

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----	X	
ISRAEL DEMBITZER,	:	
	:	
Plaintiff,	:	
	:	<u>ORDER</u>
-against-	:	
	:	17-cv-1734 (ENV) (SJB)
WEINBERG MEDIATION GROUP, LLC,	:	
	:	
Defendant.	:	
-----	X	

VITALIANO, D.J.

This action was filed on March 28, 2017, by plaintiff Israel Dembitzer, against defendant Weinberg Mediation Group, LLC (“WMG”), alleging violations of the Fair Debt Collections Practices Act, 15 U.S.C. § 1692 *et seq.* (“FDCPA”). Dkt. No. 1. The time for WMG to answer the complaint lapsed, and so Dembitzer moved for a certificate of default, which the Clerk of Court granted on June 28, 2017. Dkt. No. 11. Dembitzer then filed a motion for default judgment, Dkt. No. 12, which was referred to Magistrate Judge Bulsara for an assessment of liability and an inquest as to damages. *See* Order, May 23, 2018.

By Report and Recommendation, dated August 3, 2018, Judge Bulsara recommended that the motion for a default judgment be granted. Dkt. No. 13. Judge Bulsara carefully weighed the three requisite factors to be considered in reviewing a motion for default judgment, and determined that entry of such was warranted. *Id.* at 3-5. Judge Bulsara then recommended that Dembitzer be awarded \$500 in statutory damages for WMG’s two FDCPA violations. *Id.* at 10-11. Finally, Judge Bulsara rejected plaintiff’s request for counsel to be awarded an hourly rate of \$350, and to pay a senior partner at counsel’s firm. *Id.* at 12. He ultimately recommended an award of \$2,285 in attorney’s fees and \$400 in costs. *Id.* at 13-15. With notice of the time to object given, *see id.* at 15, no party has filed an objection to the R&R, and the time to do so has

passed.

Where a party has not objected, clear-error review applies. *See Dafeng Hengwei Textile Co. v. Aceco Indus. & Commercial Corp.*, 54 F. Supp. 3d 279, 283 (E.D.N.Y. 2014). In accordance with this standard of review, the Court has carefully reviewed Judge Bulsara's R&R, and finds it to be correct, well-reasoned, and free of any clear error. The Court, therefore, adopts the R&R, in its entirety, as the opinion of the Court.

Conclusion

For the foregoing reasons, Magistrate Judge Bulsara's R&R, Dkt. No. 13, dated August 3, 2018, is adopted in its entirety, as the opinion of the Court.

The Clerk of Court is directed to enter judgment for plaintiff in the amount of \$3,185, which includes \$500 in statutory violations, \$2,285 in attorney's fees, and \$400 in costs.

The Clerk of Court is further directed to close this case.

So Ordered.

Dated: Brooklyn, New York
August 25, 2018

/s/ Hon Eric N. Vitaliano
ERIC N. VITALIANO
United States District Judge