

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

For Online Publication Only

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LEONZO JOAQUIN CONSTANZA
ALVARADO,

Plaintiff,

- against -

FIVE TOWN CAR WASH INC., and
WILLIAM BROWN,

**ORDER ADOPTING REPORT
AND RECOMMENDATION AND
DIRECTING ENTRY OF
JUDGMENT**

13-CV-1672 (RJD) (JO)

Defendants.

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DEARIE, District Judge

There being no dispute as to plaintiff's calculation of damages in accordance with the jury verdict form, ECF No. 64, plaintiff is entitled to damages in the amount of \$4,752.50, comprising (1) \$1,900 in unpaid minimum wages, as determined by the jury, (2) \$476.25 in unpaid overtime, as determined by the jury, and (3) \$2,376.25 in liquidated damages, pursuant to 29 U.S.C. § 216(b), because the jury found that defendants failed to prove that they acted in good faith.

Additionally, there being no objection to the well-reasoned report and recommendation of Magistrate Judge James Orenstein, dated July 23, 2015, and because this Court agrees with it, the report and recommendation is adopted in its entirety. Plaintiff is entitled to (1) \$10,980 in attorneys' fees, and (2) \$2,608.10 in costs. Furthermore, the Court joins in Magistrate Judge Orenstein's admonishment of the inadequate record-keeping practices employed by plaintiff's counsel in this case—particularly counsel's initial failure to properly attribute hours billed by his associates—and cautions that future violations are unlikely to receive a "charitable interpretation."

Accordingly, the Clerk is directed to enter judgment for the plaintiff against defendants Five Towns Car Wash Inc. and William Brown, jointly and severally, in the amount of \$18,340.60, comprising (1) \$4,752.50 in damages, (2) \$10,980 in attorneys' fees, and (3) \$2,608.10 in costs.

SO ORDERED.

Dated: Brooklyn, New York
September 14, 2015

/s/ Judge Raymond J. Dearie

RAYMOND J. DEARIE
United States District Judge