

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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STEPHEN FLANAGAN, as a Trustee of the General Building Laborers' Local 66 Vacation Fund, STEPHEN FLANAGAN, as a Trustee of the General Building Laborers' Local 66 Pension Fund, STEPHEN FLANAGAN, as a Trustee of the General Building Laborers' Local 66 Welfare Fund, STEPHEN FLANAGAN, as a Trustee of the General Building Laborers' Local 66 Annuity Fund, STEPHEN FLANAGAN, as a Trustee of the General Building Laborers' Local 66 Employer Cooperative and Educational Trust Fund, STEPHEN FLANAGAN, as a Trustee of the General Building Laborers' Local 66 Greater NY Laborers' Employer Cooperative and Educational Trust Fund, STEPHEN FLANAGAN, as a Trustee of the General Building Laborers' Local 66 Training Program, STEPHEN FLANAGAN, as a Trustee of the General Building Laborers' Local 66 New York State Health and Safety Fund, and STEPHEN FLANAGAN, as Business Manager of General Building Laborers' Local Union No. 66 of the Laborers' International Union of North America, AFL-CIO,

ORDER ADOPTING R & R
17-CV-1040(DRH)(AKT)

Plaintiffs,

- against -

ODESSY CONSTRUCTION CORP.,

Defendant.

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Presently before the Court is the Report and Recommendation, dated February 9, 2018, of Magistrate Judge A. Kathleen Tomlinson recommending that plaintiffs' motion for a default judgment against defendant Odessy Construction Corp. be granted as to damages and denied as to permanent injunctive relief. The time to file objections has expired with 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 9, 2018 Report and Recommendation of Judge Tomlinson as if set forth herein. Accordingly,

IT IS HEREBY ORDERED that the plaintiffs' motion for a default judgment is granted to the extent that Plaintiffs are awarded the following damages: \$12,652.77 for unpaid contributions, pre-judgment interest on unpaid contributions through January 3, 2018 in the amount of \$1,993.69, liquidated damages in the amount of \$2,530.54, \$1,750 in attorneys' fees, and \$535.00 in costs and disbursements for a total award of \$19,462.00; the request for a permanent injunction is denied. The Clerk of Court is enter judgment accordingly and to close this case.

Dated: Central Islip, New York
March 6, 2018

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