

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

PERT 35, INC.,

Plaintiff,

vs.

**Civil Action No.
3:09-CV-0448 (TJM/DEP)**

**AMARI AVIATION LTD.
c/o Absolute Aviation (Pty) Ltd.,**

Defendant.

**THOMAS J. McAVOY,
Senior United States District Judge**

DECISION & ORDER

The Hon. David E. Peebles, United States Magistrate Judge, has issued a Report and Recommendation in the above-captioned matter wherein he recommends:

that the answer of defendant Amari to plaintiff's complaint in this action, including its response to plaintiff's complaint, affirmative defenses, and counterclaim, Dkt. No. 26, be stricken, that plaintiff's application for the entry of default on the part of defendant Amari be GRANTED, and that the clerk be directed to enter default judgment in favor of plaintiff and against defendant in the amount of \$988,980.00 USD.

March 5, 2010 Rep. & Rec., dkt. # 36.

No objections to the Report and Recommendation have been filed, and the time to do so has expired. Having examined the record, the Court determines that the Report and Recommendation is not subject to attack for plain error or manifest injustice.

Accordingly, the Court adopts the Report and Recommendation for the reasons stated

therein.

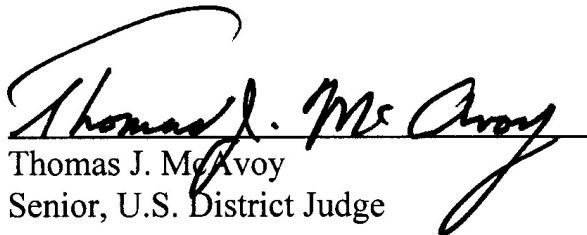
It is therefore,

ORDERED that the Answer of Defendant Amari to Plaintiff's Complaint in this action, including its response to Plaintiff's Complaint, affirmative defenses, and counterclaim, Dkt. No. 26, is **STRICKEN**; and it is further

ORDERED that Plaintiff's application for the entry of default on the part of Defendant Amari is **GRANTED**, and the Clerk of the Court is directed to **enter default judgment in favor of Plaintiff and against Defendant in the amount of \$988,980.00 USD.**

IT IS SO ORDERED

DATED: March 24, 2010


Thomas J. McAvoy
Senior, U.S. District Judge