

1
2
3
4 UNITED STATES DISTRICT COURT
5 FOR THE NORTHERN DISTRICT OF CALIFORNIA
6 OAKLAND DIVISION

7
8 THE BOARD OF TRUSTEES, in their
9 capacities as Trustees of the LABORERS
HEALTH AND WELFARE TRUST FUND
FOR NORTHERN CALIFORNIA; et al.,

10 Plaintiffs,

11 vs.

12 PROTECH SERVICES, INC., a California
13 corporation, individually and doing business
as PROTECH GENERAL CONTRACTING
SERVICES,

14 Defendant.
15

Case No: C 12-1047 SBA

**ORDER ACCEPTING REPORT
AND RECOMMENDATION**

Docket 23, 37

16 On June 20, 2013, Plaintiffs¹ filed a Motion for Default Judgment against Defendant
17 Protech Services, Inc. (“Defendant”). Dkt. 23. On November 4, 2013, Magistrate Judge
18 Maria-Elena James (“the Magistrate”) issued a Report and Recommendation in which she
19 recommends that default judgment be entered against Defendant and that Plaintiffs be
20 awarded: (1) unpaid contributions in the amount of \$51,654.35; (2) interest and liquidated
21 damages on the unpaid contributions in the amount of \$37,534.46; (3) attorneys’ fees and
22 costs in the amount of \$13,503.87; and (4) a mandatory injunction requiring Defendant to
23 submit to an audit of its financial records by Plaintiffs for the period July 1, 2009 to the
24
25

26 ¹ The Plaintiffs are: The Board of Trustees, in their capacities as Trustees of the
27 Laborers Health and Welfare Trust Fund for Northern California; Laborers Vacation-
28 Holiday Trust Fund for Northern California; Laborers Pension Trust Fund for Northern
California; and Laborers Training and Retraining Trust Fund for Northern California
(collectively, “Plaintiffs”).

1 present. Dkt. 37. On November 4, 2013, this case was reassigned to the undersigned. Dkt.
2 39.


3 Any objections to the Magistrate’s Report and Recommendation were required to be
4 filed within fourteen days of service thereof. Fed.R.Civ.P. 72(b)(2); 28 U.S.C. §
5 636(b)(1)(C). The district court must “make a de novo determination of those portions of
6 the report or specified proposed findings or recommendations to which objection is made,”
7 and “may accept, reject, or modify, in whole or in part, the findings or recommendations
8 made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C).

9 To date, no objection to the Magistrate’s Report and Recommendation has been
10 filed. In the absence of a timely objection, the Court “need only satisfy itself that there is
11 no clear error on the face of the record in order to accept the recommendation.”
12 Fed.R.Civ.P. 72, Advisory Committee Notes (1983) (citing Campbell v. U.S. Dist. Court,
13 501 F.2d 196, 206 (9th Cir. 1974)); see also United States v. Reyna-Tapia, 328 F.3d 1114,
14 1121 (9th Cir. 2003) (“The statute [28 U.S.C. § 636(b)(1)(C)] makes it clear that the district
15 judge must review the magistrate judge’s findings and recommendations de novo *if [an]*
16 *objection is made*, but not otherwise.”) (en banc). The Court has reviewed the record on its
17 face and finds no clear error. Accordingly,

18 IT IS HEREBY ORDERED THAT the Magistrate’s Report and Recommendation
19 (Dkt. 37) is ACCEPTED and shall become the Order of this Court. The Clerk shall close
20 the file and terminate any pending matters.

21 IT IS SO ORDERED.

22 Dated: 1/13/2014

23 
24 SAUNDRA BROWN ARMSTRONG
25 United States District Judge
26
27
28