

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

GOVERNMENT EMPLOYEES
INSURANCE COMPANY, GEICO
GENERAL INSURANCE COMPANY,
GEICO CASUALTY COMPANY and
GEICO INDEMNITY COMPANY,

Plaintiffs,

v.

Case No: 6:12-cv-1138-Orl-40DCI

KJ CHIROPRACTIC CENTER LLC,
WELLNESS PAIN & REHAB, INC.,
SADAT SMITH, ARTHUR VITO,
ESDRAS PIERRE LOUIS, JEAN
CASSAMAJOR, ROBERT COHEN,
ORLENE JOSEPH, EDNER DESIR,
ELAINE FELIX, VLADIMIR JEAN
PIERRE, ROBERT THELUSMA,
SHENIKA RICHARDSON, SHAYLA
GAINES, CHANEL AKINS, QUEENA
MCRAE, JEAN DORESTANT and
BELLE MANAGEMENT, LLC,

Defendants/Third
Party Plaintiff,

_____ /

ORDER

This cause is before the Court on Plaintiffs' Motion for Default Judgment (Doc. 632) filed on April 6, 2017 and Joint Motion for Entry of Separate Judgment and Final Judgment (Doc. 656) filed on October 4, 2017. The United States Magistrate Judge has submitted a report recommending that the motion at (Doc. 632) be granted in part and the motion at (Doc. 656) be granted.

After an independent *de novo* review of the record in this matter, and noting that no objections were timely filed, the Court agrees entirely with the findings of fact and conclusions of law in the Report and Recommendation.

Therefore, it is **ORDERED** as follows:

1. The Report and Recommendation filed November 2, 2017 (Doc. 657), is **ADOPTED** and **CONFIRMED** and made a part of this Order.

2. The Motion for Default Judgment (Doc. 632) is **GRANTED in part** as follows:

- a. Defendants Cassamajor, Louis, and Pierre are liable as to Counts 1 through 10;
- b. Defendants Thelusma, Felix, and Desir are liable as to Counts 3 through 10
- c. Defendants Richardson, Akins, and Gaines are liable as to Counts 2, 6, 7, and 8;
- d. Defendant Cohen is liable as to Counts 1, 2, 5, 6, 7, 8, 9, and 10; and
- e. Judgment is entered in favor of Plaintiffs and against Defendants Cassamajor, Louis, Pierre, Felix, Desir, Richardson, Akins, Gaines, and Cohen, jointly and severally with all Defendants, in the amount of **\$4,863,676.29**, plus postjudgment interest accruing from the date of this Order at a legal rate established by 28 U.S.C. § 1961.

3. The Motion for Default Judgment (Doc. 632) is **DENIED** as moot as to the request for damages against Defendant Thelusma.

4. The Motion for Default Judgment (Doc. 632) is **DENIED** to the extent that Plaintiffs seek prejudgment interest.

5. The Motion for Default Judgment (Doc. 632) is **DENIED without prejudice** to the extent that Plaintiffs seek attorney fees and costs against the Default Defendants.

6. Plaintiffs are granted leave to file a motion for attorney fees and costs as to the Default Defendants in accordance with Judge Irick's Order at (Doc. 659).

7. The Joint Motion for Entry of Separate Judgment and Final Judgment (Doc. 656) is **GRANTED**. Judgment is entered in favor of Plaintiffs and against Defendant Thelusma in the amount of **\$6,708,553.73**, jointly and severally with all Defendants, plus postjudgment interest accruing from the date of this Order at the legal rate established by 28 U.S.C. § 1961.

DONE AND ORDERED in Orlando, Florida on January 8, 2018.



PAUL G. BYRON
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Parties