

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JOSE GUARDADO,

Plaintiff,

-against-

13 WALL STREET, INC d/b/a
ALMARCO ITALIAN GRILL,

Defendant.

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ORDER ADOPTING R & R
Civil Action No. 15-2482(DRH)(SIL)

HURLEY, Senior District Judge:

Presently before the Court is the Report and Recommendation, dated December 2, 2016, 2016 of Magistrate Judge Steven I. Locke recommending that plaintiff's motion for default judgment be granted and that plaintiffs be granted leave to move for attorneys' fees and costs. More than fourteen days have elapsed since service of the Report and Recommendation and no objections have been filed.

Pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72, this Court has reviewed the Report and Recommendation for clear error, and finding none, now concurs in both its reasoning and its result. Accordingly, this Court adopts the December 2, 2016 Report and Recommendation of Judge Locke as if set forth herein. Accordingly,

IT IS HEREBY ORDERED that default judgment be entered in favor of plaintiff against defendant and that plaintiff be awarded \$67,071.72 in compensatory damages, \$55,495.47 in liquidated damages, and \$24,379.96 in prejudgment interest for a total award of \$146,947.15, plus per diem interest at the daily rate of \$16.54 from November 23, 2016 to entry of judgment; and it is

FURTHER ORDERED that plaintiff is granted leave to move for attorneys' fees, which

motion shall be filed in accordance with the time limits set forth in Fed. R. Civ. P. 54(d).

Dated: Central Islip, N.Y.
December 29, 2016

/s/ Denis R. Hurley
Denis R. Hurley
United States District Judge