

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK

U.S. Bank National Association, as Trustee for the Registered Holders of Wells Fargo Commercial Mortgage Securities, Inc., Multifamily Mortgage Pass-Through Certificates, Series 2018-SB51 v. Zevest Realty, LLC et al.

No. 24-cv-08430 (NCM) (PK) · No. 24-cv-08430 (NCM) (PK) · Decided February 10, 2026

SUMMARY

The United States District Court for the Eastern District of New York adopted a magistrate judge’s Report and Recommendation after finding no clear error and receiving no objections. The court denied the plaintiff’s motion to strike the answers of Zevest Realty, LLC and Esther Goldstein and to impose monetary sanctions.

CASE DETAILS

COURT	United States District Court for the Eastern District of New York
WRITING FOR THE COURT	Natasha C. Merle
JURISDICTION	United States District Court for the Eastern District of New York
DECIDED	February 10, 2026
DOCKET	24-cv-08430 (NCM) (PK)
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation recommending disposition of plaintiff's motion to strike defendants' answer and impose monetary sanctions. No objections were filed.
STANDARD OF REVIEW	When objections to a magistrate judge's disposition are properly made, the district court reviews the objected-to portions de novo. When no timely objections are filed, the district court need only determine whether there is clear error on the face of the record.
PRECEDENTIAL VALUE	unpublished

TOPICS

sanctions

pleadings

civil procedure

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PRACTICE AREAS

civil procedure

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QUESTIONS PRESENTED

1. What standard of review applies when no timely objections are filed to a magistrate judge's Report and Recommendation?
2. Whether the magistrate judge's Report and Recommendation contained clear error warranting rejection or modification.
3. Whether plaintiff's motion to strike defendants' answer and impose monetary sanctions should be granted.

HOLDINGS

1. When no timely objections are filed to a magistrate judge's disposition, the district court reviews the record for clear error rather than conducting de novo review.
2. The court found no clear error, adopted the Report and Recommendation in its entirety, and denied plaintiff's motion to strike defendants Zevest Realty, LLC and Esther Goldstein's answer and impose monetary sanctions.

KEY QUOTATIONS

“The Court reviews “de novo any part of the magistrate judge’s disposition that has been properly objected to.””

“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.””

FACTUAL BACKGROUND

The plaintiff moved to strike the answers of defendants Zevest Realty, LLC and Esther Goldstein and to impose monetary sanctions. The opinion does not provide additional underlying substantive facts because the district court resolved the matter by reviewing and adopting the magistrate judge's Report and Recommendation.

PROCEDURAL HISTORY

Magistrate Judge Peggy Kuo issued a Report and Recommendation dated January 23, 2026. Because no party filed objections, the district court reviewed the record for clear error, found none, adopted the Report and Recommendation in its entirety, and denied plaintiff's motion to strike defendants' answer and impose monetary sanctions.

DISPOSITION

other

CASES CITED

- Park v. Kim, No. 20-cv-02636, 2022 WL 3643966, at *2 (E.D.N.Y. Aug. 24, 2022), aff'd, 91 F.4th 610 (2d Cir. 2024)
- Finley v. Trans Union, Experian, Equifax, No. 17-cv-00371, 2017 WL 4838764, at *1 (E.D.N.Y. Oct. 24, 2017)
- Estate of Ellington ex rel. Ellington v. Harbrew Imports Ltd., 812 F. Supp. 2d 186, 189 (E.D.N.Y. 2011)

OPINION

U.S. Bank National Association, as Trustee for the Registered Holders of Wells Fargo Commercial Mortgage Securities, Inc., Multifamily Mortgage Pass-Through Certificates, Series 2018-SB51 v. Zevest Realty, LLC et al.

PER CURIAM.

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

U.S. BANK NATIONAL ASSOCIATION,

AS TRUSTEE FOR THE REGISTERED

HOLDERS OF WELLS FARGO

COMMERCIAL MORTGAGE ORDER

SECURITIES, INC., MULTIFAMILY 24-cv-08430 (NCM) (PK)

MORTGAGE PASS-THROUGH

CERTIFICATES, SERIES 2018-SB51,

Plaintiff, – against – ZEVEST REALTY, LLC et al., Defendants. NATASHA C. MERLE, United States District Judge: This Court has received the Report and Recommendation (“R&R”) dated January 23, 2026, from the Honorable Peggy Kuo, United States Magistrate Judge. ECF No. 52. No objections have been filed. The Court reviews “de novo any part of the magistrate judge’s disposition that has been properly objected to.” Fed. R. Civ. P. 72(b); see also Park v. Kim, No. 20-cv-02636, 2022 WL 3643966, at *2 (E.D.N.Y. Aug. 24, 2022), aff’d, 91 F.4th 610 (2d Cir. 2024). 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.” Finley v. Trans Union, Experian, Equifax, No. 17-cv-00371, 2017 WL 4838764, at *1 (E.D.N.Y. Oct. 24, 2017) (quoting Estate of Ellington ex rel. Ellington v. Harbrew Imports Ltd., 812 F. Supp. 2d 186, 189 (E.D.N.Y. 2011)). Having reviewed the record, I find no clear error. I therefore adopt the Report and Recommendation, in its entirety, as the opinion of the Court pursuant to 28 U.S.C. § 636(b)(1). Accordingly, plaintiff’s motion to strike defendants Zevest Realty, LLC and Esther Goldstein’s answer and to impose monetary sanctions, ECF No. 32, is denied. SO ORDERED. /s/ Natasha C. Merle

NATASHA C. MERLE

United States District Judge Dated: February 10, 2026 Brooklyn, New York

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