

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X

DR. GERALD FINKEL, as Chairman of the  
Joint Industry Board of the Electrical Industry,

Plaintiff,

- against -

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**  
16-4200 (DRH) (AKT)

POMALEE ELECTRIC CO., INC. and  
FRANK DEPAOLA,

Defendants.

-----X

Presently before the Court is the Report and Recommendation of Magistrate Judge A. Kathleen Tomlinson, dated February 22, 2018, recommending that the petition to confirm the \$406,756.97 arbitration award dated October 10, 2015 be granted, and that judgment in the amount of \$406,756.97, together with prejudgment interest at the rate of 3% compounded annually on \$336,147.19 from the date of the award to the entry of judgment, be entered against the defendants jointly and severally . More than fourteen (14) days have passed since service of the Reprot and Recommendation and no objections have been filed.

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, the Court adopts the February 22, 2018 Report and Recommendation of Judge Tomlinson as if set forth herein. Accordingly,

**IT IS HEREBY ORDERED** that the petition to confirm the October 15, 2015 arbitration award is granted and the Clerk of Court is directed to enter judgment against defendants, jointly and severally, in the amount of \$406,756.97, together with prejudgment

interest at the rate of 3% compounded annually on \$336,147.19 from the date of the award to the entry of judgment. Post judgment interest shall accrue pursuant to 28 U.S.C. § 1961.

Dated: Central Islip, New York  
March 14, 2018

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