

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

DOUGLAS LONGHINI,

Plaintiff,

v.

Case No. 6:17-cv-1016-Orl-37GJK

RAYAN AND ASSOCIATES, INC.; and  
FL SAKURA ASIAN FUSION, INC.,

Defendants.

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**ORDER**

Plaintiff initiated this action against Defendants alleging numerous violations of the Americans with Disabilities Act. (*See* Doc. 1.) Despite being served with service of process, Defendants have failed to appear or otherwise defend this action. (*See* Docs. 14, 25.) So Plaintiff sought and obtained entry of default against Defendant FL Sakura Asian Fusion, Inc. on September 29, 2017 (Doc. 23) and against Defendant Rayan and Associates, Inc. on November 16, 2017 (Doc. 27). On February 6, 2018, Plaintiff sought default judgment against Defendants (collectively, “**Motions**”). (Docs. 35, 36.) On referral, U.S. Magistrate Judge Gregory J. Kelly recommends that the Court deny the Motions. (Doc. 38 (“**R&R**”).)

In his R&R, Magistrate Judge Kelly concludes that: (1) Plaintiff’s allegations are vague and conclusory and fail to meet the threshold pleading requirements; and (2) Plaintiff has failed to identify whether the premises at issue is a pre-existing building, making it impossible to determine what legal standard applies. (*Id.* at 5–8.) So he finds

that Plaintiff is not entitled to default judgment. (*Id.* at 8.)

The parties did not object to the R&R, and the time for doing so has now passed. Absent objections, the Court has examined the R&R only for clear error. *See Wiand v. Wells Fargo Bank, N.A.*, No. 8:12-cv-557-T-27EAJ, 2016 WL 355490, at \*1 (M.D. Fla. Jan. 28, 2016); *see also Marcort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006). Finding no clear error, the Court concludes that the R&R is due to be adopted in its entirety and the Motions are due to be denied.

Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. U.S. Magistrate Judge Gregory J. Kelly's Report and Recommendation (Doc. 38) is **ADOPTED, CONFIRMED**, and made a part of this Order.
2. Plaintiff's Motion for Default Judgment against Defendant Rayan and Associates, Inc. (Doc. 35) is **DENIED**.
3. Plaintiff's Motion for Default Judgment against Defendant FL Sakura Asian Fusion, Inc. (Doc. 36) is **DENIED**.

**DONE AND ORDERED** in Chambers in Orlando, Florida, on May 15, 2018.



  
ROY B. DALTON JR.  
United States District Judge

Copies to:  
Counsel of Record