

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

-----X
KBM WORLDWIDE, INC.,

Plaintiff,

-against-

ERF WIRELESS, INC.,

Defendant.
-----X

ADOPTION ORDER
17-cv-854 (ADS) (AYS)

APPEARANCES:

Naidich Wurman Birnbaum & Maday LLP

Counsel for the Plaintiff

111 Great Neck Road, Suite 214

Great Neck, NY 11021

By: Richard S. Naidich, Esq.

Robert Johnson, Esq., Of Counsel

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ FEB 14 2018 ★

LONG ISLAND OFFICE

NO APPEARANCES:

The Defendant

SPATT, District Judge.

On February 15, 2017, the Plaintiff, KBM Worldwide, Inc. (the "Plaintiff"), a New York corporation, commenced this diversity breach of contract action against ERF Wireless, Inc. (the "Defendant"), a Nevada corporation, seeking to recover amounts allegedly due under a series of promissory notes.

On August 8, 2017, after the Defendant failed to answer or otherwise appear in this action, the Clerk of the Court noted the default of the Defendant.

On August 11, 2017, the Plaintiff moved for a default judgment.

On August 14, 2017, the Court referred this matter to United States Magistrate Judge Anne Y. Shields for a recommendation as to whether the motion for a default judgment should be granted, and if so, what relief should be awarded.

On January 25, 2018, Judge Shields issued a Report & Recommendation (“R&R”) recommending that (1) the default judgment be granted; (2) that judgment be entered in the amount of \$224,065.00; and (3) that the District Court award post-judgment interest to the Plaintiff.

More than fourteen (14) days have elapsed since service of the R&R on the Defendant, who have failed to file an objection.

Pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, this Court has reviewed the R&R for clear error, and finding none, now concurs in both its reasoning and its result. There being no objection to Judge Shields’ R&R, it is hereby

ORDERED, that Judge Shields’ Report and Recommendation is adopted in its entirety. The Court (1) grants the Plaintiff’s motion for a default judgment; (2) awards the Plaintiff \$224,065.00 in damages; and (3) awards post-judgment interest to the Plaintiff; and it is further

ORDERED, that the Clerk of the Court is directed to enter judgment in favor of the Plaintiff as set forth above.

Case Closed

SO ORDERED.

Dated: Central Islip, New York
February 14, 2018

s/ Arthur D. Spatt

ARTHUR D. SPATT
United States District Judge