

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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MARINEMAX NORTHEAST, LLC,

Plaintiffs,

**REPORT AND
RECOMMENDATION**

-against-

16-CV-5745 (DRH)(ARL)

DEBORAH HAVERTY-KRASS,

Defendant.

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HURLEY, Senior District Judge:

INTRODUCTION

Presently before the Court is the Report and Recommendation, dated August 23, 2017 (“R&R”), of Magistrate Judge Arlene R. Lindsay recommending that the motion of Plaintiff for a default judgment seeking a declaration that the vessel at issue was abandoned by its owner and an order permitting Plaintiff to remove and dispose of the vessel, be denied with leave to renew. Judge Lindsay found that Plaintiff did not provided any legal authority or sufficient factual support for the proposed declaratory judgment.

On September 5, 2017, Plaintiff filed an Objection on the basis that placing “the subject vessel for sale at an auction would be an added burden on MarineMax as it would take additional time, cause MarineMax to incur additional expense and a sale of the Vessel in its current condition would not recoup any monetary value.” (Aff. of Thomas a Houliares at ¶ 13.)

The Court reviews the Objection de novo pursuant to Federal Rule of Civil Procedure 72(b). Having done so, the Motion for Default Judgment is denied without prejudice to renew as Plaintiff has not cited any authority in support of the relief requested.

Accordingly, **IT IS HEREBY ORDERED** that Plaintiff's motion for a default judgment is denied without prejudice to renew.

Dated: Central Islip, N.Y.
September 27, 2017

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