

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK

Deanne Kulke v. Sopheon Corporation and Greg Coticchia

Kulke · No. 25-CV-1218 (RER) (JRC) · Decided January 8, 2026

SUMMARY

The United States District Court for the Eastern District of New York adopted a magistrate judge’s report and recommendation recommending denial of Sopheon Corporation’s motion to strike certain paragraphs from the Complaint. Because no objections were filed within the applicable period, the court reviewed the recommendation for clear error, found none, and denied the motion to strike.

CASE DETAILS

COURT	United States District Court for the Eastern District of New York
WRITING FOR THE COURT	Ramón E. Reyes, Jr.
JURISDICTION	United States District Court for the Eastern District of New York
DECIDED	January 8, 2026
DOCKET	25-CV-1218 (RER) (JRC)
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's report and recommendation recommending denial of defendant Sopheon Corporation's motion to strike paragraphs from the complaint. No party filed objections within the time allowed.
STANDARD OF REVIEW	Clear-error review of an unobjected-to report and recommendation under 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72.
PRECEDENTIAL VALUE	unpublished

TOPICS

- pleadings
- civil procedure

PRACTICE AREAS

- civil procedure
- commercial litigation

QUESTIONS PRESENTED

1. Whether the district court should adopt an unobjected-to report and recommendation after reviewing it for clear error.
2. Whether Sopheon Corporation's motion to strike certain paragraphs from the complaint should be denied.

HOLDINGS

1. When no party objects within the time permitted by Federal Rule of Civil Procedure 72(b)(2), the district court reviews the report and recommendation for clear error and may adopt it if no clear error is found.
2. The court denied Sopheon Corporation's motion to strike certain paragraphs from the complaint by adopting the magistrate judge's recommendation in its entirety.

KEY QUOTATIONS

“Pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, the Court has reviewed the R&R for clear error and, finding none, adopts the R&R in its entirety.”

FACTUAL BACKGROUND

Plaintiff Deanne Kulke filed a complaint against Sopheon Corporation and Greg Coticchia. Sopheon moved to strike certain paragraphs of the complaint. The magistrate judge recommended denying that motion, and neither party objected to the recommendation.

PROCEDURAL HISTORY

Magistrate Judge James R. Cho issued a report and recommendation on December 23, 2025, recommending that Sopheon's motion to strike certain paragraphs from the complaint be denied. After the objection period expired without objections, District Judge Ramón E. Reyes, Jr. reviewed the report and recommendation for clear error, adopted it in its entirety, and denied the motion to strike.

DISPOSITION

other

CASES CITED

- Covey v. Simonton, 481 F. Supp. 2d 224, 226 (E.D.N.Y. 2007)

OPINION

Kulke

PER CURIAM.

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

-----X Deanne Kulke, Plaintiff, ORDER ADOP
TING

REPORT & RECOMMENDATION

-against-

25-CV-1218 (RER) (JRC)

Sopheon Corporation, and Greg Coticchia, Defendants. -----

-----X RAMÓN E. REYES, JR., District Judge: In a report and recommendation dated December 23, 2025, (ECF No. 34 (“R&R”)), Magistrate Judge James R. Cho recommended that the Court deny defendant Sopheon’s motion to strike certain paragraphs in plaintiff’s Complaint. (Id.) Judge Cho advised the parties that they had fourteen days from the date that R&R was received to file objections. (Id.) To date, neither party has filed an objection to the R&R, and the time to do so has passed. See Fed. R. Civ. P. 72(b)(2). Pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, the Court has reviewed the R&R for clear error and, finding none, adopts the R&R in its entirety. See Covey v. Simonton, 481 F. Supp. 2d 224, 226 (E.D.N.Y. 2007). Therefore, it is ordered that the R&R is adopted in its entirety and the motion to strike (ECF No. 16) is denied. SO ORDERED. /s/ Ramón E. Reyes, Jr. RAMÓN E. REYES, JR. United States District Judge Dated: January 8, 2026