

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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TRUSTEES OF EMPIRE STATE
CARPENTERS ANNUITY, APPRENTICESHIP,
LABOR-MANAGEMENT COOPERATION,
PENSION and WELFARE FUNDS,

**FILED
CLERK**
8/10/2016 4:24 pm

**U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE**

Plaintiff,

-against-

MEMORANDUM & ORDER
14-CV-4265 (JS) (SIL)

DISPLAY PRESENTATIONS, LTD.,

Defendants.

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APPEARANCES

For Plaintiffs: Charles R. Binder, Esq.
Elina Burke, Esq.
Jonathan Roffe, Esq.
Nicole Marimon, Esq.
Richard B. Epstein, Esq,
Virginia & Ambinder LLP
40 Broad St., 7th Fl.
New York, New York 10004

For Defendant: Harold F. Damm, Esq.
Ciotti & Damm, LLP
1551 Kellum Place
Mineola, New York 11501

SEYBERT, District Judge:

Pending before the Court is Plaintiffs' motion for summary judgment seeking to confirm an arbitration award (Docket Entry 24) and Magistrate Judge Steven I. Locke's Report and Recommendation ("R&R"), recommending that this Court grant Plaintiff's motion for summary judgment. (Docket Entry 34.) For the following reasons, the Court ADOPTS Judge Locke's R&R in its entirety.

BACKGROUND

This action was commenced on July 11, 2014, by plaintiffs Trustees of Empire State Carpenters Annuity, Apprenticeship, Labor-Management Cooperation, Pension and Welfare Funds ("Plaintiffs") against defendant Display Presentations, Ltd. ("Defendant"). Plaintiffs brought this action seeking to confirm and enforce a May 20, 2014 Finding of Audit, Collection Award, and Order rendered by an arbitrator (the "Arbitration Award"). (R&R at 1.)

On September 30, 2015, Plaintiffs moved for summary judgment seeking confirmation and enforcement of the Arbitration Award. (Docket Entry 24.) On April 12, 2016, the undersigned referred Plaintiff's motion to Judge Locke for an R&R on whether the motion should be granted. (Docket Entry 32.)

On July 12, 2016, Judge Locke issued his R&R. (Docket Entry 34.) The R&R recommends that the Court grant Plaintiffs' motion for summary judgment. (R&R at 2.) Specifically, The R&R recommends that: (1) the arbitrator's award be confirmed, (2) judgment for Plaintiffs be entered in the amount of \$163,340.48, and (3) Defendant's request to vacate the Arbitration Award for lack of jurisdiction be denied. (R&R at 7-8.)

DISCUSSION

In reviewing an R&R, a district court "may accept, reject, or modify, in whole or in part, the findings and recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). If no timely objections have been made, the "court need only satisfy itself that there is no clear error on the face of the record." Urena v. New York, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001) (internal quotation marks and citation omitted).

Objections were due within fourteen days of service of the R&R. The time for filing objections has expired, and no party has objected. Accordingly, all objections are hereby deemed to have been waived.

Upon careful review and consideration, the Court finds Judge Lockes's R&R to be comprehensive, well-reasoned, and free of clear error, and it ADOPTS the R&R in its entirety.

CONCLUSION

Judge Locke's R&R (Docket Entry 34) is ADOPTED in its entirety. Plaintiff's motion for summary judgment (Docket Entry

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24) is GRANTED, the Arbitration Award is hereby CONFIRMED, Plaintiffs are awarded \$163,340.48 in damages, and Defendant's request to vacate the Arbitration Award for lack of jurisdiction is DENIED. The Clerk of the Court is directed to (1) enter judgment in favor of Plaintiffs and against Defendants in the amount of \$163,340.48 and (2) mark this case CLOSED.

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: August 10, 2016
Central Islip, New York