

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 &
TROWEL TRADES INTERNATIONAL PENSION
FUND, AND TRUSTEES OF THE INTERNATIONAL
MASONRY INSTITUTE,

ORDER
16-CV-1641 (LDH)(LB)

Plaintiffs,

-against-

TUSCANY TILE & STONE, INC.,

Defendant.

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LASHANN DEARCY HALL, United States District Judge:

On November 13, 2017, United States Magistrate Judge Lois Bloom issued a report and recommendation (the “Report and Recommendation”) (R. & R., ECF No. 28), 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 August 8, 2017 second motion for default judgment¹ as to Defendant Tuscany Tile & Stone, Inc. be granted (*see* Pls.’ Mot., ECF No. 23). Any written

¹ By order dated July 25, 2017, this Court adopted the Report and Recommendation of Magistrate Judge Bloom recommending that the Court grant in part, and deny in part, Plaintiffs’ first motion for default judgment. (Order Adopting R. & R., ECF No. 21.) Specifically, damages were entered in the amount of \$19,554.12, representing: (1) \$9,988.49 in unpaid contributions for the period from June 8, 2009 through June 2, 2013; (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. (*Id.*) Plaintiffs’ request for interest on the unpaid contributions was dismissed without prejudice. (*Id.*) However, the Court afforded Plaintiffs fourteen (14) days from the entry of the order to file a second motion for default judgment demonstrating 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 and addressing the calculation of pre-judgment interest on delinquent contributions. (*Id.*)

