

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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INNOVATIVE SPORTS MANAGEMENT,
INC. d/b/a INTEGRATED SPORTS MEDIA,

Plaintiff,

ADOPTION ORDER
14-cv-875 (ADS)(GRB)

-against-

MI OLIVIA RESTARUANT, CORP. d/b/a MI
OLIVIA RESTAURANT and ROSA M.
REYES,

Defendants.

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APPEARANCES:

Paul J. Hooten & Associates

Attorneys for the Plaintiff

5505 Nesconset Highway, Suite 203

Mt. Sinai, NY 11766

By: Paul J. Hooten, Esq., Of Counsel

NO APPEARANCES:

The Defendants MI Olivia Restaurant, Corp. d/b/a MI Olivia Restaurant and Rosa M. Reyes

SPATT, District Judge.

On February 7, 2014, the Plaintiff Innovative Sports Management, Inc., d/b/a Integrated Sports Media (the “Plaintiff”) commenced this action against the Defendants Mi Olivia Restaurant, Corp., d/b/a Mi Olivia Restaurant (“Mi Olivia”) and Rosa M. Reyes (“Reyes”) (collectively the “Defendants”) alleging violations of the Federal Communications Act of 1934 (“FCA”), as amended, 47 U.S.C. §§ 605 and 553.

On May 12, 2014, the Clerk of Court noted the default of the Defendants.

On May 19, 2014 the Plaintiff moved for a default judgment.

On June 6, 2014, the Court referred this matter to to United States Magistrate Judge Gary R. Brown for a recommendation as to whether the motion for a default judgment should be granted, and if so, (1) whether damages should be awarded, including reasonable attorney's fees and costs, and (2) whether any other relief should be granted.

On February 27, 2015, Judge Brown issued a Report recommending that the Plaintiffs' motion for a default judgment be granted and that damages be awarded against defendants in the amount of \$3,981.85, comprised of \$1,153.95 in statutory damages, \$2,307.90 in enhanced damages and \$520 in costs.

More than fourteen days have elapsed since service of the Report and Recommendation on the Defendants, who have failed to file an objection.

Pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, this Court has reviewed the February 27, 2015 Report and Recommendation for clear error, and finding none, now concurs in both its reasoning and its result. See Trustees of Empire State Carpenters Annuity, Apprenticeship, Labor-Mgmt. Cooperation, Pension & Welfare Funds v. C. Downing Enterprises LLC, No. 14-CV-323 (ADS)(AKT), 2015 WL 1042481, at *1 (E.D.N.Y. Mar. 10, 2015)(reviewing Report and Recommendation without objections for clear error).

Accordingly, Judge Brown's February 27, 2015 Report and Recommendation is adopted in its entirety. The Plaintiffs' motion for a default judgment is granted and damages are awarded against the Defendants in the amount of \$3,981.85, comprised of \$1,153.95 in statutory damages, \$2,307.90 in enhanced damages and \$520 in costs. The Clerk of the Court is respectfully directed to enter judgment consistent with this Adoption Order and to close the case.

SO ORDERED.

Dated: Central Islip, New York
March 18, 2015

Arthur D. Spatt

ARTHUR D. SPATT
United States District Judge