

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,
SKILLS IMPROVEMENT AND SAFETY FUNDS
and THE HIGHWAY, ROAD AND STREET
CONSTRUCTION LABORERS LOCAL UNION
1010,

Plaintiffs,

- against -

REET CONSTRUCTION CORP.,

Defendant.

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ROSLYNN R. MAUSKOPF, United States District Judge.

ORDER ADOPTING
REPORT AND RECOMMENDATION

15-CV-6593 (RRM) (LB)

Plaintiffs Trustees of the Pavers and Road Builders District Council Welfare, Pension, Annuity and Apprenticeship, Skill Improvement and Safety Funds (the “Funds”), and the Highway, Road and Street Construction Laborers Local Union 1010 (the “Union”) commenced this action on November 17, 2015 against defendant Reet Construction Corporation (“Reet”) as an employer. Plaintiffs seek to recover delinquent contributions to employee benefit plans pursuant to Section 301 of the Labor Management Relations Act, 29 U.S.C. § 185, and Sections 502(a)(3) and 515 of the Employee Retirement Income Security Act of 1974, 29 U.S.C. §§ 1132, 1145.

The Clerk of Court entered a certificate of default against Reet on December 16, 2015. (Doc. No. 7.) Plaintiffs filed a motion for default judgment on March 11, 2016, which the undersigned referred to the Honorable Lois Bloom for report and recommendation (“R&R”). On July 26, 2016, Judge Bloom issued an R&R recommending that default judgment be entered against Reet and directing plaintiffs to supplement their motion regarding the amount of liquidated damages that should be awarded. (R&R (Doc. No. 15) at 11.) Plaintiffs supplemented their motion and Judge Bloom subsequently issued a supplemental R&R recommending that damages be awarded for

\$11,024 in unpaid contributions; \$1,516.59 in interest plus \$3.02 daily interest from March 4, 2016 until the date judgment is entered; liquidated damages in an amount equivalent to the interest awarded by the Court; \$3,160 in attorneys' fees; and \$510.63 in costs. (Supp. R&R (Doc. No. 18) at 3–4.)

In both the original and supplemental R&Rs, Judge Bloom reminded the parties that, pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure (“Rule”) 72(b), any objections to the R&Rs must be filed within fourteen days. (R&R at 11; Supp. R&R at 4.) That deadline has passed and no party has filed any objection.

Pursuant to 28 U.S.C. § 636(b) and Rule 72, the Court has reviewed the R&R for clear error and, finding none, adopts the R&R in its entirety. *See Covey v. Simonton*, 481 F. Supp. 2d 224, 226 (E.D.N.Y. 2007).

Accordingly, it is hereby ORDERED that default judgment be entered against Reet for \$11,024 in unpaid contributions; \$1,516.59 in interest plus \$3.02 daily interest from March 4, 2016 until the date judgment is entered; liquidated damages in an amount equivalent to the interest awarded by the Court; \$3,160 in attorneys' fees; and \$510.63 in costs.

The Clerk of Court is directed to enter judgment pursuant to this Order and close the case. Plaintiffs are directed to serve a copy of this Order and the accompanying Judgment on Reet Construction Corporation at its last known address and file proof of service with the Court forthwith.

SO ORDERED.

Roslynn R. Mauskopf

Dated: Brooklyn, New York
January 5, 2017

ROSLYNN R. MAUSKOPF
United States District Judge