

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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WEST COAST 2014-7, LLC,

Plaintiff,

-against-

DOUGLAS LEWIS, JOYCE LEWIS a/k/a
JOYCE E. LEWIS, CAPITAL ONE BANK USA,
N.A., and JOHN DOE 1-12,

Defendants.

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APPEARANCES

For Plaintiff: Alan H. Weinreb, Esq.
The Margolin & Weinreb Law Group, LLP
165 Eileen Way, Suite 101
Syosset, NY 11791

For Defendants: No appearances

SEYBERT, District Judge:

Pending before the Court are: (1) West Coast 2014-7's ("Plaintiff") motion for entry of a default judgment (Default Mot., Docket Entry 16) and (2) Magistrate Judge Gary R. Brown's Report and Recommendation ("R&R") (R&R, Docket Entry 22) recommending that this Court grant Plaintiff's motion. Specifically, Judge Brown recommends that the Court execute the Proposed Judgment of Foreclosure and Sale (Proposed Judgment, Docket Entry 16-6) and appoint Kathryn C. Cole, Esq. as referee to effectuate the sale of the property. For the following reasons, the Court ADOPTS Judge Brown's R&R in its entirety.

MEMORANDUM & ORDER
15-CV-4759 (JS) (GRB)

**FILED
CLERK**

9/25/2017 9:51 am

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

BACKGROUND

Plaintiff commenced this foreclosure action on August 14, 2015. (Compl., Docket Entry 1.) After several attempts, Plaintiff was able to serve Defendants, but Defendants failed to appear. (See Entry of Default, Docket Entry 15.) On February 2, 2017, Plaintiff filed a motion for entry of a default judgment of foreclosure and sale. (See Default Mot.) The undersigned referred the motion to Judge Brown on April 12, 2017 for a report and recommendation on whether the motion should be granted and, if necessary, to determine the appropriate amount of damages, costs and/or fees to be awarded. (Referral Order, Docket Entry 17.)

On August 30, 2017, Judge Brown issued his R&R. He recommends that: (1) the Court grant the motion for entry of a default judgment against Defendants Douglas Lewis, Joyce Lewis, and Capital One Bank USA, N.A. and execute the Proposed Judgment of Foreclosure and Sale; (2) the Court appoint Kathryn C. Cole, Esq. to serve as referee; (3) the Court decree that the lien of Capital One Bank USA, N.A. is invalid and extinguished; and (4) John Does 1-12 be terminated as Defendants in this action. (R&R at 1-3.)

DISCUSSION

In reviewing an R&R, a district court "may accept, reject, or modify, in whole or in part, the findings and

recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). If no timely objections have been made, the “court need only satisfy itself that there is no clear error on the face of the record.” Urena v. New York, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001) (internal quotation marks and citation omitted).

Objections were due within fourteen (14) days of service of the R&R. The time for filing objections has expired, and no party has objected. Accordingly, all objections are hereby deemed to have been waived.

Upon careful review and consideration, the Court finds Judge Brown’s R&R to be comprehensive, well-reasoned, and free of clear error, and it ADOPTS the R&R in its entirety.

CONCLUSION

Judge Brown’s R&R (Docket Entry 22) is ADOPTED in its entirety. Plaintiff’s motion for entry of a default judgment (Docket Entry 16) is GRANTED. The Court will execute the Proposed Judgment of Foreclosure and Sale forthwith and appoints Kathryn C. Cole, Esq., 1320 RXR Plaza, Uniondale, New York 11556 to serve as referee. Additionally, Capital One Bank, USA, N.A.’s lien is hereby extinguished pursuant to Article 15 of the New York Real Property Actions and Proceedings Law.

Plaintiff is directed to serve a copy of this Memorandum and Order on Defendants and file proof of service on ECF within five days. The Clerk of the Court is directed to TERMINATE John

Doe 1-12 as defendants in this action. Further, upon entry of the Judgment of Foreclosure and Sale, the Clerk of the Court is directed to mark this case CLOSED.

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: September 25, 2017
Central Islip, New York