

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.  
★ MAY 3 1 2016 ★

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SEAN PATTERSON, on behalf of himself and  
all others similarly situated,

**BROOKLYN OFFICE**

Plaintiff,

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

-against-

15-CV-662 (SLT)(PK)

PREMIER CONSTRUCTION CO. INC. and  
SAEED M. ANJUM

Defendants.

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**TOWNES, United States District Judge:**

In February 2015, plaintiff Sean Patterson commenced this collective action pursuant to the Fair Labor Standards Act of 1938, 29 U.S.C. § 201 *et seq.* (“FLSA”) and New York Labor Law, alleging that the defendants violated those laws by failing to provide employees with overtime pay and wage statements. On February 5, 2016, Plaintiff moved to conditionally certify a collective action under section 216(b) of the FLSA, seeking an order (a) approving text of Plaintiff’s Notice of Lawsuit and Consent to Join, (b) permitting circulation of the same, (c) requiring Defendants to provide him with contact information for past and present employees of Premier Constuction Co.; (d) permitting all similarly situated individuals to opt in to the action within a specified time frame, (e) tolling the statute of limitations, (f) requiring Defendants to post notice of suit at their locations, (g) permitting Plaintiff to translate the notice into spanish, and (h) granting any other relief the Court finds just. (Rec. Doc. 20 at 1).

The Court then referred the motion to Magistrate Judge Peggy Kuo for a report and recommendation (“R&R”). Although the defendants initially opposed Plaintiff’s request that defendant Premier Construction Co. Inc. (“Premier Construction”) post notice of the instant suit

at its current work sites (Rec. Doc. 20-4 at 1-2), defense counsel later withdrew that objection during a status conference before Judge Kuo and the motion is now entirely unopposed. (R&R at 3). With the motion unopposed, Judge Kuo recommended conditionally certifying the action as a collective action and granting the relief requested.

A district court is not required to review the factual or legal conclusions of a magistrate judge as to those portions of a report and recommendation to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 150 (1985). Nonetheless, when no objections are filed, many courts seek to satisfy themselves “that there is no clear error on the face of the record.” Fed. R. Civ. P. 72(b) advisory committee note (1983 Addition); *see also Edwards v. Town of Huntington*, No. 05 Civ. 339 (NGG) (AKT), 2007 WL 2027913, at \*2 (E.D.N.Y. July 11, 2007). Accordingly, this Court has reviewed the R&R for clear error on the face of the record. The Court finds no clear error, and therefore adopts the R&R in its entirety as the opinion of the Court pursuant to 28 U.S.C. § 636(b)(1).

### CONCLUSION

For the reasons stated above, Magistrate Judge Kuo’s Report and Recommendation dated March 8, 2016, is adopted in its entirety.

**SO ORDERED.**

/s/ Sandra L. Townes

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SANDRA L. TOWNES  
United States District Judge

Dated: May 26 2016  
Brooklyn, New York