

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK

Marco Antonio Sanchez Juarez, Janet Gutierrez Individually and On Behalf of Others Similarly Situated v. 156-40 Grill LLC d/b/a Taverna Greek Grill, Evangelos Pollatos, Maria Karras-Pollatos, Michael Siderakis, and Konstantinos Siklas

Sanchez Juarez v. 156-40 Grill LLC · No. 2:15-cv-05081 (CBA) (LGD) · Decided December 22, 2025

SUMMARY

The Eastern District of New York adopted a magistrate judge’s unopposed report and recommendation concerning plaintiffs’ counsel’s request for attorneys’ fees and costs incurred in defending an appeal arising from an FLSA and New York Labor Law action. The court granted the motion, directed amendment of the judgment to include previously awarded trial fees and costs and \$10,335 in appellate fees, and ordered the case closed.

CASE DETAILS

COURT	United States District Court for the Eastern District of New York
WRITING FOR THE COURT	Carol Bagley Amon
JURISDICTION	United States District Court for the Eastern District of New York
DECIDED	December 22, 2025
DOCKET	2:15-cv-05081 (CBA) (LGD)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs' counsel moved for attorneys' fees and costs incurred defending an appeal and to amend the judgment to include previously awarded trial attorneys' fees and costs. The district court reviewed and adopted the magistrate judge's unopposed report and recommendation.
STANDARD OF REVIEW	Clear-error review of portions of an unobjected-to magistrate judge's report and recommendation.
PRECEDENTIAL VALUE	Unpublished memorandum and order; not for publication.
PARTIES	Michael Siderakis v. Marco Antonio Sanchez Juarez, Janet Gutierrez

TOPICS

flsa

wage and hour

attorney fees

appellate procedure

remedies

PRACTICE AREAS

employment law

wage and hour

attorney fees

appellate procedure

remedies

QUESTIONS PRESENTED

1. Whether the district court should adopt the unobjected-to report and recommendation after finding no clear error.
2. Whether plaintiffs' counsel should receive attorneys' fees and costs incurred in defending the appeal.
3. Whether the judgment should be amended to include the previously awarded trial attorneys' fees and costs and the additional appellate fee award.

HOLDINGS

1. When no timely objection is made to a magistrate judge's report and recommendation, the district court may accept it after satisfying itself that no clear error appears on the face of the record; the court found no clear error and adopted the report and recommendation.
2. Plaintiffs' counsel was entitled to the attorneys' fees and costs recommended for defending the appeal.
3. The judgment was to be amended to include the previously awarded \$57,669.50 in trial attorneys' fees, \$3,151.80 in trial costs, and \$10,335.00 in appellate attorneys' fees, for a total of \$71,156.30 in fees and costs.

KEY QUOTATIONS

“To accept those portions of the RER to which no timely objection has been made, “a district court need only satisfy itself that there is no clear error on the face of the record.””

“After reviewing the record and finding no clear error, I adopt the R&R in fall.”

FACTUAL BACKGROUND

Plaintiffs prevailed in an FLSA and NYLL action against the defendants. Troy Law had previously been awarded \$57,669.50 in attorneys' fees and \$3,151.80 in costs for the underlying litigation. After Michael Siderakis appealed, the Second Circuit affirmed his status as an employer but partially vacated the damages structure, leading to a remand and recalculation of damages. Plaintiffs' counsel sought additional fees and costs for defending the appeal and correction of the judgment to include the prior fee award.

PROCEDURAL HISTORY

Plaintiffs prevailed on claims under the Fair Labor Standards Act and New York Labor Law and received an award of attorneys' fees and costs. Defendant Michael Siderakis appealed, and the Second Circuit affirmed the finding that he was an employer but partially vacated the damages structure. On remand, the district court recalculated damages. Plaintiffs' counsel then sought appellate fees and costs and correction of the judgment, and

the district court granted the unopposed motion after finding no clear error in the magistrate judge's report and recommendation.

