

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
ONEWEST BANK, N.A.,

Plaintiff,

-against-

ORDER

15 CV 2405 (DRH) (ARL)

GROZDANA ZAHTILA, Individually and as
Surviving Spouse of ERMINO ZAHTILA; GE
MONEY BANK,

Defendants.

-----X

HURLEY, Senior District Judge:

Plaintiff OneWest Bank, N.A. (“plaintiff”) commenced this foreclosure action alleging that Grozdana Zahtila (“defendant”) was in default on her residential mortgage. On July 27, 2015, the Clerk of the Court issued a Certificate of Default against the defendant, pursuant to Federal Rule of Civil Procedure 55(a). Three days later, defendant moved to set aside the entry of default. On August 7, 2015, the Court referred that motion to Magistrate Judge Arlene R. Lindsay.

On September 16, 2015, Judge Lindsay issued a Report and Recommendation recommending that “the Certificate of Default be set aside” and that the defendant “be given thirty days to answer, move or otherwise respond to the complaint.” (Report and Recommendation at 7.) More than fourteen days have elapsed since service of the Report and Recommendation, and no party has filed an objection.

Pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 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 Report and Recommendation of

Judge Lindsay as is set forth therein. Accordingly, the Certificate of Default is vacated. The defendant shall respond to the complaint within thirty days of this Order.

SO ORDERED.

Dated: Central Islip, New York
March 11, 2016

/s/
Denis R. Hurley
Unites States District Judge