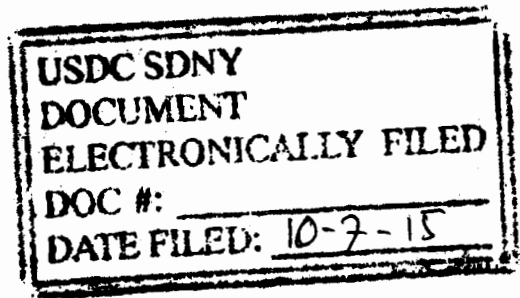


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



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:
KAREN GLASSMAN-BROWN and LARRY :
BROWN, :

Plaintiffs, :

-against- :

POURING WINE, LLC, :

Defendant. :
:
-----X

14cv3763 (TPG) (KNF)

OPINION

Plaintiffs Karen Glassman-Brown and Larry Brown brought this action against Pouring Wine, LLC asserting causes of action for strict liability, negligence, and loss of consortium after a wine decanter manufactured by defendant shattered in Glassman-Brown's right hand. Plaintiffs sought damages of \$750,000, plus medical costs of \$37,370. On March 19, 2015, the Clerk of Court entered a default against defendant, and the action was referred to Magistrate Judge Fox to conduct an inquest on damages.

On August 5, 2015, Magistrate Judge Fox issued a Report and Recommendation. Magistrate Judge Fox recommended that plaintiffs be awarded \$210,350 (\$200,000 for Glassman-Brown's past pain and suffering, \$10,000 to Brown for loss of consortium, and \$350 in expenses), plus post-judgment interest to be calculated by the Clerk of Court pursuant to 28 U.S.C. § 1961. Magistrate Judge Fox recommended denial of plaintiffs' applications for future loss of earnings, pre-judgment interest, attorneys' fees, future pain and suffering, and medical costs. With regard to future pain and suffering, Magistrate Judge Fox found the evidence

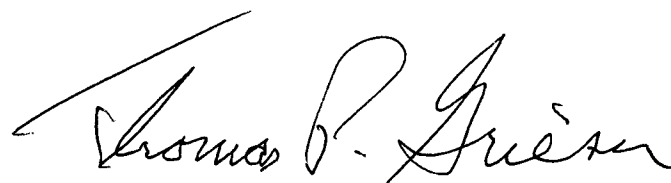
insufficient to recommend an award of damages, specifically mentioning the absence of actuarial tables used to determine Glassman-Brown's projected life span. With regard to medical costs, Magistrate Judge Fox noted that the medical records submitted were not properly authenticated, and therefore recommended no award be given.

Plaintiffs filed a timely objection pursuant to Fed. R. Civ. P. 72 on September 2, 2015, arguing that the court should award damages for future pain and suffering and medical costs. As exhibits to the objection, Plaintiffs submitted actuarial tables and authenticated medical records.

This Court adopts Magistrate Judge Fox's Report and Recommendation except for the denial of awards for future pain and suffering and medical costs. The case is referred back to Magistrate Judge Fox so that the new evidence can be taken into account with regard to awards for future pain and suffering and medical costs.

SO ORDERED.

Dated: New York, New York
October 7, 2015

A handwritten signature in black ink, reading "Thomas P. Griesa". The signature is written in a cursive style with a long, sweeping underline that extends to the left and then curves under the name.

THOMAS P. GRIESA
U.S. District Judge