

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

PEDRO MAUL CHACON SANTAMARIA,)
)
 Plaintiff,)
)
 v.) 1:15-cv-00259(LMB/IDD)
)
 GL CONSTRUCTION, INC., ET AL.,)
)
 Defendants.)
)

ORDER

Before the Court is a Report and Recommendation (“Report”) issued by a magistrate judge on December 28, 2015 [Dkt. No. 15]. The Report recommends that default judgment be entered against defendants and that plaintiff be awarded \$31,603.50 in damages for unpaid minimum hourly and overtime wages, along with \$4,870.50 in attorney’s fees and \$503.64 in litigation costs. See Report at 11-12. The parties were advised that any objections to the Report must be filed within 14 days and that failure to file a timely objection waives the right to appeal the substance of the Report and any judgment based upon the Report. As of January 14, 2016, no party has filed an objection.

The Court has reviewed the Report, plaintiff’s motion, and the file and adopts the Report in its entirety. The magistrate judge correctly determined that the Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331, due to plaintiff’s claims under the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201, et seq., and that the Court has personal jurisdiction over both defendants because GL Construction, Inc. is a Virginia corporation and

Jose Lopez is a Virginia resident. See Report at 2. Because both defendants are Virginia residents and Jose Lopez resides in this district, venue is proper pursuant to 28 U.S.C. § 1391(b)(1). The record also shows that both defendants were properly served and that neither filed any response to the complaint. On June 18, 2015, the Clerk entered a default against both defendants.

The Court further finds that the magistrate judge properly calculated the damages after making an appropriate correction, and the attorney's fees and costs to which plaintiff is entitled based on the documentation submitted with plaintiff's motion. Accordingly, plaintiff's Rule 55(b)(2) Motion for Entry of Default Judgment and Award of Attorneys' Fees and Costs [Dkt. No. 11] is GRANTED, and it is hereby


ORDERED that a default judgment in the total amount of \$31,603.50¹ be and is awarded in favor of plaintiff, Pedro Maul Chacon Santamaria, against defendants GL Construction, Inc. and Jose Lopez, jointly and severally; and it is further

ORDERED that attorney's fees in the amount of \$4,870.50 and costs in the amount of \$503.64 to cover the filing fee and service of process be and are awarded in favor of plaintiff, Pedro Maul Chacon Santamaria, against defendants GL Construction, Inc. and Jose Lopez, jointly and severally.

The Clerk is directed to enter final judgment in plaintiff's favor pursuant to Fed. R. Civ. P. 55 and to forward copies of this Order to counsel of record and to defendants at their addresses of record in the file by certified mail, return receipt requested.

Entered this 15th day of January, 2016.

Alexandria, Virginia



Leonie M. Brinkema
United States District Judge

¹ The Report calculated the total unpaid wages as \$15,801.75 and then applied the liquidated damages provision of the FLSA to double that amount to \$31,603.50 pursuant to 29 U.S.C. § 216(b). See Report at 10.