

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION**

ELIZABETH SINES, *et al.*,

Plaintiffs,

v.

JASON KESSLER, *et al.*,

Defendants.

CASE No. 3:17-cv-00072

ORDER

JUDGE NORMAN K. MOON

This matter is before the Court on Plaintiffs’ Unopposed Motion for Entry of Default Against Defendant Nationalist Front (“NF”) Pursuant to Rules 37 and 55 of the Federal Rules of Civil Procedure, Dkt. 918, as well as the Report & Recommendation of United States Magistrate Judge Joel C. Hoppe, on that motion, Dkt. 967 (“R&R”).

Following thorough consideration of the issues raised in Plaintiff’s motion, in the R&R, the Magistrate Judge “recommend[ed] that the presiding District Judge GRANT Plaintiffs’ Unopposed Motion for Entry of Default Against Defendant Nationalist Front Pursuant to Rules 37 and 55 of the Federal Rules of Civil Procedure ... and enter Defendant Nationalist Front’s default under Rule 55(a).” R&R at 15. Further, the Magistrate Judge considered that “Plaintiff’s request that the Court render default judgment against Defendant Nationalist Front is also an appropriate discovery sanction under Rule 37(d) because Defendant twice failed, after being served with proper notice of a Rule 30(b)(6) deposition, to designate a person to appear and answer questions on the association’s behalf.” *Id.* at 15-16. Thus, the Magistrate Judge further “recommend[ed] that the presiding District Judge enter default judgment as to liability on

Plaintiffs' claims against [Nationalist Front] and hold a hearing to determine the amount of Plaintiffs' damages for which NF should be held liable." *Id.* at 16.

Though advised of the right to object to the R&R within fourteen days, and that failure to timely file objections may result in waiver of review of the R&R, *id.* at 16, no party filed objections within the fourteen-day period.

The Court reviews de novo every portion of an R&R to which objections have been filed. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). But where, as here, no objections to an R&R are filed, the Court reviews only for clear error. *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005); Fed. R. Civ. P. 72 advisory committee's note. In that case, the Court need not provide any explanation for adopting the R&R. *Camby v. Davis*, 718 F.2d 198, 199–200 (4th Cir. 1983) ("Absent objection, we do not believe that any explanation need be given for adopting the report.").

No objections to the R&R have been filed, and the Court can discern no clear error therein. Indeed, as the R&R demonstrates, the Magistrate Judge carefully considered Plaintiffs' requests for relief, the law and the record. Accordingly, the Court **ORDERS** that:

1. The R&R is **ADOPTED** in its entirety, Dkt. 967;
2. Plaintiffs' Unopposed Motion for Entry of Default Against Defendant Nationalist Front is **GRANTED**, Dkt. 918, to the extent recommended in the R&R; and
3. Further Orders will issue entering default and default judgment against Nationalist Front.

It is so **ORDERED**.

The Clerk of Court is directed to send a certified copy of this Order to the parties.

Entered this 30th day of September, 2021.


NORMAN K. MOON
SENIOR UNITED STATES DISTRICT JUDGE