

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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TRUSTEES OF THE LOCAL 7 TILE INDUSTRY  
WELFARE FUND, TRUSTEES OF THE LOCAL  
7 TILE INDUSTRY ANNUITY FUND, TRUSTEES  
OF THE TILE LAYERS LOCAL UNION 52 PENSION  
FUND, TRUSTEES OF THE BRICKLAYERS AND  
TROWEL TRADES INTERNATIONAL PENSION  
FUND, AND TRUSTEES OF THE INTERNATIONAL  
MASONRY INSTITUTE,**ORDER**

16-CV-1641 (LDH)(LB)

Plaintiffs,

-against-

TUSCANY TILE &amp; STONE, INC.,

Defendant.

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LASHANN DEARCY HALL, United States District Judge:

On February 15, 2017, United States Magistrate Judge Lois Bloom issued a report and recommendation (the “Report and Recommendation”) (R. & R., ECF No. 19), which recommended that Plaintiffs Trustees of the Local 7 Tile Industry Welfare Fund, Trustees of the Local 7 Tile Industry Annuity Fund, Trustees of the Tile Layers Local Union 52 Pension Fund, Trustees of the Bricklayers & Trowel Trades International Pension Fund, and Trustees of the International Masonry Institute’s September 1, 2016 motion for default judgment as to Defendant Tuscany Tile & Stone, Inc. be granted (*see* Pls.’ Mot., ECF No. 12). Any written objections to the report and recommendation had to be filed with the Clerk of Court within fourteen (14) days of the date of service of the report; responses to any objections were due fourteen (14) days thereafter.

*See* Fed. R. Civ. P. 72(b)(2); 28 U.S.C. § 636(b)(1)(C).

No objections have been filed to the report and recommendation. Where no objections to a report and recommendation have been filed, “the district court need only satisfy itself that there is no clear error on the face of the record.” *Estate of Ellington ex rel. Ellington v. Harbrew Imps.*

*Ltd.*, 812 F. Supp. 2d 186, 189 (E.D.N.Y. 2011) (quoting *Urena v. N.Y.*, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001)) (internal quotation marks and citations omitted). The Court has reviewed the Report and Recommendation for clear error and, finding none, hereby adopts the Report and Recommendation as the opinion of this Court.

Accordingly, Plaintiffs' motion for default judgment against Defendant Tuscany Tile & Stone, Inc., is hereby granted, in part, and denied, in part, and damages are to be entered in the amount of \$19,554.12, representing: (1) \$9,988.49 in unpaid contributions; (2) \$1,997.70 in liquidated damages; (3) \$3,058.00 in attorney's fees; (4) \$669.93 in costs; and (5) \$3,840.00 in audit fees. Plaintiffs' request for interest on the unpaid contributions is dismissed without prejudice. Within fourteen (14) days of the entry of this Order, Plaintiffs shall file a new motion, if any, to demonstrate Defendant's obligation to pay contributions to the Funds for the period of January 1, 2008 through June 7, 2009 and June 3, 2013 through December 31, 2014. Any new motion shall also address the calculation of pre-judgment interest on the delinquent contributions as set forth on pages 8 and 9 of Magistrate Judge Bloom's Report and Recommendation. The Clerk of Court is directed to enter judgment.

Dated: July 25, 2017  
Brooklyn, New York

SO ORDERED:

/s/ LDH  
LASHANN DEARCY HALL  
United States District Judge