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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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J&J SPORTS PRODUCTIONS, INC.,

Plaintiff,

-against-

**MEMORANDUM AND ORDER**

Case No. 09-CV-3745 (FB) (MDG)

JOSE A. BERNAL, individually, and as officer,  
director, shareholder and/or principal of EL  
SONADOR CAFÉ RESTAURANT, INC., d/b/a  
ELSONADOR CAFÉ RESTAURANT, a/k/a 30-  
30 CAFÉ RESTAURANT, and EL SONADOR  
CAFÉ RESTAURANT, and ELSONADOR CAFÉ  
RESTAURANT INC., d/b/a EL SONADOR  
CAFÉ RESTAURANT, a/k/a 30-30 CAFÉ  
RESTAURANT,

Defendants.

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*Appearances:*

*For the Plaintiff:*

JULIE COHEN LONSTEIN, ESQ.

Lonstein Law Office, P.C.

1 Terrace Hill, Box 351

Ellenville, New York 12428

**BLOCK, Senior District Judge:**

On July 28, 2010, Magistrate Judge Go issued a Report and Recommendation (“R&R”) recommending that the Court award default judgment against defendants in the total amount of \$5,633.45, consisting of \$1,000.00 in damages, \$3,000.00 in enhanced damages, \$952.50 in attorneys fees, and \$680.95 in costs. *See* R&R at 16. The R&R also stated that failure to object on or before August 16, 2010 would preclude appellate review. *See id.* A copy of the R&R was sent by overnight delivery to the defendants on July 28, 2010; no objections have been filed.

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

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FREDERIC BLOCK

Senior United States District Judge

Brooklyn, NY  
August 26, 2010