

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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LOCAL 339 UNITED SERVICE WORKERS  
UNION, INTERNATIONAL UNION OF  
JOURNEYMEN AND ALLIED TRADES;  
UNITED WELFARE FUND – SECURITY  
DIVISION AND THE TRUSTEES  
THEREOF; UNITED WELFARE FUND –  
WELFARE DIVISION AND THE  
TRUSTEES THEREOF,

**ADOPTION ORDER**  
13-CV-6518(ADS)(ARL)

Petitioners,

-against-

SUFFOLK MATERIALS CORP.,

Defendant.  
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**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ SEP 23 2015 ★

LONG ISLAND OFFICE

**APPEARANCES:**

**THE LAW OFFICE OF RICHARD GREENSPAN, P.C.**

*Attorney for the Plaintiffs*

220 Heatherdell Road

Ardsley, NY 10502

By: Matthew Phillip Rocco, Esq., Of Counsel

**NO APPEARANCES:**

**SUFFOLK MATERLAS CORP.**

*The Defendant*

**SPATT, District Judge:**

On November 22, 2013, the Petitioners Local 339 United Service Workers Union, International Union of Journeymen and Allied Trades; United Welfare Fund – Security Division and the Trustees thereof, United Welfare Fund – Welfare Division and the Trustees thereof (collectively, the “Plaintiffs”) commenced this

action against the Defendant Suffolk Materials Corp. (the “Defendant”) under Section 502 of the Employee Retirement Income Security Act of 1974, as amended, 29 U.S.C. § 1132; Section 301 of the Labor Management Relations Act of 1947, as amended, 29 U.S.C. § 185; and Section 9 of the Federal Arbitration Act, 9 U.S.C. § 9, to confirm and enforce an arbitrator’s award rendered pursuant to a collective bargaining agreement.

On August 25, 2014, the Clerk of the Court noted the Defendant’s default.

On September 2, 2014, the Plaintiffs moved for a default judgment.

On September 8, 2014, this Court referred the matter to United States Magistrate Judge Arlene Lindsay for a recommendation as to whether the motion for a default judgment should be granted, and if so, whether damages should be awarded, including reasonable attorneys’ fees and costs.

On June 23, 2015, Judge Lindsay issued a Report and Recommendations (“R&R”) recommending that the arbitration award, in the amount of \$41,246.48, be confirmed and that the Plaintiffs be awarded costs in the amount of \$489, for a total award of \$41,735.48.

On June 24, 2015, counsel for the Plaintiffs served a copy of the R&R upon the Defendant.

More than fourteen days have elapsed since service of the R&R on the Defendant, which has failed to file an objection.

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.

Accordingly, the June 23, 2015 Report and Recommendations is adopted in its entirety, and the Plaintiffs' motion for a default judgment is granted. The Clerk of the Court is respectfully directed to enter judgment in favor of the Plaintiffs in the amount of \$41,246.48, plus costs of \$489, and to close the case.

It is

**SO ORDERED**

Dated: Central Islip, New York  
September 23, 2015

s/ Arthur D. Spatt

ARTHUR D. SPATT

United States District Judge