

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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DOC #:
DATE FILED: 05/12/2016

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AVALON RISK MANAGEMENT INSURANCE:
AGENCY, LLC, :
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Plaintiff, :
:
-against- :
:
JAMES ROSSANO, :
:
Defendant. :
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12 Civ. 3934 (LGS)
ORDER

LORNA G. SCHOFIELD, District Judge:

WHEREAS, by order dated September 16, 2015, Plaintiff’s motion for summary judgment on its fraud claim was GRANTED.

WHEREAS, by order dated September 28, 2015, the case was referred to Judge Freeman for a damages inquest.

WHEREAS, by order dated September 29, 2015, Plaintiff’s remaining claims were dismissed.

WHEREAS, on March 4, 2016, Plaintiff filed a motion for sanctions against Defendant.

WHEREAS, on March 31, 2016, Judge Freeman issued a report and recommendation (the “Report”), which recommends judgment against Rossano in the amount of \$112,451.79, and that Plaintiff’s motion for sanctions be denied.

WHEREAS neither party has filed an objection to the Report. It is hereby

ORDERED that the Report is ADOPTED in its entirety.

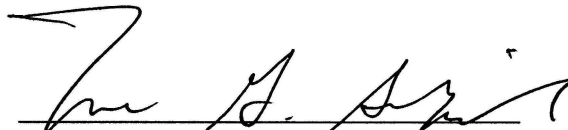
A district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). The district court “may adopt those portions of the report to which no ‘specific, written objection’ is made, as long as the factual and legal bases supporting the findings and conclusions set forth in those sections are not

clearly erroneous or contrary to law.” *Adams v. N.Y. State Dep’t of Educ.*, 855 F. Supp. 2d 205, 206 (S.D.N.Y. 2012) (citing Fed. R. Civ. P. 72(b); *Thomas v. Arn*, 474 U.S. 140, 149 (1985)).

The factual and legal bases underlying the well-considered Report are neither clearly erroneous nor contrary to law. Accordingly, the Report is adopted in its entirety as the decision of the Court. Plaintiff is awarded \$112,451.79 in damages, as well as prejudgment interest. Plaintiff’s motion for sanctions is denied.

The Clerk of Court is directed to close the motion at Dkt. No. 163 and enter judgment in favor of Plaintiff in the amount of \$112,451.79 plus prejudgment interest, which shall be calculated at nine percent per annum from May 17, 2012, to the date of final judgment.

Dated: May 12, 2016
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE