

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

BARRY A. FISHER, RECEIVER)	CIVIL NO. 09-00232 JMS/LEK
FOR BILLIONS COUPONS, INC.,)	
(aka BILLION COUPONS)	ORDER ORDER ADOPTING
INVESTMENT),)	MAGISTRATE JUDGE’S FINDINGS
)	AND RECOMMENDATION
Plaintiff,)	
)	
vs.)	
)	
MARVIN R. COOPER AND)	
KENNEDY LILI COOPER,)	
)	
Defendants.)	
_____)	

ORDER ADOPTING MAGISTRATE JUDGE’S FINDINGS AND RECOMMENDATION

On November 6, 2009, Plaintiff filed a Motion Seeking Default Judgment against Defendants because they never responded to the Complaint and default has been entered against them by the Clerk of Court. Defendants filed no opposition to this Motion. Accordingly, on December 30, 2009, Magistrate Judge Leslie E. Kobayashi entered a Findings and Recommendation (“December 30 F&R”) that the court:

DIRECT entry of a judgment that: (a) divests Defendant Kennedy Lili Cooper of title to the Condominium and vests title in Plaintiff; and (b) awards Plaintiff damages in the amount of \$698,611.06, plus interest from December 30, 2008. The court further RECOMMENDS that the district judge DENY Plaintiff's request for costs WITHOUT PREJUDICE to the refiling of a Bill of Costs after the entry of final judgment.

Dec. 30 F&R at 13.

Defendants had until January 18, 2010 to object to the December 30 F&R. *See* Fed. R. Civ. P. 72(b)(2) (allowing objections to be filed “[w]ithin 14 days after being served with a copy of the recommended disposition”); *see also* Fed. R. Civ. P. 6(d) (allowing three additional days for a response where service is by mail). On January 15, 2010, however, the court prematurely entered an Order Adopting the December 30 F&R (“January 15 Order”).

On January 20, 2010, Defendant Marvin R. Cooper filed a notice of appearance, which prompted the court to vacate the January 15 Order and grant leave to Defendants to file an Objection to the December 30 F&R by February 10, 2010. The court has received no objections and Plaintiff has requested the court to

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affirm the December 30 F&R. Accordingly, the court ADOPTS the December 30 F&R.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, February 16, 2010.



/s/ J. Michael Seabright
J. Michael Seabright
United States District Judge

Fisher v. Cooper et al., Civ. No. 09-00232 JMS/KSC Order Adopting Magistrate Judge's Findings and Recommendation