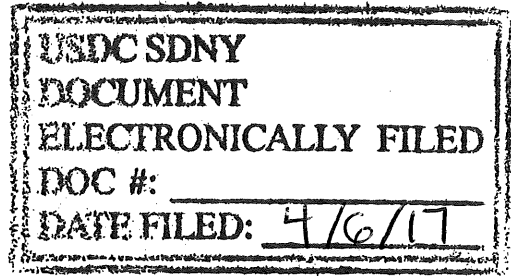


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



-----X  
ELOY FLORES, et al. :  
 :  
 Plaintiffs, :  
 :  
 v. :  
 :  
 CHIRPING CHICKEN NYC INC. :  
 (d/b/a CHIRPING CHICKEN), et al. :  
 :  
 Defendants. :  
-----X

14-cv-01594

**ORDER**

Before the Court is Judge Freeman’s Report and Recommendation, dated March 6, 2017, recommending that plaintiffs’ motion for default judgement against defendants Chirping Chicken NYC Inc. (d/b/a Chirping Chicken) and Kalli Karalexis be granted. No objections have been filed. The Court has reviewed Judge Freeman’s well-reasoned Report and Recommendation, concurs in its findings, and grants plaintiffs’ motion for default judgment.

The Court adopts the Report and Recommendation with the following corrections to a minor clerical error: Plaintiff Flores is owed \$5,093.71 in unpaid minimum wages and overtime pay for the period beginning January 1, 2011 and ending March 6, 2011, not \$1,774.35 as reflected in the table on page 27 of the Report and Recommendation.<sup>1</sup> The total amount owed to Flores for unpaid minimum wages and overtime wages is thus \$158,549.22, not

<sup>1</sup> Flores was entitled to wages of \$9,337.21 during this period. Flores was paid \$4,243.50 (450 x 9.43). Accordingly, Flores is owed \$5,093.71 in unpaid wages.

\$155,229.86. In accordance with this change, Flores is owed liquidated damages on unpaid minimum wages and overtime pay of \$17,692.78 for the period from March 7, 2008 to March 6, 2011, bringing Flores's total liquidated damages on unpaid minimum wages and overtime pay to \$106,087.98. Further, Flores's prejudgment interest on unpaid minimum wages and overtime pay for the period beginning January 1, 2011 and ending March 6, 2011 should be \$2,544.62, not \$886.40 as shown in the table on page 31 of the Report and Recommendation. The total amount of prejudgment interest on unpaid minimum wages and overtime pay is thus \$74,801.12.

As set forth in the Report and Recommendation, Flores is also awarded \$13,875.94 in spread-of-hours pay, \$8,651.06 in liquidated damages on spread-of-hours pay, \$6,735.32 in prejudgment interest on spread-of-hours pay, and \$5,000 in statutory damages.

In total, Flores is awarded:

1. \$292,164.20 in damages (representing \$172,425.16 in unpaid minimum wage, overtime, and spread-of-hours pay; \$114,739.04 in liquidated damages; and \$5,000.00 in statutory damages); and
2. \$81,536.44 in prejudgment interest through August 19, 2016, with additional prejudgment interest, on the principal amount of \$253,961.60 to be calculated by the Clerk of Court at the rate of nine percent per annum from August 20, 2016 to the date final judgment is entered, in accordance with C.P.L.R. § 5002.

Except as described above, the Clerk of Court shall enter judgment in favor of plaintiffs as set forth in Judge Freeman's Report and Recommendation.

Finally, the court notes that the complaint also names a “John Doe” defendant who has not been identified and who plaintiffs do not move against for a default judgment. Plaintiffs are directed to file a letter updating the court on the status of their claims against this defendant by April 13, 2017.

This order resolves the motion pending at docket number 61.

SO ORDERED.

Dated: New York, New York  
April 6, 2017

A handwritten signature in cursive script, reading "Thomas P. Griesa". The signature is written in black ink and is positioned above a horizontal line.

Thomas P. Griesa  
United States District Judge