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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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PHILIP MORRIS USA INC.,	:	08-CV-0069 (ARR)(CLP)
	:	
Plaintiff,	:	
	:	
-against-	:	<u>NOT FOR</u>
	:	<u>PRINT OR ELECTRONIC</u>
C.H. RHODES, INC., et al.,	:	<u>PUBLICATION</u>
	:	
Defendants.	:	<u>ORDER</u>
	:	
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ROSS, United States District Judge:		

The court has received the Report and Recommendation on the instant case dated March 26, 2010 from the Honorable Cheryl L. Pollak, United States Magistrate Judge. No objections have been filed. Accordingly, the court has reviewed the Report and Recommendation for clear error on the face of the record. See Advisory Comm. Notes to Fed. R. Civ. P. 72(b); accord Edwards v. Town of Huntington, No. 05 Civ. 339 (NGG)(AKT), 2007 U.S. Dist. LEXIS 50074, at *6 (E.D.N.Y. July 11, 2007); McKoy v. Henderson, No. 05 Civ. 1535 (DAB), 2007 U.S. Dist. LEXIS 15673, at *1 (S.D.N.Y. March 5, 2007). Having reviewed the record, I find no clear error. I hereby adopt the Report and Recommendation, in its entirety, as the opinion of the court pursuant to 28 U.S.C. § 636(b)(1). Plaintiff is awarded a total of \$1,000,000 in statutory damages, \$350.00 in costs, and a permanent injunction enjoining defendant from using the

counterfeit Marlboro® trademarks.¹ The Clerk of the Court is directed to enter judgment accordingly.

SO ORDERED.

/S/

Allyne R. Ross
United States District Judge

Dated: April 19, 2010
Brooklyn, New York

¹ Despite a typographical error on page two of Magistrate Judge Pollak's Report and Recommendation describing the recommended statutory damages, the reasoning and conclusion of the Report and Recommendation, on pages 9 to 14, are clear that \$1,000,000 in statutory damages was awarded.

SERVICE LIST:

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cc: Magistrate Judge Cheryl L. Pollak