

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DOLLAR TREE STORES, INC. and
GREGG MAKINAJIAN,

Plaintiffs,

-against-

ROBERT SERRATY,

Defendant.

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ORDER ADOPTING R&R
16-CV-6818(DRH)(AYS)

Presently before the Court is the Report and Recommendation, dated February 14, 2018, of Magistrate Judge Anne Y. Shields recommending that (1) plaintiffs' motion for a default judgment (DE 29) against defendant be granted to the extent that a default judgment be entered with respect to Plaintiffs' defamation claim enjoining defendant from opening any social media accounts in Plaintiff Gregg Makinajian's name, but otherwise denied; and (2) defendant's motion (DE 25) which, broadly construed, requests that his default be set aside be denied. The time to file objections has expired with 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, the Court adopts the February 14, 2018 Report and Recommendation of Judge Shields as if set forth herein. Accordingly,

IT IS HEREBY ORDERED that defendant's motion (DE 25) to vacate his default is denied; and

IT IS FURTHER ORDERED that the plaintiffs' motion for a default judgment (DE 29) is granted with respect to the claim for defamation but otherwise denied and the remaining

claims are hereby dismissed; and

IT IS FURTHER ORDERED that defendant Robert Serraty and any agents or persons acting on his behalf are hereby permanently enjoined and restrained from opening any social media account, including but not limited to Facebook, Twitter, and Instagram, in the name of Gregg Makinajian.

The Clerk of Court is directed to enter judgment accordingly and to close this case.

Dated: Central Islip, New York
March 6, 2018

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