

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X
 ASTORIA ENERGY II, LLC, :
 :
 Plaintiffs, :
 :
 -against- :
 :
 HH VALVES LTD., TYCO VALVES & :
 CONTROLS, INC., PENTAIR PLC, EMERSON :
 ELECTRIC CO., JOHN DOE 1-10, AND ABC :
 COMPANIES 1-10 (FICTITIOUS ENTITIES), :
 :
 Defendants. :
 ----- X

ORDER

17-cv-5724 (ENV) (RER)

VITALIANO, D.J.

This action was filed on September 29, 2017, by plaintiff Astoria Energy II, LLC (“AE”), against a number of defendants, including HH Valves, Ltd. (“HH”). On December 1, 2017, the Clerk’s office docketed HH’s answer, which took the form of a letter that was dated November 22, 2017. Dkt. No. 14. Subsequently, AE sought to brief a motion to strike it, or, alternatively, to compel the filing of an amended answer. The Court ordered a briefing schedule, with submission on May 4, 2018. See March 23, 2018 Order. On May 9, 2018, the Court referred the motion to Magistrate Judge Reyes.

By Report and Recommendation, dated July 13, 2018, Judge Reyes recommended that AE’s motion to compel an amended answer be granted. Dkt. No. 29. Judge Reyes noted that HH’s answer¹ “offers only general denials to liability as detailed in the complaint,” and fails to provide responses to the plaintiff’s specific allegations. *Id.* at 3. With notice of the time to

¹ For the sake of completeness, the Court notes that HH’s answer was filed by what appears to be a solicitor’s office in the United Kingdom. See Dkt. No. 14 at 1 (“Brabners LLP is a limited liability partnership registered in England and Wales[.]”).

object given, *see id.* at 4, 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 Reyes'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 Reyes's R&R, Dkt. No. 29, dated July 13, 2018, is adopted in its entirety, as the opinion of the Court. Defendant HH Valves, Ltd., must file an amended answer within 21 days from the entry of this order on the docket. The amended answer must be filed by an attorney who is a member of the Bar of this Court. If HH fails to comply with this Order in a timely fashion, upon plaintiff's application, the amended answer shall be stricken.

So Ordered.

Dated: Brooklyn, New York
August 9, 2018

/s/ Hon. Eric N. Vitaliano, U.S.D.J.
ERIC N. VITALIANO
United States District Judge