

2021 WL 4473395

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United States Court of Appeals, Fourth Circuit.

Jose ZAMORA, Plaintiff - Appellant,

v.

ENTERPRISE RAC OF MARYLAND,
LLC, Defendant - Appellee.

No. 20-2278

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Submitted: September 27, 2021

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Decided: September 30, 2021

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. [Leonie M. Brinkema](#), District Judge. (1:20-cv-00478-LMB-MSN)

Attorneys and Law Firms

[Thomas F. Hennessy, III](#), THE HENNELAW LAW FIRM, PLLC, Fairfax, Virginia, for Appellant. [Edward Lee Isler](#), [Steven W. Ray](#), ISLER DARE P.C., Vienna, Virginia; [Amy E. Smith](#), ISLER DARE, P.C., Richmond, Virginia, for Appellee.

Before [MOTZ](#), [AGEE](#), and [THACKER](#), Circuit Judges.

Opinion

Affirmed by unpublished per curiam opinion.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

*1 Jose Zamora, a former non-exempt hourly employee of Enterprise RAC of Maryland (“Enterprise”) filed the underlying amended complaint against Enterprise, asserting a claim under the Fair Labor Standards Act of 1938 (FLSA), 29 U.S.C. §§ 201-219. Zamora alleged that Enterprise failed to correctly calculate his overtime pay.

After two hearings on Enterprise's motion to dismiss, the district court dismissed the amended complaint in its entirety, finding that Zamora failed to show that he was not properly paid in accordance with FLSA overtime regulations. And, because it found that Zamora's attorney had unreasonably continued to litigate the case despite the clear lack of merit to the claim, the district court ordered counsel to reimburse Enterprise \$26,355.28 in attorney's fees pursuant to 28 U.S.C. § 1297. Zamora appeals.

We have reviewed the record included on appeal as well as the parties' briefs and we find no reversible error with respect to either order. Accordingly, we affirm for the reasons stated by the district court. *Zamora v. Enterprise RAC of Md.*, No. 1:20-cv-00478-LMB-MSN (E.D. Va. Oct. 26, 2020; Dec. 7, 2020). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this Court and argument would not aid the decisional process.

AFFIRMED.

All Citations

Not Reported in Fed. Rptr., 2021 WL 4473395