

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
TEXAS, SAN ANTONIO DIVISION

**Tabitha J. Robinson v. Narasa Enterprise, Inc. d/b/a Blossom Food
Mart, Mohammad H. Zghoul, and Sandra Martinez**

Robinson · No. 5:25-CV-00134-DAE · Decided December 15, 2025

SUMMARY

The United States District Court for the Western District of Texas adopted a magistrate judge’s Report and Recommendation and granted Tabitha J. Robinson’s motion for default judgment under the Fair Labor Standards Act. The court awarded \$11,138 in actual damages, \$11,138 in liquidated damages, \$3,200 in attorney’s fees, court costs to be determined, and post-judgment interest, with defendants jointly and severally liable. The Clerk was directed to enter judgment and close the case.

CASE DETAILS

COURT	United States District Court for the Western District of Texas, San Antonio Division
JURISDICTION	United States District Court for the Western District of Texas, San Antonio Division
DECIDED	December 15, 2025
DOCKET	5:25-CV-00134-DAE
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for default judgment after the defendants were served, failed to answer or appear, and the Clerk entered default. The court reviewed and adopted a magistrate judge's Report and Recommendation and granted default judgment.
STANDARD OF REVIEW	When neither party objects to a magistrate judge's findings and recommendation, the district court reviews the recommendation for clear error.
PRECEDENTIAL VALUE	unknown

TOPICS

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

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the district court should review and adopt the magistrate judge's Report and Recommendation where no objections were filed.
2. Whether Robinson was entitled to default judgment because the defendants failed to appear or respond and the complaint stated a claim for FLSA overtime violations.
3. Whether the damages, liquidated damages, attorney's fees, costs, and post-judgment interest recommended by the magistrate judge should be awarded against the defendants jointly and severally.

HOLDINGS

1. When neither party objects to a magistrate judge's findings, the district court reviews the Report and Recommendation for clear error.
2. Default judgment was warranted because the defendants failed to appear or otherwise respond and Robinson stated a claim upon which relief could be granted.
3. Robinson was entitled to \$11,138 in actual damages, \$11,138 in liquidated damages, \$3,200 in attorney's fees, court fees to be determined under Local Rule CV-54, and post-judgment interest under 28 U.S.C. § 1961, with the defendants jointly and severally liable.

KEY QUOTATIONS

“Accordingly, for the reasons given, the Court ADOPTS the Magistrate Judge’s Report and Recommendation (Dkt. # 12) as the opinion of the Court, and GRANTS Plaintiff’s Motion for Default Judgment (Dkt. # 11).”
(Conclusion)

FACTUAL BACKGROUND

Robinson worked as a cashier at Blossom Food Mart from June 2023, earning \$11 per hour and later \$12 per hour. She regularly worked more than 40 hours per week, sometimes approximately 12 hours per shift over six or seven days, but alleged that the defendants did not pay the required overtime premium. The defendants allegedly misclassified her as an independent contractor and paid her in cash, although they controlled her schedule, duties, and working conditions. She alleged that the defendants were covered employers under the FLSA and that she was an individually covered, nonexempt employee.

PROCEDURAL HISTORY

Robinson filed an action alleging violations of the Fair Labor Standards Act's overtime provisions. Defendant Martinez was personally served, and Narasa Enterprise and Zghoul were later served by substituted service; none of the defendants answered or appeared. The Clerk entered default against all defendants, and Magistrate Judge Richard Farrer recommended granting Robinson's motion for default judgment. No objections were filed, and the district court adopted the recommendation, entered judgment, and ordered the case closed.

DISPOSITION

CASES CITED

- United States v. Wilson, 864 F.2d 1219, 1221 (5th Cir. 1989)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION TABITHA J. ROBINSON, § NO. 5:25-CV-00134-DAE § Plaintiff, §
§ vs. § § NARASA ENTERPRISE, INC., D/B/A § BLOSSOM FOOT MART, § MOHAMMAD
H. ZGHOUL, AND § SANDRA MARTINEZ, § § Defendants. §

ORDER ADOPTING REPORT AND
RECOMMENDATION, AND GRANTING MOTION FOR DEFAULT JUDGMENT Before the
Court is a Report and Recommendation filed by U.S. Magistrate Judge Richard Farrer.

(Dkt. # 12.) On August 26, 2025, the Court referred Plaintiff Tabitha R. Robinson’s (“Plaintiff” or “Robinson”) Motion for Default Judgment (Dkt. # 11) to Magistrate Judge Richard Farrer. Magistrate Judge Farrer filed his Report and Recommendation (the “Report”) on November 6, 2025. (Dkt. # 12.) Objections to the Report were due within 14 days after being served with a copy.

Neither party filed any objections to the Report. BACKGROUND According to the Complaint, Defendant Nasara Enterprise, d/b/a Blossom Food Mart, operates a food mart and gas station in San Antonio, Texas. (Dkt. # 1 at 2.) Defendant Mohammad Zghoul owns and manages Nasara Enterprise, and he employs Defendant Sandra Martinez as a manager. (Id. at 2–3.)

