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August 29, 2024

**Via ECF:**

The Honorable Kenneth M. Karas, U.S.D.J.  
United States District Court  
Southern District of New York  
300 Quarropas Street, Chambers 533  
White Plains, NY 10601

Re: **Farez et al v. JGR Services, Inc. et al.**  
**Civil Docket No.: 7:21-cv-08205-KMK**

Dear Judge Karas:

Our office represents the five (5) Plaintiffs in this FLSA matter, and we respectfully submit this letter-motion to enforce judgment due to the Defendants' breach of the Settlement Agreement (the "Agreement").

**Procedural History**

Plaintiffs, and the Defendants, JGR Services, Inc. and, Cuetes Corp. and Juan Martinez as an individual (collectively, the "Defendants") apprised the Court by way of Final Report of Mediator # 1 dated January 25, 2023, that the court-ordered mediation in this case was held and agreement was reached on all issues" (*see* Dkt. No. 25).

On March 16, 2023, the parties submitted their Motion for Settlement Approval pursuant to *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015) (*see* Dkt. No. 26), together with their executed Settlement Agreement, Settlement Allocations and fully executed Confession of Judgement annexed thereto (*see* Dkt. No. 26-1). A true and correct copy of the parties' executed Agreement is attached hereto as **Exhibit A**.

After supplementing the parties' Motion with Plaintiffs' Counsel's Billing Records, Qualifications and Lodestar Calculation of Attorneys' Fees (*see* Dkt. No. 27), the Court granted the Parties' request for approval of their Settlement Agreement on December 21, 2023. (*see* Dkt. No. 28).

**Defendants' Breach of the Settlement Agreement**

Pursuant to the payment schedule set forth in Paragraph 1 of the Agreement, Defendants were required to make payments in the following manner, commencing 30 days after Court approval of the Agreement:

- First payment in the amount of \$10,000.00 payable within 30 days of Court approval of the Agreement;
- Within 30 days of tendering the first payment and continuing for 18 consecutive months, Defendants shall provide payment in the sum of Two Thousand Five-Hundred Dollars and Zero Cents (\$2,500.00).

Based on the approval date of the parties' Agreement, Defendants were required to tender the first payment on January 21, 2024 but Defendants failed to do so. Further, to date, Defendants have not made any payments whatsoever pursuant to the Agreement.

Despite our numerous emails and communication to Defendants and Defendants' counsel to cure their default, Defendants have failed and continue to fail to render any payments. On July 25, 2024, our office sent a Notice of Breach to Defendants' counsel via overnight mail and electronic mail, but we received no response. A true and correct copy of the Notice of Breach is attached hereto as **Exhibit B**.

To date, Plaintiffs and our office have not been able to receive any settlement proceeds from Defendants.

**Judgment Should Be Entered in the Amount of \$110,000.00 As Against All Defendants**

Accordingly, we respectfully request that Your Honor enter Judgment against the Defendants in the liquidated amount of **\$110,000.00** due to the Defendants' breach of the parties' Settlement Agreement; and in accordance with the terms of the parties' Settlement Agreement and Confessions of Judgment. *See*, Paragraph 3 of the Agreement.

Further, the parties agreed that this Court will retain jurisdiction over this matter in the event either party defaults with respect to their obligations under the Agreement and to enforce the terms of the parties' Agreement. *See*, Paragraph 8 of the Agreement.

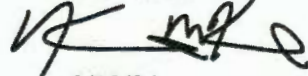
To that end, we have attached hereto as **Exhibit C**, a Proposed Judgment Order for the Court's review and execution.

**Closing**

We thank Your Honor for her consideration on this matter, and we remain available to provide any additional information as required to enter judgment against the Defendants.

Defendants are to respond to this application by 9/13/24.

So Ordered.



8/30/24

Respectfully submitted,

/s/

Roman Avshalumov, Esq.

CC: (counsel of record via ECF)

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