

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MATSCO, a division of WELLS FARGO,
N.A.,

Plaintiff,
-against-

MEMORANDUM AND ORDER
Case No. 09-CV-3362 (FB) (SMG)

SUSAN MARIE PATTIS and
VIP VETERINARY HOSPITAL, P.C.,

Defendant.

x

Appearances:

For the Plaintiff:

MICHAEL H. LEVISON, ESQ.
Pitney Hardin, LLP
7 Times Square
New York, NY 10036

BLOCK, Senior District Judge:

On January 27, 2010, Magistrate Judge Gold issued a Report and Recommendation (“R&R”) recommending that a default judgment be entered against defendant Susan Marie Pattis (“Pattis”)¹ in the amount of \$445,600.18, *see* R&R at 2, with interest accruing on \$445,575.18 at a rate of 18 percent per annum from March 16, 2009, to the date judgment is entered, *see id.* at 2-3. The R&R also stated that failure to object within fourteen days would preclude appellate review. *See id.* at 6. Plaintiff’s attorney mailed copies of the R&R to Pattis via regular and certified mail on January 28, 2010;² no objections have been filed.

¹Plaintiff’s claims against defendant VIP Veterinary Hospital, P.C. (“VIP”), were stayed on November 16, 2009, because VIP filed for Chapter 11 bankruptcy.

²The R&R was mailed to Pattis at the billing address listed on the Master Billing Finance Agreement here at issue, which she executed. *See* Compl., Ex. 1.

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.

Brooklyn, New York
February 18, 2010

FREDERIC BLOCK
Senior United States District Judge