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U.S. District Court E.D.N.Y.

05/06/2022

BROOKLYN OFFICE

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

THE ANNUITY, WELFARE AND  
APPRENTICESHIP SKILL IMPROVEMENT &  
SAFETY FUNDS OF THE INTERNATIONAL  
UNION OF OPERATING ENGINEERS, LOCAL  
15, 15A, 15C & 15D, AFL-CIO, et al.,

Plaintiffs,

-against-

RIZZO ENVIRONMENTAL SERVICES CORP.,

Defendant.

**MEMORANDUM & ORDER  
22-CV-00556 (NGG) (LB)**

NICHOLAS G. GARAUFIS, United States District Judge.

Pending before the court is Plaintiffs' motion for default judgment. (Mot. for Default J. (Dkt. 9).) Plaintiffs allege violations of the Employee Retirement Income Security Act of 1974 and the Labor Management Relations Act of 1947. (*See* Compl. (Dkt. 1).) This motion was referred to Magistrate Judge Lois Bloom for a report and recommendation ("R&R"). (*See* Mar. 25, 2022 Order Referring Mot.) Magistrate Judge Bloom issued the annexed R&R on April 6, 2022, recommending the court grant Plaintiffs' motion. (*See* R&R (Dkt. 14).)

No party has objected to Magistrate Judge Bloom's R&R, and the time to do so has passed. *See* Fed. R. Civ. P. 72(b)(2). Therefore, the court reviews the R&R for clear error. *See Velasquez v. Metro Fuel Oil Corp.*, 12 F. Supp. 3d 387, 397 (E.D.N.Y. 2014). Having found none, the court ADOPTS the R&R in full and, for the reasons stated in the R&R, ORDERS an injunction directing Defendant to comply with an audit of its books and records for the period of July 1, 2017 through December 31, 2021. The court GRANTS Plaintiff \$2,562.50 in attorney's fees and \$617 in costs.

SO ORDERED.

Dated: Brooklyn, New York  
May 5, 2022

s/Nicholas G. Garaufis  
NICHOLAS G. GARAUFIS  
United States District Judge