

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 TRUSTEES OF THE BRICKLAYERS &)
4 ALLIED CRAFTWORKERS LOCAL 13)
5 DEFINED CONTRIBUTION PENSION)
6 TRUST FOR SOUTHERN NEVADA, et al.,)
7 Plaintiffs,)
8 vs.)
9 TILE CONCEPTS, INC., et al.,)
10 Defendants.)

Case No.: 2:16-cv-1067-GMN-GWF

ORDER

11
12 Pending before the Court is the Report and Recommendation of United States
13 Magistrate Judge George W. Foley, Jr., (ECF No. 13), which states that the Motion for Default
14 Judgment, (ECF No. 9), be granted and that judgment be entered in favor of Plaintiffs.

15 A party may file specific written objections to the findings and recommendations of a
16 United States Magistrate Judge made pursuant to Local Rule IB 1-4. 28 U.S.C. § 636(b)(1)(B);
17 D. Nev. R. IB 3-2. Upon the filing of such objections, the Court must make a de novo
18 determination of those portions to which objections are made. Id. The Court may accept, reject,
19 or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge.
20 28 U.S.C. § 636(b)(1); D. Nev. IB 3-2(b). Where a party fails to object, however, the Court is
21 not required to conduct “any review at all . . . of any issue that is not the subject of an
22 objection.” Thomas v. Arn, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized
23 that a district court is not required to review a magistrate judge’s report and recommendation
24 where no objections have been filed. See, e.g., United States v. Reyna–Tapia, 328 F.3d 1114,
25 1122 (9th Cir. 2003).

1 Here, no objections were filed, and the deadline to do so has passed.

2 Accordingly,

3 **IT IS HEREBY ORDERED** that the Report and Recommendation, (ECF No. 13), is
4 **ADOPTED** in full.

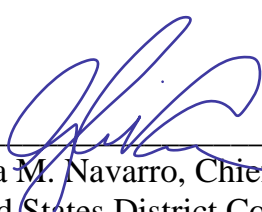
5 **IT IS FURTHER ORDERED** that Plaintiffs' Motion for Default Judgment against
6 Defendants Tile Concepts, Inc., and Michael R. Trimble, (ECF No. 9), be granted and that
7 judgment be entered in favor of Plaintiffs as follows:

8 1. Defendants shall submit to an audit conducted by an independent third party of
9 Plaintiffs' choosing within 14 days of the date of the Judgment to determine the
10 exact amounts of unpaid fringe benefit contributions due.

11 2. The Court shall retain jurisdiction over this matter in order to amend the judgment
12 upon the determination of total amounts owed by Defendants. Such amended
13 judgment shall include all additional interest, liquidated damages, and attorney's
14 fees and costs as outlined by the parties' collective bargaining agreement and 29 U.S.C.
15 § 1132(g)(2).

16
17 The Clerk of Court is instructed to enter judgment accordingly.

18
19 **DATED** this ²⁶ ___ day of January, 2017.

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21 
22 _____
23 Gloria M. Navarro, Chief Judge
24 United States District Court
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