

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DR. GERALD FINKEL, as Chairman of the
Joint Industry Board of the Electrical Industry,

Plaintiff,

-against-

NOT FOR PUBLICATION
MEMORANDUM & ORDER
12-CV-4577 (CBA) (SMG)

RED HOOK SIGN AND ELECTRIC CORP.,
d/b/a RED HOOK SIGN AND ELECTRIC,

Defendant.

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AMON, Chief United States District Judge.

Dr. Gerald Finkel, Chairman of the Joint Industry Board of the Electrical Industry (“Plaintiff”), brings this action in his capacity as administrator and fiduciary of various employee benefit plans for electrical industry workers pursuant to Section 301 of the Labor Management Relations Act (“LMRA”), 29 U.S.C. § 185, and various sections of the Employee Retirement Income Security Act of 1974, as amended (“ERISA”), 29 U.S.C. § 1001 *et seq.* Plaintiff alleges that Red Hook Sign & Electric Corp. (“Defendant”) failed to make required contributions to various employee funds as required under collective bargaining agreements between Local Union No. 3 of the International Brotherhood of Electrical Workers, AFL-CIO (the “Union”) and the Electrical Sign Industry and between the Union and the New York Electrical Contractors Association, agreements to which defendant is bound. Plaintiff also seeks to recover interest on unpaid and late paid contributions, liquidated damages, and attorney’s fees and costs.

The defendant failed to appear or otherwise defend this action, and upon plaintiff’s application, the Clerk of the Court entered default against defendant. (DE 6.) Plaintiff filed the instant motion for default judgment (DE 7), which this Court referred to the Honorable Steven

M. Gold for report and recommendation. Pending before the Court is Judge Gold's Report and Recommendation (the "R&R") issued on July 3, 2013. (DE 19.)

"A district judge may accept, reject, or modify, in whole or in part, the findings and recommendations of the Magistrate Judge." *Wilson v. Dalene*, 699 F. Supp. 2d 534, 540 (E.D.N.Y. 2010). Where, as here, no timely objection has been made to the R&R, the "court need only satisfy itself that there is no clear error on the face of the record" to accept a magistrate judge's Report and Recommendation. *Wilds v. United Parcel Serv., Inc.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003) (internal quotation marks omitted). The Court has reviewed the record and adopts Judge Gold's thoroughly reasoned R&R as the opinion of this Court.

The plaintiff's motion for default judgment is granted. Judgment shall enter against defendant in the following amounts: (1) \$33,193.98 for the stipulation balance, plus prejudgment interest in the amount of \$817.77 and 3% per annum on the principal amount of \$33,193.98 from December 14, 2012 to the date of judgment; (2) \$7750.24 in unpaid contributions, plus 3% interest per annum from September 26, 2012 to the date of judgment on \$7360.27 of that amount and 10% interest per annum for the same period on \$389.97 of that amount; (3) \$218.50 in interest on late paid contributions; (4) \$8188.84 in liquidated damages; and (5) \$7137.55 in attorney's fees and costs. The Clerk of Court is directed to enter judgment and close this case.

SO ORDERED.

Dated: Brooklyn, N.Y.

August 14, 2013

s/Carol Bagley Amon

Carol Bagley Amon
Chief United States District Judge