

United States v. Sinyavskiy

United States District Court for the Eastern District of New York

September 30, 2022, Decided; September 30, 2022, Filed

21-CV-2757(EK)(PK)

Reporter

2022 U.S. Dist. LEXIS 180103 *; 2022 WL 4662789

UNITED STATES OF AMERICA, Plaintiff, -against-
DAVID SINYAVSKIY, Defendant.

Counsel: 2022 U.S. Dist. LEXIS 180103 2022 WL 4662789 at 1 For United States of America, Plaintiff:
Herbert West Linder, United States Department of Justice, Dallas, TX.

Judges: ERIC KOMITEE, United States District Judge.

Opinion by: ERIC KOMITEE

Opinion

MEMORANDUM & ORDER

ERIC KOMITEE, United States District Judge:

This case involves allegations that the defendant failed to report his interest in a foreign bank account as required by 31 U.S.C. § 5314 and the regulations promulgated thereunder. The Court has received Magistrate Judge Peggy Kuo's Report and Recommendation ("R&R") dated July 29, 2022. ECF No. 12. Judge Kuo recommends that the Court grant Plaintiff's motion for default judgment and that Plaintiff be awarded \$85,559.18 in penalties for failing to file timely Reports of Foreign Bank and Financial Accounts (called "FBAR" reporting). She further recommends that Plaintiff be awarded late-payment penalties authorized by regulation and specified interest. R&R 10.

Neither party has filed objections and the time to do so has expired. Accordingly, the Court reviews the R&R for clear error on the face of the record. See Advisory Comm. Notes to Fed. R. Civ. P. 72(b); accord *State Farm Mut. Auto. Ins. Co. v. Grafman*, 968 F. Supp. 2d 480, 481 (E.D.N.Y. 2013). Having reviewed the record, I find no clear error and therefore adopt the R&R in its entirety.

Thus, Plaintiff's motion for default judgment **2022 U.S. Dist. LEXIS 180103 2022 WL 4662789 at 2** is GRANTED. Plaintiff is awarded (1) a lump sum in the amount of \$85,559.18, consisting of annual penalties for failing to make timely FBAR reports pursuant to 31 U.S.C. § 5314 and 31 C.F.R. § 1010.350(a), accrued pre-judgment interest for the period May 23, 2019 through July 25, 2022, and late-payment penalties under 31 U.S.C. § 3717(e)(2) and 31 C.F.R. §§ 5.5(a), 901.9; (2) additional pre-judgment interest for the period from July 26, 2022 through the date judgment is entered in this case, to be calculated in accordance with 31 U.S.C. § 3717(a)(1); (3) post-judgment interest pursuant to 28 U.S.C. § 1961(a), accruing from the date of entry of judgment until the date judgment is paid in full; and (4) any additional late-payment penalties pursuant to 31 U.S.C. § 3717(e)(2) and 31 C.F.R. §§ 5.5(a), 901.9, accruing from July 26, 2022 until the date judgment is paid in full. R&R 10.

The Clerk of Court is respectfully directed to enter judgment and close the case.

SO ORDERED.

/s/ Eric Komitee

ERIC KOMITEE

United States District Judge

Dated: September 30, 2022

Brooklyn, New York

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