

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
1199/SEIU UNITED HEALTH CARE
WORKERS EAST,

Plaintiff,

- against -

LILY POND NURSING HOME,

Defendant.

-----X
MAUSKOPF, United States District Judge.

ORDER
10-CV-0503(RRM) (CLP)

By Motion filed June 3, 2010, Plaintiff moved for Default Judgment [Doc. No. 6]. By Order entered June 4, 2010, this Court referred that motion to the assigned Magistrate Judge, the Honorable Cheryl L. Pollak, for a Report and Recommendation. On January 3, 2011, Judge Pollak issued a Report and Recommendation (the “R&R”) recommending that any Default previously entered against Defendant be vacated, and that Plaintiff be given an opportunity to amend the Complaint to correct certain deficiencies as noted in the R&R. Judge Pollak reminded the parties that, pursuant to Rule 72(b), any objections to the R&R were due on January 21, 2011. No party has filed any objection.

Pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, the Court has reviewed the R&R for clear error and, finding none, concurs with the R&R in its entirety and adopts the recommendations contained therein. *See Covey v. Simonton*, 481 F. Supp. 2d 224, 226 (E.D.N.Y. 2007). Accordingly, it is hereby

ORDERED that the Clerk’s Entry of Default as to Defendant Lily Pond Nursing Home, entered on June 4, 2010 [Doc. No. 8] is VACATED; and it is

FURTHER ORDERED that Plaintiff’s Motion for Default [Doc. No. 6] is DENIED; and it is

FURTHER ORDERED that by February 2, 2011, Plaintiff shall file with the Court an Amended Complaint that corrects the deficiencies noted in the R&R; and it is

FURTHER ORDERED that by February 14, 2011, Plaintiff shall serve said Amended Complaint on Defendant Lily Pond Nursing Home in a manner prescribed by Rule 4 of the Federal Rules of Civil Procedures, and immediately file proof of such service.

SO ORDERED.

Dated: Brooklyn, New York
January 24, 2011

/S/

ROSLYNN R. MAUSKOPF
United States District Judge