

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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TRUSTEES OF THE BUILDING  
TRADES EDUCATIONAL BENEFIT  
FUND, THE BUILDING TRADES  
ANNUITY BENEFIT FUND, BUILDING  
TRADES WELFARE FUND, and  
ELECTRICIAN'S RETIREMENT FUND,

Plaintiffs,

-against-

**ORDER ADOPTING R&R**

17-CV-5161 (DRH)(ARL)

TANACHION ELECTRICAL  
CONTRACTING, INC.,

Defendant.

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**HURLEY, Senior District Judge:**

### INTRODUCTION

Presently before the Court is the Report and Recommendation, dated December 20, 2018, of Magistrate Judge Arlene R. Lindsay recommending that Plaintiffs' motion for default judgment be granted and that Plaintiffs' request for damages be denied with leave to renew due to a discrepancy in the amount requested in the Complaint as compared with the amount requested in the Memorandum of Law in Support of an Award of Damages and the accompanying Affidavits. The time to file objections has expired, 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 December 20, 2018 Report and Recommendation of Judge Lindsay as if set forth herein. Accordingly,

**IT IS HEREBY ORDERED** that Plaintiffs' motion for a default judgment against defendant Tanachion Electrical Contracting, Inc. is granted and that Plaintiffs' request for damages is denied with leave to renew. Plaintiffs are directed to file their renewed request for damages on or before March 5, 2019. If Plaintiff does not renew their request on or before this date, the matter will be dismissed with prejudice.

The Clerk of Court is directed to enter judgment accordingly.

Dated: Central Islip, N.Y.  
February 7, 2019

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