

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
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ELECTRONICALLY FILED  
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DATE FILED: 3/27/2019

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LIFEGUARD LICENSING CORP. &  
POPULARITY PRODUCTS, LLC,  
:  
:  
Plaintiffs, :  
:  
-against- :  
:  
JERRY KOZAK & ANN ARBOR T-SHIRT  
CO., LLC, :  
:  
Defendants. :  
:  
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15 Civ. 8459 (LGS)

ORDER

LORNA G. SCHOFIELD, District Judge:

WHEREAS, on March 12, 2019, Judge Lehrburger filed a Report and Recommendation (the “Report”) recommending (1) dismissing Plaintiffs’ Complaint with prejudice; (2) dismissing Defendants’ counterclaims as moot without prejudice; (3) denying Defendants’ request for summary judgment and (4) denying Defendants’ request for an award of attorneys’ fees;

WHEREAS, the Report stated that the parties “have fourteen (14) days to file written objections to this Report and Recommendation”;

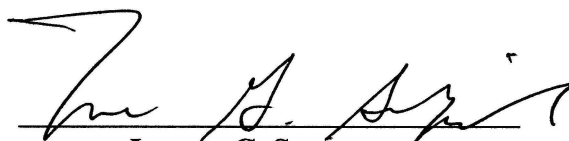
WHEREAS, no Objections were timely filed;

WHEREAS, in reviewing a Report and Recommendation of a magistrate judge, a district judge “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). “In a case such as this one, where 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.” *Poulos, v. City of New York*, No. 14 Civ. 3023, 2018 WL 3745661, at \*1 (S.D.N.Y. Aug. 6, 2018) (internal quotation marks omitted);

WHEREAS, the Court finds no clear error on the face of the record. It is hereby

**ORDERED** that the Report is adopted. Plaintiffs' Motion to Dismiss the Complaint and Defendants' counterclaims is **GRANTED**. Defendants' motion for summary judgment is **DENIED**. Defendants' application for an award of attorneys' fees is **DENIED**. The Clerk of Court is directed to close the case.

Dated: March 27, 2019  
New York, New York

A handwritten signature in black ink, appearing to read "Lorna G. Schofield", written over a horizontal line.

**LORNA G. SCHOFIELD**  
**UNITED STATES DISTRICT JUDGE**