

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY and STATE FARM FIRE
AND CASUALTY COMPANY,

Plaintiffs,

ORDER ADOPTING REPORT
AND RECOMMENDATION
18-CV-00289

- against -

FRANCOIS JULES PARIEN, M.D., LUQMAN
DABIRI, M.D., KSENIA PAVLOVA, D.O., NOEL
BLACKMAN, M.D., FRANCES LACINA, D.O.,
ALLAY MEDICAL SERVICES, P.C., FJL MEDICAL
SERVICES P.C., JFL MEDICAL CARE P.C., JPF
MEDICAL SERVICES, P.C., KP MEDICAL CARE P.C.,
PFJ MEDICAL CARE P.C., RA MEDICAL SERVICES
P.C., DARREN MOLLO, D.C., DARREN MOLLO D.C.,
P.C., ACH CHIROPRACTIC, P.C., ENERGY
CHIROPRACTIC, P.C., ISLAND LIFE CHIROPRACTIC
PAIN CARE, PLLC, CHARLES DENG, L.A.C.,
CHARLES DENG ACUPUNCTURE, P.C., DAVID
MARIANO, P.T., MARIA MASIGLA a/k/a MARIA
SHIELA BUSLON, P.T., MSB PHYSICAL THERAPY
P.C., MAIGA PRODUCTS CORPORATION, MADISON
PRODUCTS OF USA, INC., QUALITY CUSTOM
MEDICAL SUPPLY, INC., ALLAN L. BUSLON,
QUALITY HEALTH SUPPLY CORP., PERSONAL
HOME CARE PRODUCTS CORP., AB QUALITY
HEALTH SUPPLY CORP., TATIANA M. RYBAK,
and OLEG RYBAK,

Defendants.

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GLASSER, Senior United States District Judge:

On December 2, 2019, Judge Steven L. Tiscione issued a Sua Sponte Report and
Recommendation following the repeated failure of the DME Defendants¹ to comply with court-

¹ The “DME Defendants,” as defined in the Report and Recommendation, include: (1) Maiga Products Corporation; (2) Madison Products of USA, Inc.; (3) Quality Health Supply Corp.; (4) Personal Home Care Products Corp.; and (5) AB Quality Health Supply Corp.

ordered discovery obligations. (ECF No. 211 at 2). After he granted four Motions to Compel to no avail, Judge Tiscione now recommends that the DME Defendants' answers be stricken (ECF Nos. 32–36), and that the Clerk of Court issue certificates of default against them. (*Id.*).

Objections to the Report and Recommendation were due by December 16, 2019. (*Id.*). Two of the DME Defendants, AB Quality Health Supply Corp. and Quality Health Supply Corp., submitted an objection three days late, on December 19, 2019, with no explanation for the delay. (ECF No. 220). Judge Tiscione clearly stated that the “[f]ailure to file timely objections shall constitute a waiver of those objections both in the District Court and on later appeal to the United States Court of Appeals.” (ECF No. 211 at 9 (citing cases)). Thus, the Court will not consider the untimely submission.

Where there are no timely objections to a report and recommendation, “the district court need only satisfy itself that there is no clear error on the face of the record.” *Ningbo Yang Voyage Textiles Co. v. Sault Trading*, No. 1:18-cv-1961 (ARR) (ST), 2019 WL 5394568, at *1 (E.D.N.Y. Oct. 22, 2019) (quoting *Finley v. Trans Union, Experian, Equifax*, No. 17-CV-0371 (LDH)(LB), 2017 WL 4838764, at *1 (E.D.N.Y. Oct. 24, 2017)). Finding no clear error, the Court adopts Judge Tiscione’s Report and Recommendation in its entirety. The Clerk of Court is therefore directed to issue certificates of default against the DME Defendants. Plaintiffs may move for default judgment within forty-five days of the issuance of the certificates of default.

SO ORDERED.

Dated: Brooklyn, New York
December 23, 2019

/s/
I. Leo Glasser U.S.D.J.