

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ORBIN ZALDIVAR,

Plaintiff,

– against –

JANL, INC. *d/b/a* Sergio's Pizzeria &
Restaurant and SERGIO OLIVERO,*Defendants.***ORDER**

23-cv-01434 (NCM) (LGD)

NATASHA C. MERLE, United States District Judge:

This Court has received the Report and Recommendation (“R&R”) dated August 20, 2025, from the Honorable Lee G. Dunst, United States Magistrate Judge. ECF No. 42. No objections have been filed.

The Court reviews “de novo any part of the magistrate judge’s disposition that has been properly objected to.” Fed. R. Civ. P. 72(b); *see also Park v. Kim*, No. 20-cv-02636, 2022 WL 3643966, at *2 (E.D.N.Y. Aug. 24, 2022), *aff’d*, 91 F.4th 610 (2d Cir. 2024). Where no timely objections have been filed, “the district court need only satisfy itself that there is no clear error on the face of the record.” *Finley v. Trans Union, Experian, Equifax*, No. 17-cv-0371, 2017 WL 4838764, at *1 (E.D.N.Y. Oct. 24, 2017) (quoting *Estate of Ellington ex rel. Ellington v. Harbrew Imports Ltd.*, 812 F. Supp. 2d 186, 189 (E.D.N.Y. 2011)).

Having reviewed the record, I find no clear error. I therefore adopt the Report and Recommendation, in its entirety, as the opinion of the Court pursuant to 28 U.S.C. § 636(b)(1).

Accordingly, plaintiff's motion for default judgment against defendants is granted in part and denied in part. Plaintiff is awarded \$262,288.32 in damages including (1) \$131,144.16 in compensatory damages and (2) \$131,144.16 in liquidated damages. Plaintiff is further awarded pre-judgment interest on plaintiff's compensatory damages award of \$131,144.16, calculated at a per diem interest rate of \$32.34 from March 29, 2019 until the date the Clerk of Court enters judgment; post-judgment interest calculated from the date the Clerk of Court enters judgment until the date of payment at the rate set forth in 28 U.S.C. § 1961(a); and interest from nonpayment at the rate of fifteen percent for any amounts of the judgment, not including any post-judgment interest, that are not paid within ninety days of the issuance of the judgment.

SO ORDERED.

/s/ Natasha C. Merle
NATASHA C. MERLE
United States District Judge

Dated: October 21, 2025
Brooklyn, New York