

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ELECTRICAL WORKERS PENSION
TRUST FUND OF #58, IBEW, ET AL.,

Plaintiffs,

Case No. 09-11226
Hon. George Caram Steeh

v.

SERVICE ELECTRIC COMPANY, INC.,

Defendant.

ORDER ACCEPTING MARCH 30, 2010 REPORT AND RECOMMENDATION (#16)
GRANTING PLAINTIFFS' AMENDED MOTION FOR ATTORNEYS' FEES AND COSTS
(#13)

This matter is before the court on plaintiff's amended motion for attorneys' fees and costs. The court referred the matter to Magistrate Judge R. Steven Whalen. On March 30, 2010, Magistrate Judge Whalen issued a four-page Report and Recommendation, recommending that the court grant plaintiffs' motion. Magistrate Judge Whalen found that under 29 U.S.C. § 1132(g)(2), attorney fees are mandatory where there is a judgment in favor of a fiduciary in an action brought pursuant to Section 515 of the Employee Retirement Income Security Act, 29 U.S.C. § 1145. Plaintiff failed to file timely objections to the Report and Recommendation. See 28 U.S.C. § 636(b)(1); E.D. Mich. L.R. 72.1(d)(2).

Having reviewed the record and Report and Recommendation, and in the absence of timely objections, the court hereby ACCEPTS Magistrate Judge Whalen's well reasoned March 30, 2010 Report and Recommendation as its own. Plaintiffs' amended motion for attorney fees and costs is hereby GRANTED.

SO ORDERED.

Dated: May 17, 2010

S/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on
May 17, 2010, by electronic and/or ordinary mail.

S/Josephine Chaffee
Deputy Clerk