

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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LG CAPITAL FUNDING, LLC,

Plaintiff,

ORDER

16-CV-3102 (LDH)(SMG)

-against-

UBIQUITY, INC.,

Defendant.

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LASHANN DEARCY HALL, United States District Judge:

On May 12, 2017, United States Magistrate Judge Steven M. Gold issued a report and recommendation (the “Report and Recommendation”) (R. & R., ECF No. 13), which recommended that Plaintiff LG Capital Funding, LLC’s (“LG”) October 20, 2016 motion for default judgment against Defendant Ubiquity, Inc., be granted, in part, and denied, in part. (*See* Pls.’ Mot. for Default, ECF No. 10.) Any written objections to the report and recommendation had to be filed with the Clerk of Court within fourteen (14) days of the date of service of the report; responses to any objections were due fourteen (14) days thereafter. *See* Fed. R. Civ. P. 72(b)(2); 28 U.S.C. § 636(b)(1)(C).

No objections have been filed to the Report and Recommendation. Where no objections to a report and recommendation have been filed, “the district court need only satisfy itself that there is no clear error on the face of the record.” *Estate of Ellington ex rel. Ellington v. Harbrew Imps. Ltd.*, 812 F. Supp. 2d 186, 189 (E.D.N.Y. 2011) (quoting *Urena v. New York*, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001)) (internal quotation marks and citations omitted). The Court has reviewed the Report and Recommendation for clear error and, finding none, hereby adopts the Report and Recommendation as the opinion of this Court.

Accordingly, Plaintiff's motion for default judgment is hereby granted, in part, and denied, in part. Plaintiff LG is hereby awarded judgment against Defendant Ubiquity, Inc. in the amount of: (1) \$109,894.09 in damages on its claim for breach of contract, plus interest at a rate of 24% per annum calculated from May 15, 2015, until the date final judgment is entered; and (2) \$400.00 for costs. Plaintiff's motion is denied with respect to its claim for unjust enrichment and Plaintiff's unjust enrichment claim is dismissed with prejudice. The Clerk of Court is directed to enter judgment accordingly and close this case.

Dated: July 25, 2017
Brooklyn, New York

SO ORDERED:

/s/ LDH
LASHANN DEARCY HALL
United States District Judge