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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORKU.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE-----X
JOSEPH J. MURPHY and NANCY MURPHY,

Plaintiffs,

-against-

ORDER
10-CV-1513(JS)(AKT)STUART SNYDER, DOREEN SNYDER, BBSEA
ASSOCIATES, LLC, S&D DEVELOPMENT, LLC,
S&D DEVELOPERS LIMITED LIABILITY
COMPANY, S&D DEVELOPMENT, INC.,
MICHAEL MAISEL, NEIL SHIRVAN,
42 EVERETT LLC, and 40 BOGERT RD LLC,

Defendants.

-----X
APPEARANCESFor Plaintiffs: William Edward Vita, Esq.
Westerman Ball Ederer
Miller & Sharfstein, LLP
1201 RXR Plaza
Uniondale, NY 115011556For Neil Shirvan: Samuel D. Levy, Esq.
Sherica Rene Bryan, Esq.
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Kleinberg, Kaplan, Wolff & Cohen
551 Fifth Avenue, 18th Floor
New York, NY 10176For the remaining
Defendants: Gabriel Levinson, Esq.
Tarter Krinsky & Drogin LLP
1350 Broadway
New York, NY 10018Marc A. Greenberg, Esq.
Law Office of David Watkins
285 Closter Dock Rd.
Closter, NJ 07624

SEYBERT, District Judge:

This brief Order summarizes but does not resolve the pending motions in this case. The Court previously ordered that Defendants' answer be stricken and that Plaintiffs be awarded a default judgment in an amount to be determined. (Docket Entry 44 (adopting the Report and Recommendation of Magistrate Judge William D. Wall).) Thereafter, Plaintiffs moved for a calculation of damages, and Magistrate Judge Gary R. Brown issued a Report and Recommendation recommending that Plaintiffs be awarded compensatory and punitive damages as well as costs and interest. (Docket Entry 47.) Then, while Judge Brown's recommendation was pending, Defendants moved to vacate the default judgments. (Docket Entries 51, 55, 61.) The Court referred these latest motions to Judge Brown for a further Report and Recommendation. This case was subsequently reassigned to Magistrate Judge A. Kathleen Tomlinson. (See Docket Entry 92.)

Judge Tomlinson will consider the motions to vacate in the normal course. In the meantime, the Clerk of the Court is respectfully directed to terminate Plaintiffs' motion for damages (Docket Entry 44). The Court will consider Judge Brown's recommendation as to damages, if necessary, when it

considers Judge Tomlinson's recommendation whether to vacate the default judgments.

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: September 27, 2012
Central Islip, New York