

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

Empire Community Development, LLC, <p style="text-align:center">Plaintiff,</p> <p style="text-align:center">-v-</p> <p style="text-align:center">Brian K. Larsen <i>et al.</i>,</p> <p style="text-align:center">Defendants.</p>	2:23-cv-05896 (NJC) (LGD)
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MEMORANDUM AND ORDER

NUSRAT J. CHOUDHURY, United States District Judge:

On February 20, 2024, Plaintiff Empire Community Development, LLC filed a Motion for Default Judgment. (Mot., ECF No. 19.) On April 23, 2024, Magistrate Judge Lee G. Dunst issued a Report and Recommendation (the “R&R”) recommending that Plaintiff’s Motion for Default Judgment be granted in part and denied in part. (R&R, ECF No. 20.) A copy of the R&R was provided to all counsel via ECF. (*See* Elec. Order, Apr. 23, 2024.) The R&R instructed that any objections to the R&R must be submitted in writing to the Clerk of Court within fourteen (14) days, *i.e.*, by May 7, 2024. (R&R at 11.) The date for filing any objections has thus expired, and no Defendant has filed an objection to the R&R. For the reasons set forth below, the Court adopts the thorough and well-reasoned R&R in its entirety, and grants in part and denies in part Plaintiff’s Motion for Default Judgment.

In reviewing a report and recommendation of a Motion for Default Judgment, “the district court may accept, reject, or modify its findings and recommendations in whole or in part.” *Nevelskiy v. Advanced Pro. Grp., Inc.*, No. 23-CV-2364 (KAM) (JAM), 2024 WL 2745190, at *1 (E.D.N.Y. May 29, 2024) (citing 28 U.S.C. § 636(b)(1)(C)); *see* Fed. R. Civ. P. 72(b)(3). Where no timely objection is filed, the Court must only determine whether the R&R is

“clearly erroneous or contrary to law.” 28 U.S.C. § 636(b)(1)(A); Fed. R. Civ. P. 72(a);

Nevelskiy, 2024 WL 2745190 at *1.

Having conducted a review of the motion papers and the applicable law, and having reviewed the R&R de novo, the Court adopts the findings and recommendations contained in the well-reasoned and thorough R&R in their entirety. Accordingly, the Court grants in part and denies in part Plaintiff’s Motion for Default Judgment. The Court grants the Motion for Default Judgment with respect to liability and extinguishes Defendants’ interests in the property located at 16 Thomas Street in Coram, New York (the “Subject Property”). The Court denies the Motion for Default Judgment without prejudice with respect to Plaintiff’s requests for the foreclosure and sale of the Subject Property, other damages, costs, and appointment of a referee. Plaintiff may file a renewed Motion for Default Judgment addressing the deficiencies discussed in the R&R by July 1, 2024.

Dated: Central Islip, New York
June 3, 2024

/s/ Nusrat J. Choudhury
NUSRAT J. CHOUDHURY
United States District Judge