

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TONY HADDAD,

Plaintiff,

Case Number 09-12597

Honorable David M. Lawson

Magistrate Judge Michael J. Hluchaniuk

v.

CHARLES RILEY & ASSOCIATES, INC.,
CHARLES RILEY, BRIGHTON MARKET,
INC., and BLUE DIAMOND MARKET OF
WARREN, INC.,

Defendants,

and

BRIGHTON MARKET, INC.

Cross-Claimant,

v.

CHARLES RILEY & ASSOCIATES, INC.,

Cross-Defendant

ORDER ADOPTING REPORT AND RECOMMENDATION, GRANTING CROSS-CLAIMANT'S MOTION FOR DEFAULT JUDGMENT, AND DENYING CROSS-DEFENDANT'S MOTION TO SET ASIDE DEFAULT

Presently before the Court is the report issued on January 20, 2010 by Magistrate Judge Michael J. Hluchaniuk pursuant to 28 U.S.C. § 636(b) recommending that this Court grant the cross-claimant's motion for default judgment and denying the cross-defendant's motion to set aside the default judgment. Although the magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service of the report, no objections have been filed. The parties' failure to file objections to the report and

recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the motion. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the Magistrate Judge.

Accordingly, it is **ORDERED** that the Magistrate Judge's Report and Recommendation [dkt # 42] is **ADOPTED**.

It is further **ORDERED** that the cross-claimant's motion for default judgment [dkt. # 24] is **GRANTED**.

It is further **ORDERED** that the cross-defendant's motion to set aside the default judgment [dkt # 27] is **DENIED**.

It is further **ORDERED** that judgment will be entered against the cross-defendant in favor of the cross-claimant on the cross-claim after a hearing at which the cross-claimant will have an opportunity to establish the amount of damages to which it is entitled. The hearing is scheduled for **March 22, 2010, at 3:30 p.m.**

s/David M. Lawson _____
DAVID M. LAWSON
United States District Judge

Dated: February 10, 2010

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on February 10, 2010.

s/Teresa Scott-Feijoo _____
TERESA SCOTT-FEIJOO