

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MULTI-LINK CONTAINER LINE LLC,

Plaintiff,

-against-

RUSSELL-NEWMAN, INC.,

Defendants.

-----x

MEMORANDUM AND ORDER

Case No. 11-CV-3093 (FB) (RML)

Appearances:

For the Plaintiff:

DAVID COHEN, ESQ.

102 Montauk Blvd

POB 86

East Hampton, NY 11937

BLOCK, Senior District Judge:

On June 29, 2012, Magistrate Judge Levy issued a Report and Recommendation (“R&R”) recommending that the Court award plaintiff a default judgment against defendant in the total amount of \$111,805.96 in damages, consisting of \$104,442.61 in unpaid invoices, \$6,953.30 in interest, and \$410 in costs. *See* R&R at 3. The R&R also stated that defendant’s failure to object within fourteen days would preclude the District Court’s review. *See id.* at 5. Plaintiff’s attorney mailed a copy of the R&R to defendant on June 29, 2012 via first class mail; 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/ Judge Frederic Block

FREDERIC BLOCK

Senior United States District Judge

Brooklyn, NY
July 17, 2012