

**FILED**  
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U.S. DISTRICT COURT E.D.N.Y.  
★ DEC 10 2011 ★  
BROOKLYN OFFICE

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

----- X  
FEDEX TECHCONNECT, INC.,

Plaintiff,

-against-

SURPLUS R US INC.,

Defendant.  
----- X

11-CV-2591(Arr)(JMA)

NOT FOR  
PRINT OR ELECTRONIC  
PUBLICATION

ORDER

ROSS, United States District Judge:

The court has received the Report and Recommendation on the instant case dated December 9, 2011, from the Honorable Joan M. Azrack, United States Magistrate Judge. No objections have been filed. Accordingly, the court has reviewed the Report and Recommendation for clear error on the face of the record. See Advisory Comm. Notes to Fed. R. Civ. P. 72(b); accord Brissett v. Manhattan & Bronx Surface Transit Operating Auth., No. 09-CV-1930682 (CBA) (LB), 2011 WL 1930682, at \*1 (E.D.N.Y. May 19, 2011). Having reviewed the record, I find no clear error. I hereby adopt the Report and Recommendation, in its entirety, as the opinion of the Court pursuant to 28 U.S.C. § 636(b)(1).

Therefore, plaintiff is awarded a total of \$91,693.82, representing \$80,019.13 in damages, \$11,234.69 in interest, and \$440.00 in costs. The Clerk of Court is instructed to enter judgment

accordingly. Plaintiff's counsel is directed to serve a copy of this order on defendant and promptly file proof of service via ECF.

SO ORDERED.

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Allyne R. Ross  
United States District Judge

Dated: December 30, 2011  
Brooklyn, New York