

D/F

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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HSBC BANK USA, N.A.,	:	09-CV-529 (ARR)(MDG)
	:	
Plaintiff,	:	
-against-	:	<u>NOT FOR</u>
	:	<u>PRINT OR ELECTRONIC</u>
A.T.A CONSTRUCTION CORP.,	:	<u>PUBLICATION</u>
	:	
Defendant.	:	<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 April 30, 2009 from the Honorable Marilyn D. Go, 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).

Therefore, the court awards plaintiff HSBC Bank USA, N.A. judgment against defendant A.T.A. Construction Corp. in the amount of \$149,807.35, consisting of \$129,583.00 in restitution and interest in the amount of \$20,244.35 for the period from August 26, 2007 through May 20, 2009, and additional interest at a daily rate of \$31.95 per day thereafter, until the entry of judgment.

The Clerk of the Court is directed to enter judgment accordingly.

SO ORDERED.

/S/  
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Allyne R. Ross  
United States District Judge

Dated: May 21, 2009  
Brooklyn, New York

SERVICE LIST:

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Defendant

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cc: Magistrate Judge Go