

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF  
FLORIDA, PENSACOLA DIVISION

Michael Xydas v. AK89 L.L.C. d/b/a Rock N Roll Sushi

Xydas · No. 3:25-cv-2207-TKW-ZCB · Decided June 1, 2026

SUMMARY

The United States District Court for the Northern District of Florida adopts the magistrate judge’s Report and Recommendation and directs entry of default judgment for Michael Xydas against AK89 L.L.C. d/b/a Rock N Roll Sushi in the amount of \$2,722.70. The court holds that Xydas is entitled to reasonable attorney’s fees and costs under 29 U.S.C. § 216(b), while leaving the amount of fees for later determination. The court also explains that the LLC’s owner could not object on the LLC’s behalf without licensed counsel.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                          |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Northern District of Florida, Pensacola Division                                                                                                                                                                                    |
| WRITING FOR THE COURT | T. Kent Wetherell                                                                                                                                                                                                                                                        |
| JURISDICTION          | United States District Court for the Northern District of Florida, Pensacola Division                                                                                                                                                                                    |
| DECIDED               | June 1, 2026                                                                                                                                                                                                                                                             |
| DOCKET                | 3:25-cv-2207-TKW-ZCB                                                                                                                                                                                                                                                     |
| DISPOSITION           | other                                                                                                                                                                                                                                                                    |
| PROCEDURAL POSTURE    | Order adopting a magistrate judge's Report and Recommendation and directing entry of default judgment against the defendant for \$2,722.70, while determining that the plaintiff is entitled to reasonable attorney's fees and costs under the Fair Labor Standards Act. |
| STANDARD OF REVIEW    | The district court reviewed the magistrate judge's Report and Recommendation and considered whether the letter constituted a valid objection; the order does not state a separate standard of review.                                                                    |
| PRECEDENTIAL VALUE    | unpublished district court order; precedential status not stated                                                                                                                                                                                                         |

TOPICS

- default judgment
- attorney fees
- wage and hour
- flsa
- civil procedure

## PRACTICE AREAS

civil procedure

employment law

wage and hour

attorney fees

default judgment

## QUESTIONS PRESENTED

1. Whether an LLC's owner who is not a licensed attorney may submit an objection to a magistrate judge's Report and Recommendation on behalf of the LLC.
2. Whether a prevailing plaintiff's entitlement to attorney's fees under 29 U.S.C. § 216(b) may be denied based on the objection submitted by Defendant's former owner.
3. Whether the magistrate judge's Report and Recommendation should be adopted and default judgment entered for \$2,722.70.

## HOLDINGS

1. An LLC and other artificial business entities may appear in federal court only through licensed counsel; therefore, the former owner's letter could not be treated as an objection on behalf of Defendant.
2. A prevailing plaintiff's entitlement to an award of reasonable attorney's fees under 29 U.S.C. § 216(b) is mandatory, although the amount of a reasonable fee may in appropriate circumstances be determined to be zero.
3. The magistrate judge's Report and Recommendation was adopted, and the Clerk was directed to enter default judgment awarding Plaintiff \$2,722.70 against Defendant.

## KEY QUOTATIONS

“Section 216(b) of the [Fair Labor Standards] Act makes fee awards mandatory for prevailing plaintiffs.” (at 1)

“artificial business entities like LLCs can only appear in federal court through a licensed attorney.” (at 1)

## FACTUAL BACKGROUND

The magistrate judge recommended judgment for Plaintiff against Defendant AK89 L.L.C. in the amount of \$2,722.70 and found Plaintiff entitled to reasonable attorney's fees under the Fair Labor Standards Act. Amy Bosen, Defendant's owner and former defendant, submitted a letter attaching a check for \$2,722.70 and requesting that attorney's fees not be assessed against her. Because AK89 was an LLC, the court held that Bosen could not represent it in federal court, and because she was no longer a party, any fee award would run against Defendant rather than her.

## PROCEDURAL HISTORY

The magistrate judge issued a Report and Recommendation recommending judgment against Defendant in the amount of \$2,722.70 and finding Plaintiff entitled to reasonable attorney's fees under 29 U.S.C. § 216(b). Defendant's owner and former defendant Amy Bosen submitted a letter and check but was not represented by counsel and was no longer a party. The district court declined to treat the letter as a valid objection on behalf of

the LLC, alternatively overruled the objection concerning attorney's fees, adopted the R&R, and directed entry of default judgment.

## DISPOSITION

other

## CASES CITED

- Palazzo v. Gulf Oil Corp., 764 F.2d 1381, 1385 (11th Cir. 1985)
- Alternative Materials, LLC v. TCH Constr. Grp., Inc., 339 F.R.D. 322, 324 (N.D. Fla. 2021)
- Kreager v. Solomon & Flanagan, P.A., 775 F.2d 1541, 1542 (11th Cir. 1985)
- Shayers v. Prugh, Holliday & Karatinos, P.L., 560 F.3d 1241 (11th Cir. 2009)

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