

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

ALEXANDRA GAL,

Plaintiff,

v.

Case No. 6:17-cv-1647-Orl-37GJK

ASSER, INC.; and HISHAM AFEEF
ALKHANDAQGI,

Defendants.

ORDER

Plaintiff initiated this action against Defendants alleging violations of the minimum wage provisions of the Fair Labor Standards Act ("**FLSA**") and unpaid wages under Florida law. (Doc. 1 ("**Complaint**").) Defendant Alkhandaqgi, proceeding *pro se*, filed an Answer purportedly on behalf of both Defendants. (Doc. 12 ("**Answer**").) The Answer, construed liberally, includes a counterclaim and several affirmative defenses. (*Id.* at ¶¶ 29–37.) Thereafter, Plaintiff simultaneously filed: (1) a motion to strike, or alternatively dismiss, the Answer's counterclaim; and (2) another motion to strike several of the Answer's affirmative defenses that she claims are prejudicial. (Docs. 17, 18.) Defendants failed to respond.

On referral, U.S. Magistrate Judge Gregory J. Kelly issued a Report recommending that the Court grant in part both motions to strike and dismiss the counterclaim with prejudice. (Doc. 24 ("**R&R**").) Specifically, for Defendant Alkhandaqgi's defamation counterclaim, Magistrate Judge Kelly found that it did not relate to the payment of non-

payment of wages and any potential recovery would offset Plaintiff's FLSA claim. (*Id.* at 3–4.) For Plaintiff's second motion to strike, Magistrate Judge Kelly determined that several paragraphs of Defendant Alkhandaqgi's answer should be stricken as prejudicial. (*Id.* at 5–6.)

Neither party objected to the R&R, and the time for doing so has now passed. Absent objections, the Court has reviewed 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 Marcort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006). Finding no clear error, the R&R is due to be adopted in its entirety.

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

1. U.S. Magistrate Judge Gregory J. Kelly's Report and Recommendation (Doc. 24) is **ADOPTED, CONFIRMED**, and made a part of this Order.
2. Plaintiff's Motion to Strike or in the Alternative Dismiss with Prejudice Counterclaim Filed by Defendants (Doc. 17) is **GRANTED IN PART**.
 - a. The Counterclaim (Doc. 12, ¶¶ 36–37) is **DISMISSED WITHOUT PREJUDICE**.
 - b. In all other respects, the motion is denied.
3. Plaintiff's Motion to Strike Affirmative Defenses Filed by Defendants (Doc. 18) is **GRANTED IN PART**.
 - a. Paragraphs Thirty through Thirty-Four of Defendant Alkhandaqgi's Answer (Doc. 12, ¶¶ 30–34) **ARE STRICKEN**.
 - b. In all other respects, the motion is denied.

DONE AND ORDERED in Chambers in Orlando, Florida, on January 18, 2018.




ROY B. DALTON JR.
United States District Judge

Copies to:
Counsel of Record
Pro Se Defendant