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United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

F.G. CROSTHWAITE, et al.,
Plaintiffs,
v.
APOSHIAN EXCAVATING
COMPANY, INC.,
Defendant.

Case No. 13-cv-00363-TEH

**ORDER ADOPTING REPORT AND
RECOMMENDATION AND
GRANTING PLAINTIFFS' MOTION
FOR DEFAULT JUDGMENT**

The Court had previously denied Defendant's motion to set aside default and referred Plaintiffs' pending motion for default judgment for a report and recommendation. *See* Docket No. 53. This matter now comes before the Court following the filing of a report and recommendation by Chief Magistrate Judge Elizabeth D. Laporte on June 3, 2014. *See* Docket No. 60. The report and recommendation was served on counsel for the parties via ECF on the same day. No objections to the report and recommendation have been received, and the period for filing such objections has now expired. *See* Fed. R. Civ. P. 72(b)(2) (allowing fourteen-day period after service for filing objections).

The Court has reviewed the report and recommendation, and the record in this case, and it accepts Judge Laporte's recommendations in their entirety.¹ With good cause

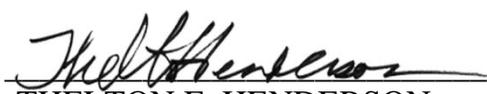
¹ Judge Laporte recommended that judgment be granted in the amount of \$69,219.11, plus any post-judgment interest that may accrue, as provided by law. *See* Rep. & Rec. at 11. The Court notes that the Second Supplemental Declaration of Michele Stafford, upon which Judge Laporte relied, contains a calculation error. *See* Docket No. 58. In paragraph 5, the sum for contributions, liquidated damages, and interest for January 2013 is listed as \$2,397.40, when in fact the sum of \$1,069.92, \$213.98, and \$14.61 should be \$1298.51. Judge Laporte's report and recommendation, however, correctly calculates \$69,219.11, which is the correct total sum of contributions owed, liquidated damages, interest, attorneys' fees, and costs, once the correct \$1298.51 figure for January 2013 is taken into account.

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appearing, Plaintiffs' motion for default judgment is therefore GRANTED against Defendant Aposhian Excavating Company, Inc., in the amount of \$69,219.11. The Clerk shall enter judgment and close the file.

IT IS SO ORDERED.

Dated: 07/01/14



THELTON E. HENDERSON
United States District Judge