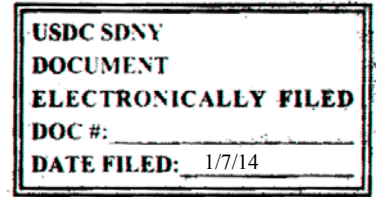


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
:
LON NEGRIN, FUSION S.A., and TOP OF :
PRODUCTIONS, LLC :
:
Plaintiffs, :
:
-against- :
:
IRWIN KALINA, *et al.* :
Defendants. :
----- X

09 Civ. 6234 (LGS)

MEMORANDUM AND
ORDER

LORNA G. SCHOFIELD, District Judge:

Before the Court is the Report and Recommendation of Magistrate Judge Kevin Fox (Dkt. No. 114) (“Report”), recommending that the Plaintiff, Lon Negrin, be awarded damages in the amount of \$3,067,428.86. For the reasons stated below, the Court adopts the Report in its entirety.

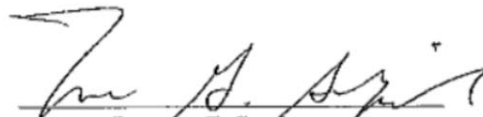
This breach of fiduciary duty case results from a failed joint venture and a fraud perpetrated by Defendants which resulted in injury to the Plaintiff. Default judgment was entered on November 19, 2012 by District Judge Barbara Jones for an amount to be determined by Magistrate Judge Fox. A district court reviewing a magistrate judge’s report and recommendation “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). The district court “may adopt those portions of the report to which no specific, written objection is made, as long as the factual and legal bases supporting the findings and conclusions set forth in those sections are not clearly erroneous or contrary to law.” *Adams v. New York State Dep’t of Educ.*, 855 F. Supp. 2d 205, 206 (S.D.N.Y. 2012) (internal quotation marks omitted) (citing Fed. R. Civ. P. 72(b); *Thomas v. Arn*, 474 U.S. 140, 149 (1985)).

Having reviewed the Report, the Court finds that the factual and legal bases underlying the Report are not clearly erroneous or contrary to law. Accordingly, the Court ADOPTS the Report in its entirety as the decision of the Court. Damages are hereby awarded to Mr. Negrin in the amount of \$3,067,428.86.

It is **ORDERED** that Default Judgment against Irwin Kalina, as Administrator of the Estate of Robert Kalina, is entered in the amount of \$3,067,428.86. The Clerk of Court is directed to terminate the case.

SO ORDERED.

Dated: January 8, 2014
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE