

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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EASTERN SAVINGS BANK, FSB,

Plaintiff,

-against-

ALAN M. McLAUGHLIN A/K/A ALAN  
McLAUGHLIN, NEW YORK  
ENVIRONMENTAL CONTROL BOARD,  
BOARD OF MANAGERS OF HORIZON  
VILLAGE CONDOMINIUM 3, ROBERT  
HOPKINS, and ADELLA HOPKINS,

Defendants.<sup>1</sup>

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NICHOLAS G. GARAUFGIS, United States District Judge.

On March 1, 2013, Plaintiff Eastern Savings Bank, FSB, brought this diversity action to foreclose on a mortgage executed by Defendant Alan M. McLaughlin (“Defendant”) encumbering certain real property located at 537 Willow Road, Apartment 1, in Staten Island. (See Compl. (Dkt. 1).) McLaughlin is the only defendant to have answered or appeared in this action. (See Answer (Dkt. 5).) On September 30, 2013, Plaintiff filed a Motion for Summary Judgment against Defendant and seeking other relief. (Pl.’s Mot. for Summ. J. (Dkt. 23).) Defendant does not oppose the motion. (See Pl.’s Oct. 3, 2013, Ltr. (Dkt. 26).)

The court referred the motion to Magistrate Judge Lois Bloom 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). (May 1, 2013, Order.) On December 20, 2013, Judge Bloom issued her R&R, recommending that Plaintiff’s Motion for Summary Judgment be granted, Plaintiff’s

<sup>1</sup> Pursuant to the relief contained in this Order, the caption has been revised. Going forward the Clerk of Court is respectfully directed to use the caption as set forth herein.

motion to strike Defendant's Answer be denied, and Plaintiff's motion to amend the caption be granted. (R&R (Dkt. 27).)

No party has objected to Judge Bloom's R&R, and the time to do so has passed. See Fed. R. Civ. P. 72(b)(2). (See also R&R at 8 ("[T]he parties shall have fourteen (14) days from service of this Report to file objections." (citations omitted).) Therefore, the court reviews the R&R for clear error. See Gesualdi v. Mack Excavation & Trailer Serv., Inc., No. 09-CV-2502 (KAM), 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 IN FULL the R&R. See Porter v. Potter, 219 F. App'x 112 (2d Cir. 2007).

Accordingly, Plaintiff's Motion for Summary Judgment against Defendant Alan M. McLaughlin is GRANTED. Plaintiff's motion to strike Defendant's Answer is DENIED. Plaintiff's motion to amend the caption to substitute Robert Hopkins for John Doe #1 and Adella Hopkins for John Doe #2 and to delete John Does #3-6 is GRANTED, and the Clerk of Court is directed to make these changes as captioned above.

As proposed in Judge Bloom's R&R, Plaintiff is directed to file by March 4, 2014, a detailed calculation of the amount alleged to be owed by Defendant and a proposed judgment. Defendant may dispute Plaintiff's calculation and submit a proposed counter-judgment within ten days of Plaintiff's submission. If necessary, these submissions shall be referred to Judge Bloom to conduct a damages inquest.

SO ORDERED.

Dated: Brooklyn, New York  
February 18, 2014

s/Nicholas G. Garaufis  
NICHOLAS G. GARAUFIS  
United States District Judge