

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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JOHN W. GILDAY, as Executive Director of the  
ELECTRICAL INDUSTRY BOARD OF NASSAU  
AND SUFFOLK COUNTIES, NEW YORK, KEVIN  
Business Manager of LOCAL UNION NO. 25  
INTERNATIONAL BROTHERHOOD OF  
ELECTRICAL WORKERS and JOHN DOE and  
JANE DOE, beneficiaries of the TRUST FUNDS  
Administered by the ELECTRICAL BOARD OF  
NASSAU AND SUFFOLK COUNTIES, NEW  
YORK,

Plaintiffs,

-against-

SDS TELECOM INC. and SEAN STEVENS,

Defendants.

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**ORDER ADOPTING R & R**  
Civil Action No. 15-6962

**HURLEY, Senior District Judge:**

Presently before the Court is the Report and Recommendation, dated August 30, 2018 28, 2017 (“R&R”), of Magistrate Judge Gary R. Brown recommending that the renewed motion of plaintiffs for an award of damages against defendant SDS Telecom Inc. be denied without prejudice to renew. More than fourteen days have elapsed since service of the R&R. Plaintiff has filed a document denoted as objections to the report but which in actually is a submission of “additional clarifying information . . . to address concerns raised by [Judge Brown].” DE 26. In other words, Plaintiff does not dispute that the deficiencies noted by Judge Brown exist but rather seek to remedy them.

Having reviewed the R&R de novo, the Court adopts it in its entirety. As to whether the

additional materials submitted by Plaintiff warrant an award of damages, that matter is referred to Magistrate Judge Brown for Report and Recommendation.

IT IS HEREBY ORDERED that plaintiff's renewed motion for damages is denied without prejudice; and

IT IS FURTHER ORDERED that this matter is referred to Magistrate Judge Brown for a Report and Recommendation as to whether the additional materials submitted by Plaintiff warrant an award of damages.

Dated: Central Islip, N.Y.  
September 18, 2018

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