$9,872.50.

The Clerk of Court is directed to terminate all pending motions and to close the case.

SO ORDERED.

Dated: Brooklyn, New York
March 31, 2014


Carol Bagley Amon
Chief United States District Judge