

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X

ALLSTATE INSURANCE COMPANY,
et al.,

Plaintiffs,

-against-

ARTUR AVETISYAN, *et al.*,

Defendants.

-----X

RACHEL P. KOVNER, United States District Judge:

MEMORANDUM AND ORDER
17-cv-4275 (RPK) (RML)

Plaintiffs are a group of insurance companies who allege that more than fifty defendants committed violations of the Racketeer Influenced and Corrupt Organizations Act (“RICO”), 18 U.S.C. § 1961, *et seq.* and New York common law. *See* Amended Complaint (Dkt. #157). After seven defendants failed to respond to the complaint, plaintiff moved for default judgment against them. *See* Mot. for Default J. (Dkt. #274). The seven defaulting defendants are Artur Avetisyan, Alexandra Matlyuk, Gregory Miller, Almatcare Medical Supply Inc. (“Almatcare”), AVA Custom Supply, Inc. (“AVA”), Daily Medical Equipment Distribution Center, Inc. (“Daily Medical”), and IG&NAT Services, Inc. (“IG&NAT”). *See ibid.*

On March 5, 2021, Magistrate Judge Levy issued a report and recommendation (“R. & R.”) recommending that plaintiffs’ motion for default judgment be granted. *See generally* R. & R. (Dkt. #276). Judge Levy further recommends that plaintiffs be awarded: (1) RICO treble damages of \$17,858.04 from Avetisyan; \$96,336 from Matlyuk; \$2,384,071.02 from Miller; and \$331,843.72 from IG&NAT; (2) compensatory damages of \$6,324.38 from AVA; \$32,635.99 from Almatcare; and \$794,690.34 from Daily Medical; and (3) prejudgment interest of \$1,557.95 from AVA; \$5,248.81 from Almatcare; and \$30,889.15 from Daily Medical. *Id.* at 25-26. Finally,

Judge Levy recommends granting plaintiffs' request for a declaratory judgment relieving them from any obligation to pay the unpaid fraudulent claims made by AVA, Almatcare, and Daily Medical. *Id.* at 26. No party objected to the R. & R. within the time required by 28 U.S.C. § 636(b)(1).

When no party has objected to a magistrate judge's recommendation, the recommendation is reviewed, at most, for "clear error." *See* Fed. R. Civ. P. 72(b), Advisory Committee's Notes (1983) ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation."); *see, e.g., Alvarez Sosa v. Barr*, 369 F. Supp. 3d 492, 497 (E.D.N.Y. 2019). Clear error will only be found only when, upon review of the entire record, the Court is left with "the definite and firm conviction that a mistake has been committed." *United States v. Snow*, 462 F.3d 55, 72 (2d Cir. 2006). I have reviewed Magistrate Judge Levy's report and recommendation and, having found no clear error, adopt it in full. The motion for default judgment is granted. Plaintiffs are ordered to file a status report by April 13, 2021.

SO ORDERED.

/s/ Rachel Kovner
RACHEL P. KOVNER
United States District Judge

Dated: March 31, 2021
Brooklyn, New York