

**FILED
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11:57 am, Aug 18, 2017

**U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE**

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

JUAN ESCOBAR,

Plaintiff,

ADOPTION ORDER
14-cv-3091 (ADS)(SIL)

-against-

DEL MONACO BROTHERS INDUSTRIES
INC., LOW-PRO TOWING & TRANSPORT
INC., POMARC INDUSTRIES INC., BLACK
STEEL, INC., MICHAEL DEL MONACO,
AND LAWRENCE DEL MONACO,

Defendant(s).

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APPEARANCES:

The Feather Law Firm, PC

Attorneys for the Plaintiff

666 Old Country Rd, Suite 605

Garden City, NY 11530

By: David S. Feather, Esq., Of Counsel

Darrell J. Conway, P.C.

Attorneys for the Defendants

179 Little East Neck Road

West Babylon, NY 11704

By: Darrell John Conway, Esq., Of Counsel

SPATT, District Judge.

On May 16, 2014, the Plaintiff Juan Escobar (the “Plaintiff”) commenced this action against his former employers, the Defendants Del Monaco Brothers Industries Inc., Low-Pro Towing & Transport Inc., Pomarc Industries Inc., Black Steel, Inc., Michael Del Monaco, and Lawrence Del Monaco (collectively, the “Defendants”). He asserted claims under the Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.* and New York Labor Law § 190 *et seq.* for failure to pay overtime and regular wages; and common law claims for breaching oral and implied employment agreements.

On August 13, 2016, the Court granted the Plaintiff's motion for summary judgment pursuant to Rule 56, and awarded him: (1) compensatory and statutory damages amounting to \$159,314.01; (2) liquidated damages amounting to \$173,562.08; and (3) \$69,921.18 in pre-judgment interest, accruing at a daily rate of \$36.82 until judgment is entered.

On September 7, 2016, the Plaintiff filed a motion asking the Court to award him attorneys' fees and costs.

On March 8, 2017, the Court referred the Plaintiff's motion for attorneys' fees to Magistrate Judge Steven I. Locke.

On August 3, 2017, Judge Locke issued a report and recommendation (the "R&R") recommending that the Plaintiff's motion for attorneys' fees be granted, and that he be awarded a total of \$29,045.36, comprised of \$27,020.00 in attorneys' fees and \$2,025.36 in costs. Judge Locke further recommended that the remainder of the Plaintiff's application, as it relates to costs for secretarial services and establishing an escrow account, be denied.

It has been more than fourteen days since the service of the R&R, and the parties have not filed objections.

As such, pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, this Court has reviewed the R&R for clear error, and finding none, now concurs in both its reasoning and its result. See Coburn v. P.N. Fin., No. 13-CV-1006 (ADS) (SIL), 2015 WL 520346, at *1 (E.D.N.Y. Feb. 9, 2015) (reviewing Report and Recommendation without objections for clear error).

Accordingly, the R&R is adopted in its entirety.

The Clerk of the Court is respectfully directed to enter judgment for the Plaintiff in accordance with this ruling as well as prior rulings, and to close the case.

SO ORDERED.

Dated: Central Islip, New York

August 18, 2017

/s/ Arthur D. Spatt
ARTHUR D. SPATT
United States District Judge