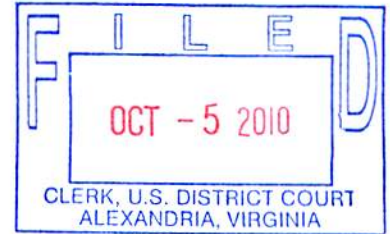


IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION



Parade Produce, Inc.,)
)
 Plaintiff,)
)
 v.) Case No. 1:09cv1210 (GBL)
)
 AMA Foods, Inc. et al.,)
)
 Defendants.)
)
)

MEMORANDUM ORDER

THIS MATTER is before the Court on the September 16, 2010 Report and Recommendation of Magistrate Judge T. Rawles Jones' Report and Recommendation regarding Plaintiff Parade Produce, Inc.'s ("Parade") Motion for Default Judgment against Defendants AMA Foods, Inc. ("AMA"), Mike Alevromagiros, Andreas Alevromagiros, and Theodore Alevromagiros, a/k/a Theodorus Alvararagas. This case concerns the Defendants' violations of the Perishable Agricultural Commodities Act, 7 U.S.C. § 499a et seq. (2006) (hereinafter "PACA").

Federal Rule of Civil Procedure 72(b) provides that a magistrate judge may hear a dispositive motion, without the consent of the parties, and recommend the disposition of the matter to a district judge. FED. R. CIV. P. 72(b). A party must serve any objections to the magistrate judge's recommendation within fourteen days of being served with a copy of the order.

FED. R. CIV. P. 72(b). The district judge to whom a case is assigned should make a *de novo* determination on the record, or receive additional evidence, on any portion of the magistrate judge's disposition to which a party has made a specific written objection. *Id.*

Here, Plaintiff filed the Complaint on October 27, 2009. Process for AMA was served on Theodore Alevromagiros, an AMA officer, on November 2, 2009. (Dkt. No. 9). Process for Andreas Alevromagiros was served on his wife at their home on March 12, 2010. (Dkt. No. 22). Process for Mike Alevromagiros was served personally on November 2, 2009. (Dkt. No. 6) The Clerk entered default as to Mike and Theodore Alevromagiros on February 10, 2010 (Dkt. Nos. 14-15), AMA on February 16, 2010 (Dkt. No. 19), and Andreas Alevromagiros on April 8, 2010 (Dkt. No. 25). Defendant failed to appear at the scheduled April 30, 2010 hearing after which time the magistrate judge took the case under advisement. (Dkt. No. 30). None of the Defendants have responded to the Complaint and Federal Rule of Civil Procedure 55 allows this Court to grant a Motion for Default Judgment where a party fails to plead or defend against a claim. FED. R. CIV. P. 55.

Magistrate Judge Buchanan recommends that the Court enter default judgment against Defendants in favor of Parade in the amount of \$54,108.08 for produce delivered and accepted.

Magistrate Judge Buchanan further recommends that Plaintiff should be entitled to recover the amount from Defendants jointly and severally.

Neither party filed objections within fourteen (14) days after being served with the magistrate judge's recommendation. Therefore, the Court adopts Magistrate Judge Buchanan's Report and Recommendation in toto. Accordingly, it is hereby

ORDERED that default judgment be ENTERED against Defendants AMA, Andreas Alevromagiros, Mike Alevromagiros, and Theodore Alevromagiros in favor of Plaintiff Parade Produce, Inc. in the amount of \$54,108.08.

The Clerk is directed to forward a copy of the Order to counsel of record.

Entered the : 5th day of October, 2010.

Alexandria, Virginia

/s/
Gerald Bruce Lee
United States District Judge