

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ADVANCED FRESH CONCEPTS FRANCHISE
CORP.,

Plaintiff,

-against-

NAYYARSONS DELI BAKERY CORP.,
ET AL.,

Defendants.

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ORDER ADOPTING R&R
15-CV-2330 (DRH)(SIL)

Presently before the Court is the Report and Recommendation of Magistrate Judge Gary R. Brown, dated August 30, 2019, recommending that (1) the Court confirm the settlement agreement between plaintiff and defendant Salil Nayyar (“Salil”) and retain jurisdiction for the purpose of enforcing the settlement agreement; (2) grant plaintiff’s motion for a default judgment against defendants Nayyarsons Deli Bakery Corp. (“Deli Corp.”), Nayyarsons NYC Corp. (“NYC Corp.”), and Nayyarsons Corp., (collectively, the “Entity Defendants”) in the total amount of \$499,245.04; and deny plaintiff’s motion for default judgment against defendant Salil.

More than fourteen (14) days have passed since service of the Report and Recommendation 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. Therefore, the Court adopts the August 30, 2019 Report and Recommendation of Judge Brown as if set forth herein. Accordingly,

IT IS HEREBY ORDERED that (1) the settlement agreement between plaintiff and defendant Salil Nayyar (“Salil”) is hereby confirmed and the Court shall retain jurisdiction for the purpose of enforcing the settlement agreement; (2) plaintiff’s motion for default judgment

against against defendants Nayyarsons Deli Bakery Corp. (“Deli Corp.”), Nayyarsons NYC Corp. (“NYC Corp.”), and Nayyarsons Corp. is granted in the total amount of \$499,245.04; and (3) the motion for a default judgment against defendant Salil Nayyar is denied. The Clerk of Court is directed to enter judgment against the Entity Defendants in the amount of \$499,245.04, jointly and severally, together with post-judgment interest pursuant to 28 U.S.C. § 1961, and to close this case.

Dated: Central Islip, N.Y.
September 23, 2019

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