UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

---

MANHATTAN FORD LINCOLN INC.,

Plaintiff,

- against –

DISPATCH TAXI AFFILIATION, INC.,

Defendant.

---



15-CV-6271 (VSB) (HBP)

**OPINION & ORDER**

Appearances:

Andrew Charles Pistor
Russell James Shanks
Cyruli Shanks Hart & Zizmor, LLP
New York, New York
*Counsel for Plaintiff*

Dispatch Taxi Affiliation, Inc.
Chicago, Illinois
*Pro Se Defendant*

VERNON S. BRODERICK, United States District Judge:

Plaintiff Manhattan Ford Lincoln Inc. brings this action against Defendant Dispatch Taxi Affiliation, Inc., seeking payment in the amount of $95,600.00 for four vehicles which Plaintiff sold to Defendant in February 2013. (Compl. ¶ 6.)[1] On April 25, 2017, I entered a default judgment against Defendant as to liability resulting from Defendant's failure to retain counsel, (Doc. 49), and referred the case to Magistrate Judge Henry B. Pitman for a damages inquest, (Doc. 50).

Before me is Judge Pitman's May 20, 2019 Report and Recommendation ("Report and Recommendation" or "R&R"), which recommended that Plaintiff be awarded total damages of

[1] "Compl." refers to Plaintiff's Complaint, filed August 10, 2015. (Doc. 1.)

$150,868.75, comprised of $96,300.00 for the unpaid purchase price of the four vehicles, plus pre-judgment interest and costs. (Doc. 54.)[2]

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). "To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record." *Nelson v. Smith*, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985).

Here, although the Report and Recommendation provided that "the parties shall have fourteen (14) days from receipt of this Report to file written objections," (R&R 7), neither party has filed an objection, or sought an extension of time to file an objection. I have reviewed Judge Pitman's thorough and well-reasoned Report and Recommendation for clear error, and—other than the minor discrepancy related to the unpaid purchase price of the four vehicles discussed above, *see supra* n.2—find none. I therefore adopt the Report and Recommendation, as modified.

Accordingly, the Clerk of Court is respectfully directed to enter judgment in favor of Plaintiff in the total amount of $153,611.44, comprised of $95,600.00 in principal, $57,611.44 in pre-judgment interest at a rate of 9% from February 20, 2013 through October 31, 2019, and $400.00 in filing fees. The Clerk is further directed to close this case.

[2] The Report and Recommendation's $96,300.00 calculation appears to be a typographical error. The R&R makes several references to a combined purchase price of $95,600.00 for the four vehicles in question, (*see, e.g.*, R&R ¶¶ 4, 12, 14); however, at the end of the R&R, Judge Pitman noted that the "unpaid purchase price of the vehicles" was $96,300.00, (*id.* ¶ 15). There is no explanation for this discrepancy; accordingly, I will calculate damages based on the $95,600.00 purchase price listed in the Complaint, (Compl. ¶¶ 6–15), Plaintiff's proposed findings of fact, (Doc. 52, ¶¶ 2, 3, 12, 15), and elsewhere in the R&R, (R&R ¶¶ 4, 12, 14).

SO ORDERED.

Dated: November 1, 2019
New York, New York

Vernon S. Broderick
United States District Judge