

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ORTHO SLEEP PRODUCTS, LLC,

Plaintiff,

-against-

DREAMY MATTRESS CORP., DREAMY'S
BEDDING, INC., DREAMY'S FURNITURE
CORP., a/k/a DREAMY'S MATTRESS,
SAMEEH ABUDAYEH, MOHAMED
ABUDAYEH, and GHANDI ABUDAYEH,

Defendants.

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AMON, Chief United States District Judge.

NOT FOR PUBLICATION
MEMORANDUM & ORDER
11-CV-6049 (CBA) (CLP)

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ DEC 17 2012 ★

BROOKLYN OFFICE

Plaintiff Ortho Sleep Products brings this action against defendants Dreamy's Mattress Corp., Dreamy's Bedding, Inc., Dreamy's Furniture Corp., a/k/a Dreamy's Mattress (collectively "corporate defendants"), Sameeh Abudayeh, Mohamed Abudayeh, and Ghandi Abudayeh (collectively "individual defendants"). Plaintiff alleges that the corporate defendants failed to pay invoices as they came due and that the corporate and individual defendants engaged in unfair competition in violation of 15 U.S.C. § 1125. The defendants failed to appear or otherwise defend this action, and upon plaintiff's application, the Clerk of the Court entered default against defendants on December 2, 2011. (DE 6.) Plaintiff filed the instant motion for default judgment on March 7, 2012 (DE 7), which this Court referred to Magistrate Judge Cheryl L. Pollak for report and recommendation. Pending before the Court is Magistrate Judge Pollak's Report and Recommendation (the "R&R") issued on August 29, 2012. (DE 19.)

"A district judge may accept, reject, or modify, in whole or in part, the findings and recommendations of the Magistrate Judge." *Wilson v. Dalene*, 699 F. Supp. 2d 534, 540

(E.D.N.Y. 2010). Where, as here, no timely objection has been made to the R&R, the “court need only satisfy itself that there is no clear error on the face of the record” to accept a magistrate judge’s Report and Recommendation. *Wilds v. United Parcel Serv., Inc.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003) (internal quotation marks omitted). Having reviewed the record and so satisfied itself, the Court adopts Magistrate Judge Pollak’s thoroughly reasoned R&R as the opinion of this Court.

The plaintiff’s motion for default judgment is granted. Judgment shall enter against defendants in the amount of \$169,956.93, broken down as follows: (1) \$94,380.57 in enhanced damages pursuant to 15 U.S.C § 1117(a); (2) \$49,595.50 for breach of contract and goods sold and delivered; (3) \$24,401.25 in attorneys’ fees; and (4) \$1,579.61 in costs. The Clerk of Court is directed to enter judgment and close this case.

SO ORDERED.

Dated: Brooklyn, N.Y.

December 17, 2012

s/Carol Bagley Amon

Carol Bagley Amon
Chief United States District Judge