

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
THOMAS GESUALDI, LOUIS BISIGNANO,
ANTHONY D'AQUILA, MICHAEL O'TOOLE,
MICHAEL BOURGAL, FRANK H. FINKEL,
JOSEPH A. FERRARA, SR., MARC HERBST,
DENISE RICHARDSON and THOMAS CORBETT,
as Trustees and Fiduciaries of the Local 282 Pension
Trust Fund

Plaintiffs,

-against-

MECHANICAL INSULATION, INC.

Defendant.

-----X

**ORDER ADOPTING
REPORT AND
RECOMMENDATION**
16-CV-5136 (DRH)(ARL)

HURLEY, Senior District Judge:

Presently before the Court is the Report and Recommendation, dated August 21, 2017 ("R&R"), of Magistrate Judge Arlene R. Lindsay recommending that plaintiffs' motion for a default judgment against defendant Mechanical Insulation, Inc. be granted and that plaintiffs be awarded \$23,566.00 in withdrawal liability; \$9,531.81 in interest through November 30, 2016, plus \$11.61 per day from that date through the date judgment is entered; \$9,531.81 in liquidated damages; \$3,996.75 in attorney's fees; and \$636.14 in costs. More than fourteen days have elapsed since service of the R&R 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. The Court therefore adopts the August 21, 2017 Report & Recommendation of Judge Lindsay as if set forth herein. Accordingly,

IT IS HEREBY ORDERED that plaintiffs' motion for default judgment against

defendant Mechanical Insulation Inc. is granted and plaintiffs are awarded (a) \$23,566.00 in withdrawal liability; (b) \$9,531.81 in interest through November 30, 2016, plus \$11.61 per day from that date through the date judgment is entered; (c) \$9,531.81 in liquidated damages; (d) \$3,996.75 in attorney's fees; and (e) \$636.14 in costs. The Clerk of Court is directed to enter judgment accordingly and to close this case.

SO ORDERED.

Dated: Central Islip, N.Y.
September 11, 2017

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