

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

DAVID CRUZ VENTURA, REINA PENA,
ALEXANDER GOMEZ CANALES,

Plaintiff(s),

ADOPTION ORDER
14-cv-3163 (ADS)(ARL)

-against-

CAFE SPICE ROOSEVELT FIELD MALL,
LLC, RAKESH CHADHA,

Defendant(s).

**FILED
CLERK**

9/14/2017 9:47 am

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

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APPEARANCES:

Neil H. Greenberg & Associates, P.C.

Attorneys for the Plaintiff

4242 Merrick Road

Massapequa, NY 11758

By: Neil H. Greenberg, Esq.,
Justin M. Reilly, Esq.,
Keith E. Williams, Esq., Of Counsel

NO APPEARANCES:

Cafe Spice Roosevelt Field Mall, LLC, Rakesh Chadha

The Defendants

SPATT, District Judge.

On May 20, 2014, the Plaintiffs David Cruz Ventura, Reina Pena, and Alexander Gomez Canales (the "Plaintiffs") commenced this Fair Labor Standards Act, 29 U.S.C. § 216 (the "FLSA") action against the Defendants Café Spice Roosevelt Mall, LLC and Rakesh Chadha (the "Defendants"), seeking to recover unpaid minimum, overtime and spread of hours wages.

On April 6, 2015, the Clerk of the Court noted the default of the Defendants. On October 1, 2015, the Plaintiffs moved for a default judgment against the Defendants. On August 1, 2016, Magistrate Judge Arlene R. Lindsay recommended that default judgment be granted in

favor of the Plaintiffs against the Defendants and that the Plaintiffs be paid varying sums for their unpaid minimum, overtime and spread of hours wages. Magistrate Judge Lindsay further recommended that the damages be liquidated. On September 30, 2016, this Court adopted Magistrate Judge Lindsay's report and recommendation in its entirety.

On November 30, 2016, the Plaintiffs moved for attorneys' fees and costs. The Court referred the Plaintiffs' motion for attorneys' fees to Magistrate Judge Lindsay on December 1, 2016.

On August 28, 2017, Judge Lindsay issued a report and recommendation (the "R&R") recommending that the Plaintiffs' motion for attorneys' fees be granted, and that they be awarded a total of \$8,430, comprised of \$7,830.00 in attorneys' fees and \$600.00 in costs.

On August 30, 2017, the Plaintiffs filed proof of service of the R&R on the Defendants.

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

September 14, 2017

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