

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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 :
 DAVID SYGALL, :
 :
 Plaintiff, :
 :
 - against - :
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 ANDREW PITSICALIS, et al., :
 :
 Defendants. :
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18-CV-2730 (VSB)

OPINION & ORDER

Appearances:

Laura Maria Zaharia, Scott Alan Burroughs
Doniger/Burroughs
New York, New York
Counsel for Plaintiff

Andrew Pitsicalis
Leon Hendrix
Pro se Defendant

VERNON S. BRODERICK, United States District Judge:

Plaintiff David Sygall filed this case for copyright infringement against seven Defendants, among them Leon Hendrix (“Hendrix”), alleging that Defendants reproduced and published Plaintiff’s photograph without authorization and sold related commercial goods that prominently featured the reproduction. (*See generally* Doc. 1.) On October 29, 2020, I entered default judgement against Hendrix and referred the matter to Magistrate Judge Sarah Netburn for an inquest on damages. (*See* Doc. 74.) On May 16, 2022, Judge Netburn issued a report and recommendation (“Report and Recommendation”) recommending an award of damages in the amount of \$14,250 and attorneys’ fees in the amount of \$2,275, plus post-judgment interest pursuant to 28 U.S.C. § 1961. (Doc. 86 (“R&R”).)

In reviewing a magistrate judge’s 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). Parties may raise specific, written objections to the report and recommendation within fourteen days of being served with a copy of the report. *See id.*; *see also* Fed. R. Civ. P. 72(b)(2). When a party submits a timely objection, a district court reviews de novo the parts of the report and recommendation to which the party objected. 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.” *E. Mishan & Sons, Inc. v. Novel Brands LLC*, No. 18-CV-2932 (VSB), 2022 WL 407393, at *2 (S.D.N.Y. Feb. 10, 2022); *see also Baez v. RCO Restoration Corp.*, 20-cv-1066 (VSB) (JLC), 2021 WL 4077944, at *2 (S.D.N.Y. Sept. 8, 2021); *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); *Nelson v. Smith*, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985).

Here, the Report and Recommendation was filed on May 16, 2022. Although the Report and Recommendation explicitly provided that “[t]he parties shall have fourteen days from the service of this Report and Recommendation to file written objections” and that “failure to file these timely objections will result in a waiver of those objections for purposes of appeal,” (R&R 13), neither party filed an objection or sought additional time to file an objection. I therefore reviewed Judge Netburn’s thorough and well-reasoned Report and Recommendation for clear error and, after careful review of the record, found none. Accordingly, I adopt the Report and Recommendation in its entirety. Plaintiff is awarded damages in the amount of \$14,250, attorneys’ fees in the amount of \$2,275, plus post-judgment interest pursuant to 28 U.S.C. §

1961.

Within 14 days of the issuance of this Order, the parties shall file a joint letter informing this Court of the status of the rest of the claims.

SO ORDERED.

Dated: August 2, 2022
New York, New York

A handwritten signature in black ink that reads "Vernon Broderick". The signature is written in a cursive style with a horizontal line underneath the name.

Vernon S. Broderick
United States District Judge