

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

PATRICK PIZZELLA,
ACTING SECRETARY OF LABOR,
UNITED STATES DEPARTMENT OF LABOR,

Plaintiff,

v.

MERCY SERVICES OF HEALTH, INC., *et al.*,

Defendants.

Civil Action No. 1:18-cv-366

Hon. Liam O’Grady

Hon. John F. Anderson

ORDER

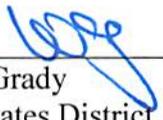
Before the Court is the Plaintiff’s Amended Motion for Default Judgment (Dkt. 66) and Magistrate Judge John F. Anderson’s Proposed Findings of Fact and Recommendations (Dkt. 77) (“Recommendation”). Upon review and consideration of the filings in this matter and associated exhibits, the Court finds cause to strike Plaintiff’s Exhibit A (Dkt. 76-1), attached in support of the proposed damages award.

The Court strikes this exhibit for the reasons Judge Anderson addressed in his Recommendation, as well as for additional illogical and improbable entries throughout the document. The Court cannot in good faith award damages based on data showing, in its very first entry, that an employee worked 128 hours in a pay period that both began and ended on June 17, 2016. *Id.* at 1. Extraordinary hours indicated for supposed one-day pay periods plague much of the exhibit.

Plaintiff shall have 60 days from the date of this order to file a revised exhibit or other affidavit in support of its claim. Judge Anderson notes that requests for clarifications and corrections in Plaintiff's pleadings in this matter have gone unanswered multiple times. Dkt. 77 at 16. Accordingly, should the revised filing contain additional or persisting implausible computations, the case shall be dismissed in its entirety.

It is **SO ORDERED**.

September 19, 2019
Alexandria, Virginia



Liam O'Grady
United States District Judge