

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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SPEEDFIT LLC and AUREL A. ASTILEAN,

Plaintiffs,

-against-

CHAPCO INC., ROBERT WEINSTEIN,  
BRIAN WEINSTEIN, and SAMSARA  
FITNESS LLC,

Defendants.  
-----X

**ORDER**

15-CV-1323 (JMA)(SIL)

**FILED  
CLERK**

9/30/2016 4:10 pm

**U.S. DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
LONG ISLAND OFFICE**

**AZRACK, United States District Judge:**

Before the Court are objections submitted by the parties to Magistrate Judge Locke's Report recommending that the Court deny in part and grant in part defendants' motion to dismiss. The parties timely objected to the Report. Having conducted a review of the full record and the applicable law, for the following reasons, the Court adopts Judge Locke's Report and Recommendation in its entirety.

In reviewing a magistrate judge's report and recommendation, the court must "make a de novo determination of those portions of the report or . . . recommendations to which objection[s][are] made." 28 U.S.C. § 636(b)(1)(C); see also Brown v. Ebert, No. 05-CV-5579, 2006 WL 3851152, at \*2 (S.D.N.Y. Dec. 29, 2006). The court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). Those portions of the Report to which there is no specific reasoned objection are reviewed for clear error. See Pall Corp. v. Entegris, Inc., 249 F.R.D. 48, 51 (E.D.N.Y. 2008). The Court considers each of the parties' objections de novo. The court has reviewed the remainder of

Judge Locke's recommendations to which the parties did not object for clear error, and finding none, adopts those findings.

The Court affirms and adopts the well-reasoned Report and Recommendation in its entirety as the opinion of the Court and grants in part and denies defendants' motion to dismiss the complaint.

**SO ORDERED.**

Dated: September 30, 2016  
Central Islip, New York

\_\_\_\_\_/s/ JMA\_\_\_\_\_  
JOAN M. AZRACK  
UNITED STATES DISTRICT JUDGE