



3. Paragraph 129 of the Faillace Declaration calculates the total that Plaintiff Leal was underpaid as \$2,392. It appears this is an error as the actual total—based on the calculations advocated in the Faillace Declaration—should be \$2,324.
4. Plaintiffs seek \$10,000 per plaintiff in statutory damages. *Id.* ¶ 135. Plaintiffs shall be prepared to explain why the Court should not in its discretion award a lower amount than the maximum allowed under the applicable statutes.
5. The Faillace Declaration requests \$89,438.39 in damages and other penalties and \$12,090 in attorneys’ fees and costs. *Id.* ¶ 144. But Plaintiffs’ proposed default judgment requests damages and other penalties totaling a much higher figure. Dkt. 106. With regard to attorneys’ fees, Plaintiffs’ proposed default judgment does not mention the \$12,090 figure, but instead requests either \$20,680.60 or some other amount. *See id.* at 3. Similarly, the Faillace Declaration mentions a lodestar amount of \$20,680.60. Dkt. 105 ¶ 143.
6. The proposed default judgment further requests \$27,986 and \$26,783.60 in damages for Plaintiffs Rivera and Soto. Dkt. 106 at 2. Based on Plaintiffs’ calculations and representations, it appears these figures should be \$26,986 and \$26,783.20, respectively. Counsel should be prepared to explain the amounts sought for these Plaintiffs (and for the other Plaintiffs) and be prepared to articulate the basis for all proposed damages calculations.

All attorneys at Michael Faillace & Associates, P.C. are reminded of the importance of proofreading submissions before filing them with the Court.

SO ORDERED.

Dated: May 23, 2021  
New York, New York



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JOHN P. CRONAN  
United States District Judge