

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

TERRI MOTEN,

Plaintiff,

v.

Case No. 17-13685

Honorable Denise Page Hood

MICHAEL MONICATTI and  
MONICATTI AUTO SALES LLC,

Defendants.

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**ORDER ACCEPTING REPORT AND RECOMMENDATION TO ENTER  
DEFAULT JUDGMENT AGAINST MICHAEL MONICATTI**

This matter comes before the Court on Magistrate Judge Elizabeth A. Stafford's Report and Recommendation [#44] dated September 6, 2018, in which she recommends entry of default judgment against Defendant Michael Monicatti.

Plaintiff filed this action on November 13, 2017, asserting that Defendants fraudulently rolled back the mileage on the odometer of a car sold to Moten, along with a worthless warranty. All defendants have been dismissed except for Michael Monicatti and Monicatti Auto Sales LLC. A Clerk's Entry of Default was entered against Monicatti Auto Sales LLC on September 5, 2018, and that is the last entry on the docket with respect to Monicatti Auto Sales LLC.

The Magistrate Judge recommends that the Court enter default judgment against

Michael Monicatti because, among other things, Michael Manicotti: (a) failed to respond to discovery requests; (b) failed to respond to the Magistrate Judge's order requiring a response to a motion to compel; and (c) failed to respond to an order to show cause issued by the Magistrate Judge. The Magistrate Judge recommends that default judgment against Michael Monicatti be entered in an amount determined by the undersigned. No objections to the Report and Recommendation have been filed.

The Court has had an opportunity to review this matter and finds that the Magistrate Judge reached the correct conclusions for the proper reasons. Finding no error in the Magistrate Judge's Report and Recommendation, the Court adopts the Report and Recommendation in its entirety. Furthermore, as neither party has raised an objection to the Report and Recommendation, the Court finds that the parties have waived any further objections to the Report and Recommendation. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987) (a party's failure to file any objections waives his or her right to further appeal); *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

For the reasons stated above,

IT IS ORDERED that the Report and Recommendation [Dkt. No. 44, filed September 6, 2018] is **ADOPTED** as the Court's findings of fact and conclusions of law.

IT IS FURTHER ORDERED that DEFAULT JUDGMENT SHALL BE ENTERED against Michael Monicatti.

IT IS FURTHER ORDERED that Plaintiff shall submit to the Court, on or before October 31, 2018, the amount of default judgment Plaintiff is seeking, together with any relevant documentation to support the amount requested.

IT IS FURTHER ORDERED that, on or before October 17, 2018, Plaintiff shall advise the Court how Plaintiff intends to proceed against Defendant Monicatti Auto Sales LLC and provide the Court with an address (and any other contact information Plaintiff has) for Defendant Monicatti Auto Sales LLC.

IT IS FURTHER ORDERED that, on or before October 8, 2018, Plaintiff must PLACE IN THE U.S. MAIL A COPY OF THIS ORDER to each of Michael Monicatti and Monicatti Auto Sales LLC.

IT IS ORDERED.

Dated: October 4, 2018

s/Denise Page Hood  
DENISE PAGE HOOD  
United States District Judge

I hereby certify that a copy of the foregoing document was served upon counsel of record on October 4, 2018, by electronic and/or ordinary mail.

S/LaShawn R. Saulsberry

Case Manager