

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
PRO TRANSPORTATION SERVICES, INC., :  
:   
Plaintiff, :   
:   
-against- :   
:   
ANKA TRUCKING, INC., :   
:   
Defendant. :   
-----X

**ORDER ADOPTING R&R**

08-CV-4338 (DLI) (RML)

**DORA L. IRIZARRY, United States District Judge:**

No objections have been filed to the Report and Recommendation (“R&R”) of the Honorable Robert M. Levy, U.S.M.J., dated September 25, 2009, and, upon due consideration, the R&R is hereby adopted in full. Accordingly, it is hereby

ORDERED that plaintiff’s motion for default judgment is granted. The plaintiff is awarded damages against the defendant in the amount of \$105,680.78 (this award reflects \$102,329.15 in damages and \$3,351.63 in pre-judgment interest<sup>1</sup>). Additionally, this amount shall increase \$4.34 per day (beginning March 23, 2010) through satisfaction of judgment by defendant to account for post-judgment interest. It is further hereby

ORDERED that service of a copy of this Order on defendant shall be made by the plaintiff within five (5) days of the date of this Order and proof thereof shall be promptly filed with the court via ECF. The Clerk of the Court is directed to close the file maintained in this case and to enter judgment.

DATED: Brooklyn, New York  
March 22, 2010

\_\_\_\_\_/s/\_\_\_\_\_  
DORA L. IRIZARRY  
United States District Judge

<sup>1</sup> The monthly yields on Treasury securities since January 2008 to the present have fluctuated from a high of 2.71% in January 2008 to a low of .31% this past November. When these rates are averaged, the resulting rate is roughly 1.5%. This rate provides a fair return on investment during this period. The court utilized this rate to calculate the pre and post-judgment interest due plaintiff. Notably, plaintiff did not submit a proposed interest calculation.