

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

ROSA SANDOVAL,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:17-cv-1053 (AJT/TCB)
)	
STARWEST SERVICES, LLC, <i>et al.</i> ,)	
)	
Defendants.)	
)	
_____)	

AMENDED MEMORANDUM OF DECISION AND ORDER

By Memorandum of Decision and Order dated July 18, 2018 [Doc. No. 180], the Court entered judgment in Plaintiff’s favor for violations of the Fair Labor Standards Act, 29 U.S.C. § 206 *et seq.* (“FLSA”) as set forth in Counts I and V, and final judgment was entered pursuant to Fed. R. Civ. P. 58 on July 19, 2018 [Doc. No. 181]. On July 31, 2018, Defendants appealed that judgment to the United States Court of Appeals for the Fourth Circuit [Doc. No. 182]. By unpublished decision dated March 27, 2019 [Doc. No. 191], the Fourth Circuit dismissed that appeal for lack of subject matter jurisdiction since it appeared from the record that “the district court did not adjudicate Sandoval’s state law claims for breach of contract [Count II], unjust enrichment [Count IV], and quantum meruit [Count III]” and a final order had therefore never been entered. By judgment entered on March 27, 2019 [Doc. No. 192], the Court of Appeals remanded this action “for further proceedings consistent with the court’s decision.”

On May 10, 2019, the Court held a status conference, at which time the Plaintiff confirmed that she had abandoned before trial her claims for breach of contract, unjust enrichment, and quantum meruit, and for that reason no evidence was presented on those claims

at the bench trial held on March 26, 2018, which was limited to the FLSA claims in Counts I and V; that those abandoned claims should have been dismissed; and that an appropriate order dismissing those claims should now be entered pursuant to Fed. R. Civ. P 60(a) to correct that oversight and omission.

Accordingly, it is hereby

ORDERED that for the reasons set forth in the Findings of Fact and Conclusions of Law, as stated in the Court's Memorandum of Decision and Order dated July 18, 2018 [Doc. No. 180], which are hereby incorporated by reference and made a part hereof, the Court issues its verdict in favor of the Plaintiff and against the Defendants; and it is further

ORDERED that pursuant to that verdict, judgment be, and the same hereby is, entered in favor of the Plaintiff and against the Defendants jointly and severally as to Counts I and V in the total amount of \$25,508, representing \$6,400 in back pay for regular wages, \$6,354 in back pay for overtime wages, and an equal amount of each in liquidated damages; and it is further

ORDERED that Counts II, III, and IV be, and the same, hereby are, DISMISSED; and it is further

ORDERED that Plaintiff's Motion for Leave to Amend Pleadings to Conform to Proof [Doc. No. 193] be, and the same hereby is, DENIED as moot; and it is further

ORDERED that Plaintiff's Motion to Withdraw ECF-183 (Motion for Attorney's Fees) [Doc. No. 195] be, and the same hereby is, GRANTED; and Plaintiff may renew her motion for attorney's fees within fourteen days of the entry of judgment.

The Clerk is directed to enter judgment pursuant to Fed. R. Civ. P. 58 in favor of Plaintiff and against all Defendants jointly and severally.

The Clerk is directed to forward copies of this Order to all counsel of record.



Anthony J. Trenga
United States District Judge

May 31, 2019
Alexandria, Virginia