

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MALIBU MEDIA, LLC,		:	
	Plaintiff,	:	17 Civ. 1099 (PAE) (SLC)
-v-		:	
		:	<u>OPINION & ORDER</u>
GREGG GREENWOOD,		:	
	Defendant.	:	
-----X		:	

PAUL A. ENGELMAYER, District Judge:

This case was referred to the Hon. Sarah L. Cave, United States Magistrate Judge, for an damages inquest following the Court’s entry of default judgment against defendant as to liability. See Dkt. 43, Dkt. 47. Before the Court is the December 17, 2019 Report and Recommendation of Judge Cave, recommending that the Court award defendant: (1) statutory damages in the amount of \$14,250.00 for copyright infringement, and (2) costs in the amount of \$400.00. Dkt. 48 (“Report”). The Court incorporates by reference the summary of the facts provided in the Report. For the following reasons, the Court adopts this recommendation.

DISCUSSION

In reviewing a Report and Recommendation, 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)(C). “To accept those portions of the report 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.” *Ruiz v. Citibank, N.A.*, No. 10 Civ. 5950 (KPF), 2014 WL 4635575, at *2 (S.D.N.Y. Aug. 19, 2014) (quoting *King v. Greiner*, No. 02 Civ. 5810 (DLC), 2009 WL 2001439, at *4


(S.D.N.Y. July 8, 2009)); *see also, e.g., Wilds v. United Parcel Serv.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003).

As no party has submitted objections to the Report, review for clear error is appropriate. Careful review of Judge Cave's thorough and well-reasoned Report reveals no facial error in its conclusions; the Report is therefore adopted in its entirety. Because the Report explicitly states that "failure to object within fourteen (14) days will result in a waiver of objections and will preclude appellate review," Report at 11, the parties' failure to object operates as a waiver of appellate review. *See Caidor v. Onondaga Cty.*, 517 F.3d 601, 604 (2d Cir. 2008) (citing *Small v. Sec'y of Health & Human Servs.*, 892 F.2d 15, 16 (2d Cir. 1989) (per curiam)).

CONCLUSION

For the foregoing reasons, the Court awards defendant (1) statutory damages in the amount of \$14,250.00 for copyright infringement, and (2) costs in the amount of \$400.00.

SO ORDERED.


Paul A. Engelmayer
United States District Judge

Dated: January 14, 2020
New York, New York