

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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GEORGE SCHARNIKOW,

Plaintiff,

-against-

GEORGE R. SIRACUSE,

Defendant.

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**ORDER ADOPTING R & R**  
Civil Action No. 15-6991(DRH)(SIL)

**HURLEY, Senior District Judge:**

Presently before the Court is the Report and Recommendation, dated December 6, 2016, of Magistrate Judge Steven I. Locke recommending that plaintiff's motion for default judgment be granted. More than fourteen days have elapsed 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. Accordingly, this Court adopts the December 6, 2016 Report and Recommendation of Judge Locke as if set forth herein. Accordingly,

**IT IS HEREBY ORDERED** that default judgment be entered in favor of plaintiff against defendant on the breach of contract claim awarding plaintiff damages in the amount of \$1,038,719.92, plus \$204,838.76 in prejudgment interest through December 6, 2016 and an additional \$256.12 per day in prejudgment interest from December 7, 2016 through the date judgment is entered; and it is

**FURTHER ORDERED** that the motion for a default judgment on the claim for unjust

enrichment is denied and that plaintiff recover nothing of the defendant on that claim.

Dated: Central Islip, N.Y.  
December 29, 2016

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