

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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LOCAL 335 UNITED SERVICE WORKERS
UNION, INTERNATIONAL UNION OF
JOURNEYMEN AND ALLIED TRADES,

ORDER
14-CV-5612 (ADS)(GRB)

Petitioner,

-against-

TWIN COUNTY HVAC/REFRIGERATION,
LLC,

Respondent.

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APPEARANCES:

Rothman Rocco LaRuffa LLP

Attorneys for the Petitioner

3 West Main Street, Suite 200

Elmsford, NY 10523

By: Gary Rothman, Esq., Of Counsel

NO APPEARANCE:

Twin County HVAC/Refrigeration, LLC

Respondent

SPATT, District Judge:

On September 24, 2014, the Petitioner Local 335 United Service Workers Union, International Union of Journeymen and Allied Trades (“Petitioner” or the “Union”) commenced this action against the Respondent Twin County HVAC/Refrigeration, LLC (“Respondent” or “Twin County”), pursuant to Sections 502 and 515 of the Employee Retirement Income Security Act, 29 U.S.C. §§ 1132 and 1145; Section 301 of the Labor Management Relations Act, 29 U.S.C. § 185; and the Federal Arbitration Act, 9 U.S.C. § 1, to confirm a labor arbitration award.

The Respondent did not answer or otherwise respond to the petition, and on April 7, 2015, the Clerk of the Court noted the Respondent's default.

On April 16, 2015, the Union filed a motion for a default judgment.

On April 20, 2015, this Court referred the motion for a default judgment to United States Magistrate Judge Gary R. Brown for a recommendation as to whether the motion for a default judgment should be granted, and if so, the relief to be awarded.

On February 22, 2016, Judge Brown issued a Report and Recommendation (the "R&R"), recommending that the Court grant the petition and confirm the underlying arbitration award. In addition, Judge Brown recommended that damages be awarded as follows: \$30,239.73 in principal damages, plus litigation costs of \$515, for a total award of \$30,754.73.

On March 10, 2016, the Petitioner filed proof of service of the R&R on the Defendant.

More than fourteen days have elapsed since service of the R&R on Twin County, who has failed to file an objection. Thus, 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 February 22, 2016 Report and Recommendation is adopted in its entirety, and the Petitioner's motion for a default judgment is granted. The Clerk of the Court is respectfully directed to enter judgment in favor of the Petitioner in the amount of \$30,754.73, and to close the case.

It is **SO ORDERED**.

Dated: Central Islip, New York
March 26, 2016

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