UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK

DOGEL VALIGIGE

ROSELYN ISIGI,

Plaintiff,

-against-

MEMORANDUM AND ORDER

1:16-cv-2218(FB)(SMG)

HARRY DORVILIER and HARRY'S NURSES REGISTRY,

Defendants.

Appearances:

For the Plaintiff
JONATHAN A. BERNSTEIN
Levy Davis & Maher LLP
39 Broadway, Suite 1620
New York, NY 10006

For the Defendant EDWARD IRIZARRY Law Office of Edward Irizarry, P.C. 260 Madison Ave., 8th Fl. New York, NY 10016

BLOCK, Senior District Judge:

On September 7, 2017, Magistrate Judge Steven M. Gold issued a Report and Recommendation ("R&R") recommending the entry of defendants' default in this action for violations of the Fair Labor Standards Act ("FLSA") and New York Labor Law ("NYLL") and state law retaliation. This Court adopted the R&R, ordered entry of a default judgment, and referred the matter back to Judge Gold for calculation of damages.

On March 14, 2018, Judge Gold issued a second R&R recommending that plaintiff be awarded \$117,318.25 in unpaid overtime wages and \$97,510 in liquidated damages on her FLSA and NYLL claims; \$40,412.45 in pre-judgment interest on her NYLL claims; \$12,096 in lost wages, \$5,000 in emotional distress damages, and \$5,000 in

liquidated damages on her retaliation claim; and \$44,890.58 in attorney's fees and costs.

The R&R instructed that "[a]ny objections to the recommendations contained in this

Report must be filed with the Clerk of the Court within fourteen days of the date of this

Report and in any event no later than March 28, 2018." No objections have been filed to

date, and defendants' opportunity to object has passed.

Where there are no objections, the Court may adopt the R&R without de novo

review. See Thomas v. Arn, 474 U.S. 140, 149-50 (1985); 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

must 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 enters judgment in the above amount.

SO ORDERED.

/S/ Frederic Block

FREDERIC BLOCK

Senior United States District Judge

Brooklyn, New York April 2, 2018

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