UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

STATE OF NEW YORK, NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, and BASIL SEGGOS, as Commissioner of the New York State Department of Environmental Conservation,

Plaintiffs,

v.

AMERICAN LOCKER GROUP INCORPORATED, f/k/a AUTOMATIC VOTING MACHINE CORPORATION, f/k/a AVM CORPORATION, individually and as successor to KNOWLES-FISHER CORPORATION,

Defendant.

18-CV-176 (JLS) (MJR)

DECISION AND ORDER

Plaintiffs New York State, New York state Department of Environmental Conservation ("DEC"), and Basil Seggos, as Commissioner oof the DEC, filed a complaint against American Locker Group alleging violation of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9601-9675 and the New York Public Nuisance Law. Dkt. 1. Plaintiffs sought compensatory and declaratory relief against Defendant with respect to response costs already paid or in the future to be paid in responding to the release and threatened release of hazardous substances into the environment at and from the premises located at

One Industrial Place, Gowanda, New York. *Id.* On March 1, 2022, this Court granted in part Plaintiffs' motion for default judgment. Dkt. 15. The Court, however, denied the motion for a final monetary judgment, and referred the matter to Magistrate Judge Michael J. Roemer to conduct a hearing and to issue a Report and Recommendation ("R&R") addressing damages. Dkt. 16. Plaintiffs filed a motion for judgment on the pleadings in support of their request for money damages on August 5, 2022. Dkt. 20.

Presently before the Court is Judge Roemer's R&R, issued on March 24, 2023, recommending that Plaintiffs' motion for monetary relief against American Locker, in the amount of $3,562,808.82, be granted. Dkt. 25. No party filed objections, and the time to do so has passed.

A district court may accept, reject, or modify the findings or recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). A district court must conduct a *de novo* review of those portions of a magistrate judge's recommendation to which a party objects. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). But neither 28 U.S.C. § 636 nor Federal Rule of Civil Procedure 72 requires a district court to review the recommendation of a magistrate judge to which objections are not raised. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985).

Although not required to do so in light of the above, this Court nevertheless has reviewed Judge Roemer's R&R and the relevant record. The Court appreciates the reasoned R&R and, under the circumstances and in the absence of objections,

the Court accepts Judge Roemer's recommendation to grant Plaintiffs' motion for a monetary judgment.

For the reasons stated above and in the R&R, Plaintiffs' motion for a money judgment (Dkt. 20), in the amount of $3,562,808.82 against Defendant American Locker, is GRANTED.

The Clerk is directed to close this case.

SO ORDERED.

Dated: May 9, 2023
Buffalo, New York

JOHN L. SINATRA, JR.
UNITED STATES DISTRICT JUDGE