UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK

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TRUSTEES OF THE PAVERS AND ROAD BUILDERS DISTRICT COUNCIL WELFARE, PENSION, ANNUITY AND APPRENTICESHIP, SKILL IMPROVEMENT AND SAFETY FUNDS **MEMORANDUM AND ORDER** and THE HIGHWAY, ROAD, AND

STREET CONSTRUCTION LABORERS

LOCAL UNION 1010,

Plaintiffs,

-against-

ARBOR CONCRETE CORP.,

Defendant.
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Appearances: For the Plaintiffs: NICOLE MARIMON MICHAEL HOWARD ISAAC Virginia & Ambinder, LLP 40 Broad Street New York, NY 10004

## **BLOCK, Senior District Judge:**

On December 15, 2015, Magistrate Judge Robert M. Levy issued a Report and Recommendation ("R&R") recommending that a default judgment be entered against Arbor Concrete Corp., and that Plaintiffs be awarded \$37,204.06 in damages, fees, and costs, plus interest on the award of unpaid contribution and liquidated damages in an amount equal to that interest. The R&R further provided that failure to object

15-CV-2481 (FB) (RML)

within fourteen days would preclude appellate review. To date, no objections have

been filed.

If clear notice has been given of the consequences of the failure to object, and

there are no objections, the Court may adopt the R&R without de novo review. See

Mario v. P & C Food Mkts., Inc., 313 F.3d 758, 766 (2d Cir. 2002) ("Where parties

receive clear notice of the consequences, failure to timely object to a magistrate's

report and recommendation operates as a waiver of further judicial review of the

magistrate's decision."). The Court will excuse a failure to object and conduct de

novo review if it appears that the magistrate judge may have committed plain error.

See Spence v. Superintendent, Great Meadow Corr. Facility, 219 F.3d 162, 174 (2d

Cir. 2000). No such error appears here. Accordingly, the Court adopts the R&R

without de novo review and directs the Clerk of the Court to enter judgment in

accordance with the R&R.

SO ORDERED.

/S/ Frederic Block

FREDERIC BLOCK

Senior United States District Judge

Brooklyn, New York

January 5, 2016

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