

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,

Petitioners,

-against-

CMI CASEWORK & MILLWORK, INC.,

Respondent.
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ORDER ADOPTING R&R

15-CV-5686 (DRH)(GRB)

HURLEY, Senior District Judge:

Petitioners Trustees of Empire State Carpenters Annuity, Apprenticeship, Labor-Management Cooperation, Pension and Welfare Funds (the “Petitioners”) commenced this action pursuant to Section 502 of the Employee Retirement Income Security Act of 1974 (“ERISA”), 29 U.S.C. § 1132; Section 301 of the Labor Management Relations Act of 1947 (“LMRA”), 29 U.S.C. § 185; and Section 9 of the Federal Arbitration Act, 9 U.S.C. § 9, seeking to confirm an August 26, 2015 Findings of Audit, Collection Award, and Order (the “Arbitration Award”) rendered pursuant to a collective bargaining agreement between the Northeast Regional Council of Carpenters (the “Union”) and Respondent CMI Casework & Millwork, Inc. (“Respondent” or “CMI”). By Order dated November 24, 2015, this Court referred the matter to Magistrate Judge Gary R. Brown for a report and recommendation on whether the arbitration award should be confirmed, and whether additional damages should be awarded. On June 30, 2016, Judge Brown issued a Report and Recommendation (the “Report”) recommending that the Arbitration Award be confirmed and that attorneys’ fees and costs incurred in conjunction with

these proceeding be granted. More than fourteen days have elapsed since service of the Report and Recommendation, and neither party has filed any objections to it.

Pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72, this Court has reviewed the Report and Recommendation for clear error, and finding none, now concurs in both its reasoning and its result. Accordingly, this Court adopts the June 30, 2016 Report and Recommendation of Judge Brown as if set forth herein.

IT IS HEREBY ORDERED that the Arbitration Award is confirmed and Petitioners are awarded \$877,257.96 as provided in said Award plus (1) prejudgment interest of 0.75% per month on the \$615,331.84 in delinquent contributions from the date of the Arbitration Award (August 26, 2015) through the date of judgment and (2) an additional \$745.00 in attorneys' fees and costs incurred in connection with the instant action. The Clerk of Court is requested to enter judgment accordingly and to close this case.

SO ORDERED.

Dated: Central Islip, N.Y.
July 19, 2016

/s/ Denis R. Hurley
Denis R. Hurley,
United States District Judge