

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

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TRUSTEES OF EMPIRE STATE  
CARPENTERS ANNUITY,  
APPRENTICESHIP, LABOR-MANAGEMENT **ADOPTION ORDER**  
COOPERATION, PENSION AND WELFARE 13-CV-6403 (ADS) (ARL)  
FUNDS,

Plaintiffs,

-against-

BAYWOOD CONCRETE CORP.,  
Defendant.

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**APPEARANCES:**

**Virginia & Ambinder LLP**

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By: Richard B. Ziskin, Esq.  
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**SPATT, District Judge.**

On November 15, 2013, the Trustees of Empire State Carpenters Annuity,  
Apprenticeship, Labor-Management Cooperation, Pension and Welfare Funds (the “Plaintiffs”)  
commenced this action against the Defendant Baywood Concrete Corp. (the “Defendant”) to  
confirm and enforce an arbitration award.

On September 2, 2015, the Court granted the Plaintiffs' motion for summary judgment in the amount of \$260,499.43. In addition, the Court granted the Plaintiffs leave to make a motion seeking additional post-judgment relief in the form of attorneys' fees, costs, or interest.

On September 21, 2015, the Plaintiffs moved for an award of attorneys' fees, costs, and interest.

On April 5, 2016, the Court referred the Plaintiffs' motion to United States Magistrate Judge Arlene R. Lindsay for a recommendation as to whether the Plaintiffs' motion should be granted and if so, what the award should be.

On May 17, 2016, Judge Lindsay issued a report (the "R&R") recommending that the Plaintiffs be awarded (1) additional interest on the total amount of unpaid contributions in the amount of \$52,191.97; and (2) attorneys' fees and costs in the amount of \$13,389.51.

It has been more than fourteen days since the service of the R&R, and the parties have not filed objections.

As such, pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, this Court has reviewed the R&R for clear error, and finding none, now concurs in both its reasoning and its result. See Coburn v. P.N. Fin., No. 13-CV-1006 (ADS) (SIL), 2015 WL 520346, at \*1 (E.D.N.Y. Feb. 9, 2015) (reviewing Report and Recommendation without objections for clear error).

Accordingly, the R&R is adopted in its entirety. The Clerk of the Court is directed to amend the judgment to include the above-referenced interest and attorneys' fees. The case remains closed.

**SO ORDERED.**

Dated: Central Islip, New York  
August 13, 2016

*/s/ Arthur D. Spatt*  
ARTHUR D. SPATT  
United States District Judge