

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

G&G CLOSED CIRCUIT EVENTS, LLC

Plaintiff,

-v-

ANDRES JIMENEZ, individually and d/b/a/ Prospect
Billiards Cafe; and PROSPECT BILLIARDS CORP.

Defendants.

20 Civ. 7489 (PAE) (SLC)

OPINION & ORDER

PAUL A. ENGELMAYER, District Judge:

Currently pending is a proposed default judgment against defendants, Dkt. 32, and a motion for attorneys' fees by plaintiff's counsel, the Law Office of M.L. Zager P.C. ("Zager"), Dkts. 29–31 ("Fee Motion"). The Fee Motion follows an order of default judgment by this Court and a referral to the Hon. Sarah L. Cave, United States Magistrate Judge, for an inquest into damages. Dkts. 25, 26. Before the Court is the November 12, 2021 Report and Recommendation of Judge Cave, recommending that the Court grant in part and deny in part the Fee Motion and award \$2,500 in statutory damages, \$7,500 in enhanced damages, \$596.88 in costs, and post-judgment interest pursuant to 28 U.S.C. § 1961. Dkt. 33 ("Report"). The Court incorporates by reference the summary of the facts provided in the Report. For the following reasons, the Court adopts the Report's 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 25, the parties’ failure to object operates as a waiver of appellate review. *See Caidor v. Onondaga Cnty.*, 517 F.3d 601, 604 (2d Cir. 2008) (citing *Small v. Sec’y of Health & Hum. Servs.*, 892 F.2d 15, 16 (2d Cir. 1989) (per curiam)).

CONCLUSION

For the foregoing reasons, the Court grants in part and denies in part the plaintiff’s Fee Motion and awards \$2,500 in statutory damages, \$7,500 in enhanced damages, \$596.88 in costs, and post-judgment interest pursuant to 28 U.S.C. § 1961. The Clerk of Court is respectfully directed to close the case and mail a copy of this decision to plaintiff at the address on file.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: December 1, 2021
New York, New York