

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DARIUSZ MICHALOW, et al.,

Plaintiffs,

– against –

EAST COAST RESTORATION
& CONSULTING CORP., et al.,

Defendants.
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TOWNES, United States District Judge:

MEMORANDUM & ORDER
ADOPTING
REPORT & RECOMMENDATION

09-CV-5475 (SLT) (MDG)

On December 15, 2009, Plaintiffs commenced this action pursuant to the Fair Labor Standards Act, New York Labor Law, and New York Codes, Rules and Regulations, asserting claims for unpaid overtime and spread-of-hours pay. (Docket No. 1). On December 29, 2011, this Court adopted the Report and Recommendation of Magistrate Judge Marilyn D. Go to certify the state law class by stipulation of the parties. (Docket No. 32). On August 13, 2012, Plaintiffs moved to amend their complaint to join an additional three corporate defendants and four individual defendants. (Docket No. 48). By order dated August 15, 2012, this Court referred the motion to Judge Go for another Report and Recommendation (“R&R-2”). Judge Go issued the R&R-2 on October 22, 2012, recommending that this Court grant the motion for leave to amend the complaint. (Docket No. 57). The R&R-2 specifically advised the parties that any objections needed to be filed by November 8, 2012. Judge Go also directed that an amended complaint would be due within two days after the disposition of any objections, or by November 12, 2012, whichever was later. (R&R-2 at 16). To date, none of the parties has filed any objections.

A district court is not required to review the factual or legal conclusions of the magistrate judge as to those portions of a report and recommendation to which no objections are addressed. See Thomas v. Arn, 474 U.S. 140, 150 (1985). Nonetheless, when no objections are filed, many courts seek to satisfy themselves “that there is no clear error on the face of the record.” Fed. R. Civ. P. 72(b) advisory committee note (1983 Addition); see also Edwards v. Town of Huntington, No. 05 Civ. 339 (NGG) (AKT), 2007 WL 2027913, at *2 (E.D.N.Y. July 11, 2007). Accordingly, this Court has reviewed the R&R-2 for clear error on the face of the record. The Court finds no clear error, and therefore adopts the R&R-2 in its entirety as the opinion of the Court pursuant to 28 U.S.C. § 636(b)(1).

CONCLUSION

For the reasons set forth above, Magistrate Judge Marilyn D. Go’s Report and Recommendation (Docket No. 57) is ADOPTED in its entirety, Plaintiffs’ motion to amend the complaint (Docket No. 48) is GRANTED, and the amended complaint (Docket No. 58) is deemed appropriately filed.

SO ORDERED.

s/ SLT

SANDRA L. TOWNES
United States District Judge

Dated: January 28, 2013
Brooklyn, New York