

CISG-online 1892	
Jurisdiction	U.S.A.
Tribunal	U.S. District Court for the Southern District of New York
Date of the decision	29 May 2009
Case no./docket no.	08 Civ. 1587(BSJ)(HBP)
Case name	<i>Doolim Corp. v. R Doll, LLC et al.</i>

Order

Barbara S. Jones, District Judge.

Upon my review of Magistrate Judge Henry B. Pitman's Report and Recommendation dated May 7, 2009 (the «Report»), and in the absence of any objections to that Report, I hereby confirm and adopt the Report in its entirety, finding no clear error on the face of the record. See, e.g., *Nelson v. Smith*, 618 F.Supp. 1186, 1189 (S.D.N.Y. 1985).

Accordingly, I award plaintiff Doolim Corp. («Doolim») judgment in the amount of \$840,085.94 against defendant R Doll, LLC («Doll»), and a declaration that it may sell the garments in its possession manufactured for Doll without regard to Doll's trademark rights. Further, as the Report notes, while my July 15, 2008 Order entering default judgment against Doll and Rosenthal & Rosenthal, Inc., did not address defendant Steven Oshatz, he was also and remains in default.¹ In keeping with Magistrate Judge Pitman's recommendation, I enter a judgment of default against Oshatz and award Doolim a declaration that it may sell the garments in its possession manufactured for Doll without regard to Oshatz's trademark rights. I dismiss Doolim's fourth claim, which sought a declaration of its rights with respect to certain assets in the possession of defendant Rosenthal & Rosenthal, Inc., and deny Doolim's application for an order of attachment.

The Clerk of Court is directed to close this case.

SO ORDERED.

¹ After I referred this matter to Magistrate Judge Pitman to conduct an inquest and issue the Report concerning the amount of damages to be awarded to Doolim, Magistrate Judge Pitman directed defendants, including Oshatz, to respond to Doolim's proposed findings of fact and conclusions of law by October 30, 2008. But while «all reasonable steps to provide notice to defendants,» including Oshatz, «have been taken,» «none of the defendants has made any written submission, nor have they contacted my chambers in any way.» (Report, at 3.)