

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

-----X
 :
ADRIAN SHIPHOLDING INC., et al., :
 :
Plaintiff, :
 :
-against- :
 :
LAWNDALE GROUP S.A., :
 :
Defendant. :
 -----X

**08 Civ. 11124 (HB)(GWG)
OPINION & ORDER**

Hon. HAROLD BAER, JR., District Judge:

Plaintiffs Adrian Shipholding Inc. and Atlantas Shipping Co. brought this action against defendant Lawndale Group S.A. to enforce an arbitration award issued against Lawndale by a British arbitration panel. Lawndale failed to appear in this action and judgment was entered in plaintiffs’ favor. Nearly eight months later, Lawndale sought to vacate that judgment on the ground that the court lacked personal jurisdiction. Plaintiffs now move for sanctions against Lawndale for its conduct in responding to discovery on the issue of personal jurisdiction.

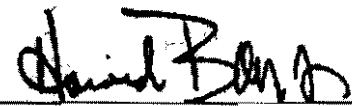
Magistrate Judge Gorenstein issued a Report and Recommendation (“R & R”), in which he recommends that the Court should (1) take as established that personal jurisdiction exists over Lawndale; (2) deny the motion to reopen the case and vacate the default judgment; and (3) award Plaintiffs, after a presentation of a statement of their fees, their expenses for the motion practice before the Court to obtain the Court Order dated June 23, 2011 and their expenses resulting from Lawndale’s failure to provide a proper witness at the July 25, 2011 Rule 30(b)(6) deposition. No objections were filed.

This Court “may accept, reject, or modify, in whole or in part, the findings or recommendations” of a magistrate judge. 28 U.S.C. § 636(b)(1); *New York Dist. Council of Carpenters Pension Fund v. Perimeter Interiors, Inc.*, 657 F. Supp. 2d 410, 414 (S.D.N.Y. 2009). This Court reviews *de novo* those parts of the R & R to which objections are made and reviews the remainder for clear error. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3); *Perimeter Interiors*, 657 F. Supp. 2d at 414.

After reviewing Magistrate Judge Gorenstein's R & R, to which no objection was filed, this Court concludes that there is no clear error. Accordingly, this Court approves, adopts, and ratifies the R & R in its entirety. Any submission, of no more than five pages, that the parties care to make with respect to fees should be in Chambers by March 1, 2012.

SO ORDERED.

New York, New York
February 9, 2012



HAROLD BAER, JR.
United States District Judge