

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
 SREAM INC, :
 Plaintiff, :
 -v- :
 WEST 14 TOBACCO KING INC., :
 Defendant. :
 -----X

No. 15-CV-2552 (VSB) (DF)

ORDER

VERNON S. BRODERICK, United States District Judge:

On November 24, 2015, default judgment was entered against Defendant West 14 Tobacco King, Inc. and I referred the action to Magistrate Judge Debra Freeman for a damages inquest. (Docs. 35, 36.) Judge Freeman issued a Scheduling Order on November 30, 2015, directing Plaintiff to submit proposed findings of fact and conclusions of law by December 30, 2015. (Doc. 37.) Hearing nothing from Plaintiff, Judge Freeman issued an Order to Show Cause on September 26, 2016, no later than October 7, 2016, why she should not recommend that no damages be awarded given Plaintiff’s failure to submit any proposed findings of fact and conclusions of law in accordance with the previous Scheduling Order. (Doc. 38.) The Order to Show Cause warned Plaintiff that “[i]f this Court hears nothing from Plaintiff by October 7, 2016, then it will recommend to Judge Broderick that no damages be awarded.” (*Id.*) Plaintiff filed nothing in response, and, on October 17, 2016, Judge Freeman issued a Report and Recommendation recommending that no damages be awarded against Defendant. (Doc. 39.) No objections have been filed, and deadlines for submissions have long past. Accordingly, I hereby ADOPT the Report and Recommendation, (Doc. 39), in its entirety.

The Clerk's Office is respectfully directed to enter judgment against Defendant West 14 Tobacco King, awarding no damages.

SO ORDERED.

Dated: April 17, 2017
New York, New York

A handwritten signature in black ink that reads "Vernon Broderick". The signature is written in a cursive style with a large, prominent initial "V".

Vernon S. Broderick
United States District Judge