

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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ONEWEST BANK, NA,

Plaintiff,

-against-

FRITZ OBAS, NADEGE GEORGES,  
LEONARD DELASKY A/K/A DELASKY  
LEONARD, JOHN DOE (being  
fictitious and unknown to Plaintiff, intended  
to be tenants, occupants, persons or corporations  
having or claiming an interest in or lien  
encumbering the property described in the  
Complaint or their heirs at law, distributees,  
executors, administrators, trustees, guardians,  
assignees, creditors, or successors.),

Defendants.

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**ORDER ADOPTING R & R**

14-CV-3238(DRH)(GRB)

**HURLEY, Senior District Judge:**

Plaintiff OneWest Bank, NA (“Plaintiff”) commenced this diversity action against defendants pursuant to New York Real Property Actions and Proceeding Law Article 13 to foreclose a mortgage encumbering 1330 E Street, Elmont, New York 11003. Defendants failed to answer the complaint and Plaintiff moved for a default judgment. By Order dated April 2, 2015, the Court referred the motion to U.S. Magistrate Judge Gary R. Brown, pursuant to 28 U.S.C. § 636(b)(3), for a report and recommendation. On February 22, 2016, Judge Brown issued a Report and Recommendation (“R&R”) that (1) the caption of this action be amended to delete John Doe as a party defendant; and (2) plaintiff having established damages in the amount of \$498,493.42 principal damages plus \$3,500.00 attorneys’ fees and \$2,335.00 costs, that the judgment of foreclosure and sale be granted in the form proposed by plaintiff and the Court

appoint a referee to conduct the sale of the mortgaged premises. A copy of the R&R was served upon defendants on February 23, 2016. More than fourteen days have elapsed since service of the R&R and no objections have been filed.

Pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72, this Court has reviewed the Report and Recommendation for clear error, and finding none, now concurs in both its reasoning and its result. Accordingly, this Court adopts the February 22, 2016 R&R of Judge Brown as if set forth herein and will on this date execute a Judgment of Foreclosure and Sale in the form proposed by plaintiff.

**SO ORDERED.**

Dated: Central Islip, N.Y.  
March 15, 2016

/s/  
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Denis R. Hurley,  
United States District Judge