

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION

PAMELA RIZZO-ALDERSON; DEENA
BENEHALEY; EVELYN SARNO;
NICOLE RICHARDSON; TAMI
YOUNG; TAMMY REED; and
MURPHY BLACK,

Plaintiffs,

v.

Case No. 5:17-cv-312-Oc-37PRL

EIHAB H. TAWFIK, M.D., P.A.; and
EIHAB H. TAWFIK,

Defendants.

ORDER

Following the Court's entry of default against Defendant Eihab H. Tawfik ("**Tawfik**") on Counts II and III (Doc. 47), Plaintiffs move for entry of judgment against Tawfik for \$9,072.00, with \$1,296.00 awarded to each Plaintiff. (Doc. 46 ("**Motion**").) On referral, U.S. Magistrate Judge Philip R. Lammens ordered Plaintiffs to submit affidavits or other evidence to their Motion. (Doc. 48.) Only Plaintiffs Pamela Rizzo-Alderson, Deena Benehaley, Murphy Black, and Tami Young (collectively, "**Responsive Plaintiffs**") complied. (Doc. 49.) With that, Magistrate Judge Lammens recommends granting the Motion in its entirety ("**Motion Recommendation**") and awarding damages to Responsive Plaintiffs ("**Damages Recommendation**"). (Doc. 50 ("**R&R**").)

The parties did not object to the R&R, and the time for doing so has now passed. As such, the Court has examined the R&R only for clear error. *See Wiand v. Wells Fargo*

Bank, N.A., No. 8:12-cv-557-T-27EAJ, 2016 WL 355490, at *1 (M.D. Fla. Jan. 28, 2016); *see also Macort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006). The Court takes issue with only the Motion Recommendation. (Doc. 50, p. 5.) As the Motion requested \$1,296.00 in damages for each Plaintiff and only Responsive Plaintiffs are entitled to their established damages (*see* Docs. 49, 50), the Court grants the Motion in part. Otherwise, the R&R is adopted.

Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. U.S. Magistrate Judge Philip R. Lammens' Report and Recommendation (Doc. 50) is **ADOPTED IN PART** and **REJECTED IN PART**:

- a. The Court **REJECTS** the Motion Recommendation.
- b. Otherwise, the R&R is **ADOPTED, CONFIRMED**, and made a part of this Order.

2. Plaintiffs' Motion for Entry of Judgment (Doc. 46) is **GRANTED IN PART AND DENIED IN PART**:

- a. The Motion is **GRANTED** as to Plaintiffs Tami Young, Murphy Black, Deena Benehaley, and Pamela Rizzo-Alderson.
- b. The Motion is **DENIED** as to Plaintiffs Evelyn Sarno, Nicole Richardson, and Tammy Reed.
- c. The Clerk is **DIRECTED** to enter default judgment in favor of Responsive Plaintiffs.
- d. The Court **AWARDS** damages for unpaid wages and corresponding liquidated damages as follows:

- i. For Plaintiff Tami Young, damages in the amount of \$648.00, plus an equal amount of liquidated damages, for a total amount of **\$1,296.00**;
- ii. For Plaintiff Murphy Black, damages in the amount of \$648.00, plus an equal amount of liquidated damages, for a total amount of **\$1,296.00**;
- iii. For Plaintiff Deena Benehaley, damages in the amount of \$648.00, plus an equal amount of liquidated damages, for a total amount of **\$1,296.00**;
- iv. For Plaintiff Pamela Rizzo-Alderson, damages in the amount of \$259.20, plus an equal amount of liquidated damages, for a total amount of **\$518**.

3. The Clerk is **DIRECTED** to administratively close this case.

DONE AND ORDERED in Chambers in Orlando, Florida, on May 16, 2019.




ROY B. DALTON JR.
United States District Judge

Copies to:
Counsel of Record
Pro se Party