

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK

Mayra Cruz and Raul Herrera, individually and on behalf of all other similarly situated persons v. Ultimate Care, Inc.

Cruz v. Ultimate Care · No. 22-CV-7520 (AMD) (LKE) · Decided January 28, 2026

SUMMARY

The Eastern District of New York adopted a magistrate judge’s Report and Recommendation recommending denial of the plaintiffs’ motion for leave to file a third amended complaint in an FLSA and NYLL overtime action. Because no party objected, the court reviewed the recommendation for clear error and denied the motion.

CASE DETAILS

COURT	United States District Court for the Eastern District of New York
WRITING FOR THE COURT	Ann M. Donnelly
JURISDICTION	United States District Court, Eastern District of New York
DECIDED	January 28, 2026
DOCKET	22-CV-7520 (AMD) (LKE)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs moved for leave to file a third amended complaint in an FLSA and NYLL wage-and-hour action. The motion was referred to a magistrate judge, who recommended denial; the district court adopted the recommendation after finding no clear error.
STANDARD OF REVIEW	Clear-error review of an unobjected-to report and recommendation under 28 U.S.C. § 636(b)(1)(C).
PRECEDENTIAL VALUE	unpublished
PARTIES	Mayra Cruz, Raul Herrera v. Ultimate Care, Inc.

TOPICS

- motion to amend
- wage and hour
- flsa
- civil procedure

PRACTICE AREAS

civil procedure

employment law

wage and hour

flsa

QUESTIONS PRESENTED

1. Whether the district court should adopt an unobjected-to magistrate judge's report and recommendation after reviewing the record for clear error.
2. Whether plaintiffs should be granted leave to file a third amended complaint after additional discovery.

HOLDINGS

1. When no timely objection is made to a magistrate judge's report and recommendation, the district court need only determine that there is no clear error on the face of the record before adopting it.
2. Plaintiffs' motion for leave to file a third amended complaint is denied.

KEY QUOTATIONS

"To accept a report and recommendation to which no timely objection has been made, "a district court need only satisfy itself that there is no clear error on the face of the record." "

FACTUAL BACKGROUND

Mayra Cruz and Raul Herrera brought a putative collective and class action alleging that Ultimate Care, Inc. failed to pay overtime wages required by the FLSA and NYLL. After the parties engaged in discovery and plaintiffs filed multiple amended complaints, plaintiffs sought leave to file a third amended complaint. The magistrate judge recommended denying that motion, and no party timely objected.

PROCEDURAL HISTORY

Plaintiffs filed the action on December 12, 2022, alleging failure to pay overtime wages under the FLSA, later adding NYLL claims. After multiple amended complaints and discovery, plaintiffs moved for leave to file a third amended complaint. Magistrate Judge Lara Eskenazi recommended denial on December 31, 2025. No party objected, and the district court adopted the recommendation and denied the motion.

DISPOSITION

other

CASES CITED

- VOX Amplification Ltd. v. Meussdorffer, 50 F. Supp. 3d 355, 369 (E.D.N.Y. 2014)

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