

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

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IRA KITZEN,

Plaintiff,

-against-

**ADOPTION ORDER**  
17-cv-6926 (ADS) (AKT)

PETER HANCOCK, LAND AND SEA  
CONSTRUCTION CORP., HCD CONSTRUCTION  
MANAGEMENT AND PLANNING CORP., BLUE  
GATE CONSULTING CORP., SUSAN  
HANCOCK, ELIZABETH HANCOCK, JODI  
TARSHIS, and "JOHN and JANE DOEs 1-10," said  
names being Fictitious as such names are unknown at  
this time,

Defendants.  
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**SPATT, District Judge.**

On April 5, 2018 and April 9, 2018, the Defendants filed motions to dismiss the complaint (ECF Nos. 26, 28). These motions were fully briefed on June 14, 2018.

On October 4, 2018, the Court referred this matter to United States Magistrate Judge A. Kathleen Tomlinson for a recommendation as to whether the above motions should be granted, and if so, what relief should be awarded.

On January 29, 2019, Judge Tomlinson issued a Report & Recommendation ("R&R") recommending that the Plaintiff's first, second, third, fourth, fifth, seventh, eighth, ninth, tenth, eleventh, twelfth, and thirteenth causes of actions be dismissed for lack of subject matter jurisdiction, and that no sanctions be awarded.

More than fourteen (14) days have elapsed since service of the R&R on the parties, 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.

Accordingly, the R&R is adopted in its entirety. The Defendants' motion to dismiss is granted in part and denied in part in accordance with the findings in the R&R.

**SO ORDERED.**

Dated: Central Islip, New York  
February 13, 2019

*/s/ Arthur D. Spatt*  
ARTHUR D. SPATT  
United States District Judge