

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)

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