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★ SEP 20 2017 ★

BROOKLYN OFFICE

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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**BRICKLAYERS INSURANCE AND WELFARE FUND,
BRICKLAYERS PENSION FUND, BRICKLAYERS
SUPPLEMENTAL ANNUITY FUND, BRICKLAYERS
AND TROWEL TRADES INTERNATIONAL PENSION
FUND, NEW YORK CITY AND LONG ISLAND JOINT
APPRENTICESHIP AND TRAINING FUND,
INTERNATIONAL MASONRY INSTITUTE, AND
JEREMIAH SULLIVAN, JR. in his fiduciary capacity as
Administrator and Chairman of Trustees, BRICKLAYERS
LOCAL 1, INTERNATIONAL UNION OF BRICKLAYERS
AND ALLIED CRAFT WORKERS, and BRICKLAYERS
LABOR MANAGEMENT RELATIONS COMMITTEE,**

Plaintiffs,

-against-

**EVEREST MASONRY CONSTRUCTION and
RAFAEL RAMOS,**

Defendants.

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GERSHON, United States District Judge:

ORDER

~~17~~-cv-1622 (NG) (SMG)

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On June 26, 2017 the Honorable Steven M. Gold, magistrate judge, issued a Report and Recommendation that plaintiffs' motion for default judgment as to defendant Everest Masonry Construction be granted. Judge Gold recommended that plaintiffs be awarded (i) \$57,381.64 in unpaid contributions and dues; (ii) prejudgment interest on the unpaid contributions and dues calculated at a per diem rate of \$15.72 from April 21, 2015, through the date final judgment is entered; (iii) liquidated damages on the unpaid contributions calculated at a per diem rate of \$14.15 from April 21, 2015, through the date final judgment is entered; and (iv) \$400 in costs. Additionally, Judge Gold recommended the issuance of an injunction ordering defendant Everest Masonry Construction to comply with its obligations under the CBA to submit to and fully

cooperate with an audit of its books and records. Finally, Judge Gold recommended that plaintiffs' claims against defendant Ramos be dismissed with prejudice.


Objections to the Report and Recommendation were due by July 11, 2017. No objections were filed.

I have reviewed the Report and Recommendation for clear error and, finding none, I adopt it in its entirety. The Clerk of Court is directed to enter default judgment against defendant Everest Masonry Construction, in the amounts set forth above and an injunction as described above. The claims against defendant Ramos are dismissed with prejudice.

Dated: September 18, 2017
Brooklyn, New York

SO ORDERED.

/s/(NG)



NINA GERSHON
United States District Judge