The Complaint explains that Defendant Martinez hired Plaintiff, set Plaintiff’s pay, and generally managed Plaintiff in Plaintiff’s capacity as an employee, specifically a cashier, for Blossom Food Mart. (Id. at 3.) At the time Plaintiff filed the present Complaint on February 7, 2025, she had been working for the Defendants at Blossom Food Mart as a cashier since June 4, 2023.

(Id.) The Complaint further explains that between June 2023 and July 2024, Plaintiff was paid on an hourly basis of \$11.00 per hour. (Id.) Starting in July 2024, her pay increased to \$12.00 per hour. (Id.) Plaintiff regularly worked in excess of 40 hours per week, averaging 12 hours of work per shift, at first seven and then eventually six days per week. (Id.)

Despite working overtime, Plaintiff avers that Zghoul and Martinez made the affirmative decision not to pay her the overtime premium mandated by the FLSA. (Id.) Plaintiff further avers that Defendants misclassified her as a “contractor” and paid her, as well as other employees, in cash to avoid payroll taxes and other costs associated with a formal employment relationship.

(Id.) Despite this classification, the Complaint alleges, Plaintiff was an employee for all intents and purposes, as Defendants controlled her schedule, set her work duties, and controlled aspects of her work. (Id.) Plaintiff sued on February 2, 2025, alleging violations of the FLSA's mandatory overtime provisions. (Id. at 4.) Plaintiff avers that Defendants were her employers and are subject to the FLSA because Defendants employed more than two employees, engaged in interstate commerce, and had gross annual sales in excess of \$500,000.

(Id.) See 29 U.S.C. § 203(s)(1)(A)(ii). Plaintiff avers that she was also individually covered under the FLSA. (See Dkt. # 1 at 4.) 29 U.S.C. § 207(a). Moreover, Plaintiff explains, she was a non-exempt employee because she was paid on an hourly basis and was entitled to the FLSA's overtime premium. (Id.) See 29 U.S.C. § 207(a)(1).

In her Complaint, Plaintiff seeks the FLSA-mandated overtime premium for all hours worked over 40 in any given work week. (Dkt. # 1 at 4–5.) She also requests an equal amount in liquidated damages because Defendants cannot establish a “good faith” defense under 29 U.S. Code § 260. (Id. at 5.)

On the same day she filed her lawsuit, Plaintiff requested issuance of service against Defendants. (Dkt. # 2.) Defendant Martinez was personally served on February 14, 2025, with her answer coming due on March 7, 2025. (See Dkt. # 5.) Fed. R. Civ. P. 12(a)(1)(A)(i). Plaintiff attempted without success to serve the other Defendants; she then filed a Motion to Substitute Service, which the Court granted.

(See Dkts. ## 6, 7.) Fed. R. Civ. P. 12(a)(1)(A)(i). Plaintiff then served Defendants Narasa Enterprise and Zghoul on March 6, 2025, with their answers coming due on March 27, 2025. (Dkt. # 8.) Defendants have yet to answer or appear. Plaintiff moved for a Clerk's Entry of Default against All Defendants on May 8, 2025 (Dkt. # 9) with the Clerk's Entry of Default being entered a little less than a month later on June 4, 2025.

(Dkt. # 10.) Now, Plaintiff moves for Default Judgment against all Defendants. (Dkt. # 11.) On November 6, 2025, Magistrate Richard Farrer entered his Report on the motion for default judgment, recommending that the Court grant Plaintiff's motion. (Dkt. # 12.) No objections were filed. ANALYSIS Where, as here, neither party objects to the Magistrate Judge's findings, the Court reviews the Report and Recommendation for clear error.

United States v. Wilson, 864 F.2d 1219, 1221 (5th Cir. 1989). After careful consideration, the Court ADOPTS the Magistrate Judge's Report and Recommendation. The Court finds that the Magistrate Judge's conclusion is correct that Defendants have not entered an appearance in this case or otherwise responded, and that Plaintiff is entitled to a default judgment because Plaintiff has stated a claim upon which relief may be granted.

(Dkt. # 12 at 3–5.) The Court further agrees with, and therefore declares, the Magistrate Judge’s findings that Plaintiff is entitled to: (1) \$11,138 in actual damages, (2) \$11,138 in liquidated damages, and (3) \$3,200 in attorney’s fees, and court fees in an amount to be determined pursuant to the procedure specified in the Western District of Texas’s Local Rule CV-54, and post-judgment interest to be calculated and compounded pursuant to 28 U.S.C. § 1961 until the judgment is paid in full.!

Defendants Narasa Enterprise, Zghoul, and Martinez should be jointly and severally liable for this award. CONCLUSION Accordingly, for the reasons given, the Court ADOPTS the Magistrate Judge’s Report and Recommendation (Dkt. # 12) as the opinion of the Court, and GRANTS Plaintiff’s Motion for Default Judgment (Dkt. # 11).

The Clerk’s Office is INSTRUCTED to ENTER JUDGMENT and CLOSE THE CASE. IT IS SO ORDERED. DATED: San Antonio, Texas, December 15, 2025. Senior United States District Judge ' Plaintiff must timely file a bill of costs using the form required by the Clerk of the Court and supported by appropriate documentation. See Local Rule CV-54 (W.D. Tex.).