Cement and Concrete Workers District Council Welfare Fund, P...r Funds et al v. Arbor Concrete Corp. Doc. 17

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

CEMENT AND CONCRETE WORKERS DISTRICT COUNCIL WELFARE FUND, PENSION FUND, ANNUITY FUND, EDUCATION AND TRAINING FUND and OTHER FUNDS, et al.,

Plaintiffs,

-against-

ARBOR CONCRETE CORP.,

Defendant.

14-CV-2542 (ARR)(RML)

NOT FOR ELECTRONIC OR PRINT PUBLICATION

ORDER

ROSS, United States District Judge:

The court has received the Report and Recommendation on the instant case dated February 11, 2015, from the Honorable Robert M. Levy, United States Magistrate Judge. No objections have been filed. Accordingly, the court has reviewed the Report and Recommendation for clear error on the face of the record. See Advisory Comm. Notes to Fed. R. Civ. P. 72(b); accord Brissett v. Manhattan & Bronx Surface Transit Operating Auth., No. 09-CV-1930682 (CBA) (LB), 2011 WL 1930682, at *1 (E.D.N.Y. May 19, 2011). Having reviewed the record, I find no clear error in Magistrate Judge Levy's thorough and well-reasoned analysis.[1] I hereby adopt the Report and Recommendation, in its entirety, as the opinion of the Court pursuant to 28 U.S.C. § 636(b)(1).

Therefore, the court grants plaintiffs' motion and awards default judgment against defendant, consisting of (1) dues and unpaid contributions in the amount of $18,232.42; (2) interest in the amount of $9,516.17 plus $8.99 per diem from July 1, 2014 through the date of

[1] The court notes one small typographical error in the recommendation of judgment, where the total interest should be in the amount of $9,516.17 rather than $9,256.10.

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entry of judgment; (3) liquidated damages in the amount of $8,307.37 plus $4.10 per day from July 1, 2014 through the date of entry of judgment; (4) $1,260 in attorney's fees; and (5) $510 in costs. The Clerk of Court is directed to enter judgment accordingly. Plaintiffs are hereby directed to serve copies of this order upon defendant by first-class mail and to promptly file proof of service with the Clerk of Court.

SO ORDERED.

/s/
Allyne R. Ross
United States District Judge

Dated: February 27, 2014
Brooklyn, New York