

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MILLER'S LAUNCH, INC.,

ORDER

Plaintiff,

12-CV-1047 (NGG) (CLP)

-against-

OPTICAL COMMUNICATIONS GROUP,
INC.,

Defendant.

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NICHOLAS G. GARAUFIS, United States District Judge.

On March 2, 2012, Plaintiff filed suit against Defendant seeking damages relating to its removal of a fiber optic cable from New York Harbor. (Compl. (Dkt. 1).)

On October 24, 2012, the Clerk of Court entered notice of Defendant's default. (Dkt. 3.) On October 25, 2012, Plaintiff moved for a default judgment. (Dkt. 5.) On November 1, 2012, the court referred this motion to Magistrate Judge Cheryl L. Pollak for a Report and Recommendation ("R&R") pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b)(1). (Nov. 1, 2012, Order (Dkt. 6).)

On February 8, 2013, Judge Pollak issued her R&R, recommending that the court grant Plaintiff's motion for a default judgment and award it \$281,941.52—\$220,291.00 for breach of contract; \$61,300.52 in prejudgment interest; and \$350 in costs. (R&R (Dkt. 17).)

No party has objected to Judge Pollak's R&R, and the time to do so has passed. See Fed. R. Civ. P. 72(b)(2). (See also R&R at 11 ("Any objections to this Report and Recommendation must be filed with the Clerk of the Court . . . within fourteen (14) days of receipt of this Report.").) Therefore, the court reviews the R&R for clear error. See Gesualdi v. Mack Excavation & Trailer Serv., Inc., No. 09-CV-2502 (KAM) (JO), 2010 WL 985294, at *1 (E.D.N.Y. Mar. 15, 2010); La Torres v. Walker, 216

F. Supp. 2d 157, 159 (S.D.N.Y. 2000); cf. 28 U.S.C. § 636(b)(1). Finding no clear error, the court ADOPTS the R&R in its entirety. See Porter v. Potter, 219 F. App'x 112 (2d Cir. 2007).

Accordingly, Plaintiff's motion for a default judgment is GRANTED and it is awarded \$281,941.52 as set forth above. The Clerk of Court is respectfully directed to close the case.

SO ORDERED.

s/Nicholas G. Garaufis

Dated: Brooklyn, New York
February 26, 2013

NICHOLAS G. GARAUFIS 
United States District Judge