UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

INTEGR8 FUELS, INC.,

Petitioner,

-v-

OW BUNKER PANAMA SA,

Respondent.

16-CV-4073 (VSB)

ORDER

VERNON S. BRODERICK, United States District Judge:

Petitioner Integr8 Fuels, Inc. originally commenced this action on June 1, 2016, by filing a petition seeking to compel Respondent OW Bunker Panama SA to arbitrate a dispute between the parties. (Doc. 1.) After Respondent failed to appear, I issued an Order on June 14, 2017, directing that a default judgment be entered against Respondent and affording Petitioner the relief requested. (Doc. 30.) The matter then proceeded to arbitration, resulting in an award favorable to Petitioner. (*See* Doc. 32.) On January 3, 2019, Petitioner returned to the Court and filed a motion to confirm the arbitration award (the "Petition"). (Doc. 32.) Once again, Respondent failed to respond to the Petition or to otherwise appear. On March 14, 2019, I referred the Petition to Magistrate Judge Debra C. Freeman for a determination as to liability and damages. (*See* Doc. 35.)

On August 12, 2019, Judge Freeman issued a Report and Recommendation advocating that I confirm the arbitration award. (Doc. 45.) No objections have been filed, the deadline for objections has passed, and no request for an extension has been filed. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

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). When a party submits a timely, specific objection, a district court reviews de novo the parts of the report and recommendation to which the party objected. *Id.*; *see also* Fed. R. Civ. P. 72(b)(3). With regard to a report and recommendation that is not objected to, or the unobjected-to portions of a report and recommendation, a district court reviews the report and recommendation, or the unobjected-to portion thereof, for clear error. *DiPilato v. 7-Eleven, Inc.*, 662 F. Supp. 2d 333, 339 (S.D.N.Y. 2009); *Lewis v. Zon*, 573 F. Supp. 2d 804, 811 (S.D.N.Y. 2008); *Wilds v. United Parcel Serv., Inc.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003).

I have reviewed Judge Freeman's Report and Recommendation for clear error and find none. Accordingly, I hereby ADOPT the Report and Recommendation, (Doc. 45), in its entirety. The arbitration award determining that Petitioner is entitled to set off its debt of $1,928,001.14 to Respondent by $600,395.53, and that Petitioner is entitled to reimbursement of its legal fees and costs totaling $88,772.09, as well as reimbursement of the arbitrators' fees totaling $22,825.00, (*see* Doc. 45, at 5), is affirmed.

The Clerk of Court is respectfully directed to enter judgment accordingly, to terminate the motion pending at Document 32, and to close the case.

SO ORDERED.

Dated: September 13, 2019
New York, New York

Vernon S. Broderick
United States District Judge