

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK

Singer Coney LLC v. Pepper Palace, Inc.

Singer Coney · No. 25-cv-721 (KAM)(PCG) · Decided February 27, 2026

SUMMARY

The United States District Court for the Eastern District of New York adopts a magistrate judge’s report and recommendation concerning Singer Coney LLC’s motion for default judgment against Pepper Palace, Inc. The court awards \$112,371.69 in unpaid rent, \$4,494.85 in late charges, and post-judgment interest, while denying without prejudice requests for accelerated rent, related late charges and interest, attorneys’ fees, and costs.

CASE DETAILS

COURT	United States District Court for the Eastern District of New York
WRITING FOR THE COURT	Kiyo A. Matsumoto
JURISDICTION	United States District Court for the Eastern District of New York
DECIDED	February 27, 2026
DOCKET	25-cv-721 (KAM)(PCG)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for a sum-certain default judgment under Federal Rule of Civil Procedure 55(b)(1) after Defendant was served but failed to appear. The district court reviewed and adopted the magistrate judge's report and recommendation because no timely objections were filed.
STANDARD OF REVIEW	When no timely objections are filed to a magistrate judge's report and recommendation, the district court reviews the record for clear error on the face of the record.
PRECEDENTIAL VALUE	unpublished

TOPICS

- default judgment
- default
- breach of contract
- commercial
- civil procedure

PRACTICE AREAS

- civil procedure
- contracts
- commercial litigation
- remedies

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's report and recommendation when no timely objections were filed.
2. Whether Singer Coney was entitled to default judgment for unpaid rent and late charges.
3. Whether Singer Coney was entitled at that stage to default judgment for accelerated rent, related late charges, interest, attorneys' fees, and costs.

HOLDINGS

1. When no timely objections are filed, the district court need only determine whether the record contains clear error on its face; finding none, the court may adopt the report and recommendation in its entirety.
2. Singer Coney was entitled to default judgment for \$112,371.69 in unpaid rent and \$4,494.85 in late charges on the unpaid rent, together with post-judgment interest under 28 U.S.C. § 1961(a).
3. The requests for default judgment on accelerated rent, late charges applicable to accelerated rent, interest, attorneys' fees, and costs were denied without prejudice, subject to renewal with the information identified in the report and recommendation.

KEY QUOTATIONS

“Where no timely objections have been filed, the district court need only satisfy itself that there is no clear error on the face of the record.”

“After careful review of the record and Judge Pollak’s well-reasoned R&R, the Court finds no clear error and thus adopts the R&R in its entirety as the Court’s opinion.”

FACTUAL BACKGROUND

Singer Coney alleged that Pepper Palace failed to timely pay rent due under a commercial lease. Pepper Palace was served but did not appear or respond, and the Clerk entered default. Singer Coney sought default judgment for unpaid rent, late charges, accelerated rent, interest, attorneys' fees, and costs.

PROCEDURAL HISTORY

Singer Coney commenced an action alleging, among other claims, breach of a commercial lease based on Pepper Palace's failure to timely pay rent. After Pepper Palace failed to appear, the Clerk entered default. Singer Coney moved for default judgment. The motion was referred to Magistrate Judge Pollak, who recommended granting it in part and denying it in part. With no objections filed, the district court found no clear error, adopted the report and recommendation in its entirety, awarded unpaid rent and related late charges, denied other requested relief without prejudice, and imposed a deadline for any renewed motion.

DISPOSITION

other

CASES CITED

- Rodriguez v. MRC Bakery Corp., 802 F. Supp. 3d 393, 407 (E.D.N.Y. 2025)
- Finley v. Trans Union, Experian, Equifax, No. 17-CV-0371, 2017 WL 4838764, at *1 (E.D.N.Y. Oct. 24, 2017)

OPINION

Singer Coney LLC v. Pepper Palace, Inc.

PER CURIAM.

United States District Court Eastern District of New York -----X

SINGER CONEY LLC,

Plaintiff, Order Adopting the Report and Recommendation - against - No. 25-cv-721 (KAM)
(PCG)

PEPPER PALACE, INC.,

Defendant. -----X Kiyo A. Matsumoto, United States District Judge: On February 7, 2025, Plaintiff Singer Coney, LLC commenced this action against Defendant Pepper Palace, Inc. alleging, among other claims, breach of contract for failure to timely pay rent on a commercial lease. (ECF No. 1 (“Compl.”).) After Pepper Palace was served but failed to appear and respond, Singer Coney requested a Certificate of Default against Pepper Palace on April 11, 2025. (ECF No. 10.) On April 14, 2025, the Clerk of Court entered the default against Pepper Palace. (ECF No. 11.) On May 15, 2025, Singer Coney filed a motion for entry of a sum certain default judgment pursuant to Federal Rule of Civil Procedure 55(b)(1), in compliance with Local Rule 55.2. (ECF No. 13 (“Def.’s Mot. for Default J.”).) On May 16, 2025, the Court referred the motion for default judgment to Magistrate Judge Pollak. (Dkt. Order Referring Motion dated 05/16/2025.) Judge Pollak subsequently entered a well-reasoned report and recommendation on January 2, 2026, granting in part and denying in part the motion for default judgment and, pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b)(2), directed Singer Coney to respond with any objections within 14 days of the report and recommendation. (ECF No. 16 (“R&R”).) More than 14 days have elapsed since Judge Pollak entered the R&R and Singer Coney was served, and no party has filed a written objection. In reviewing a report and recommendation, the 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); see Fed. R. Civ. P. 72(b). “Where no timely objections have been filed, the district court need only satisfy itself that there is no clear error on the face of the record.” Rodriguez v. MRC Bakery Corp., 802 F. Supp. 3d 393, 407 (E.D.N.Y. 2025) (quoting Finley v. Trans Union, Experian, Equifax, No. 17-CV-0371, 2017 WL 4838764, at *1 (E.D.N.Y. Oct. 24, 2017)) (internal quotation marks omitted). After careful review of the record and Judge Pollak’s well- reasoned R&R, the Court finds no clear error and thus adopts the R&R in its entirety as the Court’s opinion. See 28 U.S.C. § 636(b)(1). Accordingly, it is ORDERED that the R&R is adopted in its entirety. Singer Coney’s motion is granted as to the \$112,371.69 in unpaid rent and \$4,494.85 in late charges on the unpaid rent. Singer Coney is

further awarded post-judgment interest as set forth in 28 U.S.C. § 1961(a). Singer Coney's motion for a default judgment on accelerated rent, late charges as they apply to accelerated rent, and interest, however, is denied without prejudice. Singer Coney's motion for attorneys' fees is also denied without prejudice. Singer Coney is ordered to serve a copy of this Order on Pepper Palace at its last known address and to file proof of service with the Court by Friday, February 6, 2026. Should Singer Coney wish to pursue its request for accelerated rent, late charges, interest, attorneys' fees, and costs, it must renew its motion and provide the information discussed in the R&R no later than February 13, 2026. If Singer Coney does not file a renewed motion by February 13, 2026, the Clerk of Court is directed to enter judgment and close this case on February 16, 2026. So ordered. b2W\Y —~ Dated: February 5, 2026 —) - es Ewe Brooklyn, New York Kiyo A. Matsumoto United States District Judge Eastern District of New York