

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ NOV 30 2016 ★

-----X
TRUSTEES OF THE PAVERS AND ROAD
BUILDERS DISTRICT COUNCIL WELFARE,
PENSION, ANNUITY AND
APPRENTICESHIP, SKILL IMPROVEMENT
AND SAFETY FUNDS,

Plaintiffs,

-against-

BROOKLYN OFFICE

NOT FOR PUBLICATION
MEMORANDUM & ORDER
12-CV-0834 (CBA) (VMS)

M.C. LANDSCAPE GROUP, INC.,
Defendant.

-----X
AMON, United States District Judge:

On March 29, 2016, this Court adopted the Report and Recommendation (“R&R”) of the Honorable Vera Scanlon, United States Magistrate Judge, granting the Trustees of the Pavers and Road Builders District Council Welfare, Pension, Annuity and Apprenticeship, Skill Improvement and Safety Funds’ (“Plaintiffs”) motion for summary judgment on their claim that Defendant M.C. Landscape Group, Inc. violated Sections 502(g)(2) and 515 of the Employee Retirement Income Security Act, 29 U.S.C. §§ 1132(g)(2) and 1145, by withholding benefit contributions it was required to remit under a collective bargaining agreement. (D.E. # 75.) This Court also granted Plaintiffs’ request that the determination of reasonable attorneys’ fees and costs be made in a separate proceeding, which the Court referred back to Magistrate Judge Scanlon.

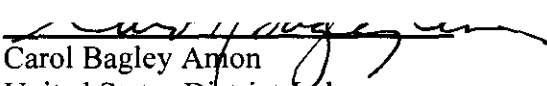
The Court has now received Judge Scanlon’s R&R, dated August 25, 2016, recommending that Plaintiffs’ request for attorneys’ fees and costs be granted in part, and that Plaintiff be awarded \$49,080.00 in attorneys’ fees and \$669.28 in costs. (D.E. # 84.) No party has objected to the R&R, and the time for doing so has passed. When deciding whether to adopt a report and recommendation, a district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). To accept those

portions of the R&R to which no timely objection has been made, “a district court need only satisfy itself that there is no clear error on the face of the record.” Jarvis v. N. Am. Globex Fund, L.P., 823 F. Supp. 2d 161, 163 (E.D.N.Y. 2011) (internal quotation marks and citation omitted).

The Court has reviewed the R&R and the record and finds no clear error in Judge Scanlon’s recommendation. The Court therefore adopts Judge Scanlon’s recommendation that attorneys’ fees and costs be granted in part, and that Plaintiffs be awarded \$49,080.00 in attorney’s fees and \$669.28 in costs. The Clerk of Court is directed to enter judgment accordingly and to close the case.

SO ORDERED.

Dated: November 30, 2016
Brooklyn, New York

s/Carol Bagley Amon

Carol Bagley Amon
United States District Judge