

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

REMBRANDT 3D HOLDING, LTD.,

Plaintiff,

v.

STREAM TV NETWORK, INC, *et al.*,

Defendants.

USDC-SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#:
DATE FILED:

17-CV-882 (RA)

ORDER ADOPTING
REPORT & RECOMMENDATION

RONNIE ABRAMS, United States District Judge:

Plaintiff Rembrandt 3D Holding, Ltd. brings this action against Stream TV Network, Inc., Raja Rajan, Mathau Rajan, Walter Roelen, Bart Barenbrug, Peter Roelen, and Hans Zuidema alleging patent infringement, breach of contract, promissory estoppel, and unjust enrichment. On April 20, 2020, Plaintiff filed a motion to enforce a term sheet entered into by the parties during a settlement conference before the Court. Before the Court is the November 4, 2020 Report and Recommendation of the Honorable Magistrate Judge Parker (the "Report"), which recommends denying Plaintiff's motion. See Dkt. 96. Neither party filed objections to the Report.

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). Parties may object to a magistrate judge's recommended findings "[w]ithin 14 days after being served with a copy of the recommended disposition." Fed. R. Civ. P. 72(b)(2); *see also* Report at 21 (advising parties of deadline to file written objections pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b)). "When the parties make no objections to the Report, the Court may adopt the Report if 'there is no clear error on the face of the record.'" *Smith v. Corizon Health Servs.*, No. 14-CV-8839 (GBD) (SN), 2015 WL 6123563, at *1 (S.D.N.Y. Oct. 16, 2015) (*quoting Adee Motor Cars, LLC v. Amato*, 388 F. Supp. 2d

250, 253 (S.D.N.Y. 2005)). “Furthermore, if as here . . . the magistrate judge’s report states that failure to object will preclude appellate review and no objection is made within the allotted time, then the failure to object generally operates as a waiver of the right to appellate review.” *Hamilton v. Mount Sinai Hosp.*, 331 F. App’x 874, 875 (2d Cir. 2009) (citations omitted).

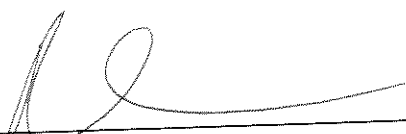
As no objections to Judge Parker’s Report were filed, the Court reviews the Report for clear error. After careful consideration of the record, the Court finds no error and thus adopts the thorough and well-reasoned Report in its entirety. Accordingly, Plaintiff’s motion to enforce the term sheet is denied.

Per Judge Parker’s recommendation, should Plaintiff wish to pursue damages for a breach of the Settlement Term Sheet (as a Type II preliminary agreement), Plaintiff shall file a renewed motion to enforce the settlement agreement solely addressing whether there was a breach of the Type II preliminary agreement, and if so, if there are recoverable damages, no later than two weeks from the date of this order. Defendants shall file their opposition no later than two weeks after that. No reply brief may be filed.

The Clerk of Court is respectfully directed to terminate the motions pending at Dkt. 90.

SO ORDERED.

Dated: April 15, 2021
New York, New York



RONNIE ABRAMS
United States District Judge