

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

ROBERT AGUILAR DELGADILLO
et al.,

Plaintiffs,

v.

Civil Action No. 12-540 (JMF)

J.E.R. CONSTRUCTION *et al.*,

Defendants.

ORDER

This action having been commenced on April 6, 2012 by the filing of the Complaint [#1], a copy of the Complaint having been served on defendant's J's Drywall Inc. and on defendant Jose Flores, the defendants not having answered the Complaint, and a clerk's default having been entered as to defendant J's Drywall, Inc. on June 15, 2012 and as to defendant Jose Flores on July 18, 2012, the Court now reviews plaintiffs' Motion for Default Judgment [#74].

A defaulting defendant is deemed to admit every well-pleaded allegation in the complaint. See Fanning v. Warner Center, 999 F.Supp.2d 263, 265 (D.D.C. 2013). Here, the allegations in plaintiff's complaint establish both violations of the Fair Labor Standards Act and common law breach of contract. See Complaint [#1].

Once liability is established, the reviewing court must make an independent assessment of the amount of damages owed. See Fanning, 999 F.Supp.2d at 265. The court may conduct a hearing where necessary to determine the proper damages award, however no hearing is required where the amount due is discernable "on the papers alone." See Carazani v. Zegarra, 972 F.Supp.2d 1, 15 (D.D.C. 2013). Further, in FLSA cases, where the defendant has failed to meet

its statutory obligation to maintain proper payroll records, the Court may approximate damages based on “just and reasonable inferences.” See Ventura v. Bebo Foods, Inc., 738 F.Supp.2d 8, 13 (D.D.C. 2010). Indeed, “plaintiff’s estimate of damages is entitled to a strong presumption of validity, provided that the estimate is reasonably derived from the record.” See id.

Here plaintiffs allege that defendants failed to maintain proper payroll records. See Motion for Default Judgment [#74]. Therefore, plaintiffs, whose approximations are presumptively valid, have provided the Court with estimates of their damages supported by sworn declarations. Each plaintiff’s declaration estimates his or her regular rate of pay, number of hours worked in a typical week, and duration of employment. See Motion to Implement Settlement [#73], at Ex. 10-22. Each declaration further asserts that the plaintiff was not paid any enhancement for hours worked in excess of 40 per week. See id. Upon consideration of plaintiffs’ declarations, the Court finds that plaintiffs have established the damages they are due within a reasonable degree of certainty and that plaintiffs are entitled to judgment against defendants in the amounts claimed. It is therefore, hereby,

ORDERED that the Motion for Default Judgment [#74] is **GRANTED**.

SO ORDERED.

JOHN M. FACCIOLA
UNITED STATES MAGISTRATE JUDGE