

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

J&J SPORTS PRODUCTIONS, INC.,

Plaintiff,
-against-

HOT SHOTS, INC.,
d/b/a HOT SHOTS SPORTS BAR & LOUNGE,
and VIJAYSANAD RAMCHARAN, an
individual,

Defendants.

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ SEP 02 2010

x BROOKLYN OFFICE

MEMORANDUM AND ORDER
Case No. 09-CV-1884 (FB) (SMG)

Appearances:

For the Plaintiff:

PAUL J. HOOTEN, ESQ.
Paul J. Hooten & Associates
5505 Nesconset Highway, Suite 203
Mt. Sinai, New York 11766

BLOCK, Senior District Judge:

On April 27, 2010, Magistrate Judge Gold issued a Report and Recommendation ("R&R") recommending that the Court (1) award default judgment against defendants, jointly and severally, in the total amount of \$11,340.00, consisting of \$10,990.00 in statutory damages and \$350.00 in costs, and (2) deny plaintiff's application for prejudgment interest. *See* R&R at 6. The R&R also stated that failure to object within fourteen days of being served with a copy of the R&R would preclude appellate review. *See id.* Plaintiff's attorney mailed a copy of the R&R to defendant on August 16, 2010; no objections have been filed.

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If clear notice has been given of the consequences of failure to object, and there are no objections, the Court may adopt the R&R without *de novo* review. *See Mario v. P & C Food Mkts., Inc.*, 313 F.3d 758, 766 (2d Cir. 2002) (“Where parties receive clear notice of the consequences, failure timely to object to a magistrate’s report and recommendation operates as a waiver of further judicial review of the magistrate’s decision.”). The Court will excuse the failure to object and conduct *de novo* review if it appears that the magistrate judge may have committed plain error, *see Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000); no such error appears here. Accordingly, the Court adopts the R&R without *de novo* review and directs the Clerk to enter judgment in accordance with the R&R.

SO ORDERED.

s/Frederic Block

FREDERIC BLOCK
Senior United States District Judge

Brooklyn, NY
September 1, 2010