

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

BRUCE TARVIN, Trustee, and )  
MID CENTRAL OPERATING ENGINEERS )  
HEALTH AND WELFARE FUND, )  
Plaintiffs, )

vs. )

BUNN EXCAVATING, INC., )  
Defendant. )

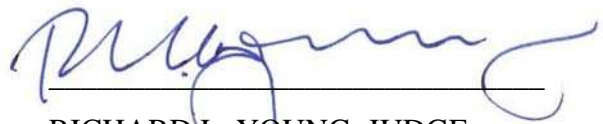
1:05-cv-1267-RLY-TAB

**ADOPTION OF REPORT AND RECOMMENDATION**

The Magistrate Judge submitted his Report and Recommendation. Parties were afforded due opportunity pursuant to statute and the rules of this court to file objections. The court, having considered the Magistrate Judge's Report and any objections thereto, and being duly advised, approves and adopts the Magistrate Judge's Report and Recommendation.

Accordingly, the Fund's request for a permanent injunction is denied; Bunn is ordered to pay the Fund \$270,656.43 in liquidated damages and \$20,914.26 in interest; and counsel for the Fund may submit within thirty days a statement in support of any claim for fees and costs being sought in this action.

**SO ORDERED** this 14th day of October 2009.



RICHARD L. YOUNG, JUDGE  
United States District Court  
Southern District of Indiana

Electronic Copies to:

Charles E. Davis  
DAVIS LAW LLC  
cdavis@davislawllc.net

Frederick W. Dennerline III  
FILLENWARTH DENNERLINE GROTH & TOWE LLP  
fdennerline@fdgtlaborlaw.com

Geoffrey S. Lohman  
FILLENWARTH DENNERLINE GROTH & TOWE LLP  
glohman@fdgtlaborlaw.com