

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC-SDNY
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DATE FILED: 3/1/2017

ZHEN MING CHEN Individually and on
behalf of all other employees similarly
situated,

Plaintiff,

-v-

NEW FRESCO TORTILLAS TACO LLC
doing business as “The Original Fres’co
Tortillas Taco”, “JOHN” (FIRST NAME
UNKNOWN) CHEN and JOHN AND JANE
DOE #1-10,

Defendants.

No. 15-CV-2158 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

Plaintiff Zhen Ming Chen filed the instant action on March 23, 2015 against his former employer, New Fresco Tortillas Taco LLC and “John” Chen, alleging that defendants violated the Fair Labor Standards Act (“FLSA”) and New York Labor Law (“NYLL”). Defendants failed to answer or otherwise respond to the complaint, and the Court granted Plaintiff’s request for default judgment on August 4, 2015 and referred the case to Magistrate Judge Peck for an inquest into damages. Now before the Court is Judge Peck’s Report and Recommendation (the “Report”), dated September 25, 2015, to which no objections were made.

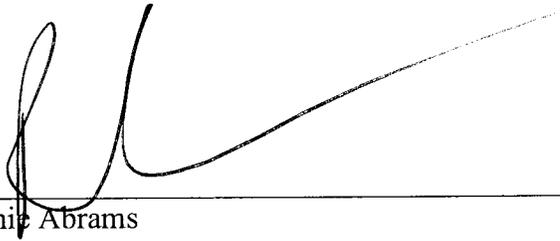
Having reviewed the Report for clear error, *see Galeana v. Lemongrass on Broadway Corp.*, 120 F. Supp. 3d 306, 310 (S.D.N.Y. 2014) (“When the parties make no objections to the Report, the Court may adopt the Report if there is no clear error on the face of the record.” (internal citation omitted)), the Court hereby adopts it in its entirety. Accordingly, plaintiff is awarded (1) \$12,950.96 in unpaid minimum and overtime wages; (2) \$1,526.25 in unpaid spread of hours

wages (3) \$1,320 for unlawful deductions for tools of the trade (4) \$14,477.21 in liquidated damages under the FLSA and the NYLL; (5) \$4,050 for wage notice and statement violations; (6) \$155.38 in prejudgment interest; and (7) \$9,500 in attorneys' fees and costs, for a total award of \$44,139.80. The parties' failure to file written objections, after Judge Peck warned that such failure would result in a waiver of objections for the purposes of appeal, precludes appellate review. *See Caidor v. Onondaga Cty.*, 517 F.3d 601 (2d Cir. 2008).

The Clerk of Court is respectfully directed to close the case.

SO ORDERED.

Dated: March 1, 2017
New York, New York



Ronnie Abrams
United States District Judge