DISPOSITION

other

CASES CITED

- Jarvis v. N. Am. Globex Fund, L.P., 823 F. Supp. 2d 161, 163 (E.D.N.Y. 2011)
- Wilds v. United Parcel Serv., 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003)

OPINION

Marco Antonio Sanchez Juarez, Janet Gutierrez Individually and On Behalf of Others Similarly Situated v. 156-40 Grill LLC d/b/a Taverna Greek Grill, Evangelos Pollatos, Maria Karras-Pollatos, Michael Siderakis, and Konstantinos Siklas

PER CURIAM.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----x

MARCO ANTONIO SANCHEZ JUAREZ,
JANET GUTIERREZ INDIVIDUALLY AND
ON BEHALF OF OTHERS SIMILARLY
SITUATED,

Plaintiffs, -against-

NOT FOR PUBLICATION

MEMORANDUM & ORDER

156-40 GRILL LLC

2:15-cv-05081 (CBA) (LGD) d/b/a Taverna Greek Grill,

EVANGELOS POLLATOS,

MARIA KARRAS-POLLATOS,

MICHAEL SIDERAKIS, and

KONSTANTINOS SIKLAS,

Defendants. -----x AMON, United States District Judge: Before me now is the report and recommendation (“R&R”) of the Honorable Lee G. Dunst, United States Magistrate Judge, addressing Plaintiffs’ counsel, Troy Law PLLC’s (“Troy Law”), motion (1) to award attorneys’ fees and costs incurred defending an appeal in this case, and (2) to enter an amended judgment including the attorneys’ fees I previously awarded. (ECF Docket Entry (“D.E.”) # 158.) I assume familiarity with the procedural history of this case. In short, Plaintiffs prevailed in a suit against Defendants under the Fair Labor Standards Act (“FLSA”) and New York

Labor Law (“NYLL”). (See D.E. ## 124, 136, 137, 153.) Troy Law was granted attorneys’ fees in the amount of \$57,669.50 and costs in the amount of \$3,151.80 for their work on that suit. (See D.E. # 144.) Defendant Michael Siderakis appealed the outcome of the underlying suit, challenging both my finding that he was Plaintiffs’ employer for FLSA and NYLL purposes and how I structured the damages awarded against him. (D.E. # 138.) The Second Circuit affirmed my finding on the former but partially vacated the latter. (D.E. # 145 at 10-12.) On remand, I revisited my damages calculations—breaking out the damages to reflect Siderakis’s liability for only the period that he was Plaintiff Marco Sanchez Juarez’s employer. (D.E. # 153 at 3-7.) Plaintiffs’ counsel now moves—unopposed—to recover attorneys’ fees and costs incurred defending that appeal (D.E. # 155) and to amend the judgment entered on April 1, 2025 (D.E. # 154), which omitted the attorneys’ fees I previously awarded on November 20, 2024 (D.E. # 144). When deciding whether to adopt an R&R, a district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). To accept those portions of the RER to which no timely objection has been made, “a district court need only satisfy itself that there is no clear error on the face of the record.” *Jarvis v. N. Am. Globex Fund, L.P.*, 823 F. Supp. 2d 161, 163 (E.D.N.Y. 2011) (quoting *Wilds v. United Parcel Serv.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003)). No party has objected to the R&R, and the time for doing so has passed. After reviewing the record and finding no clear error, I adopt the R&R in full. Therefore, I GRANT Troy Law’s motion for attorneys’ fees and costs incurred both during the underlying FLSA and NYLL suit and those incurred defending the subsequent appeal. The Clerk of Court is respectfully directed to (1) amend the judgment entered on April 1, 2025 to include the \$57,669.50 in attorneys’ fees and \$3,151.80 in costs previously awarded for the trial, (2) add \$10,335.00 in attorneys’ fees for the appeal consistent with this Order (for a total of \$71,156.30 in fees and costs), and (3) close the case. SO ORDERED. Dated: December 7, 2025
Brooklyn, New York
ep ee Carol Bagley Amon 2 United States District Judge