

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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Trustees of the New York City District Council
of Carpenters Pension Fund, Welfare Fund,
Annuity Fund, Apprenticeship, Journeyman
Retraining, Educational and Industry Fund, et al.,

Plaintiffs,

18 **CIVIL** 4111 (AJN)

-against-

JUDGMENT

Manny P. Concrete Company, Inc.,

Defendant.

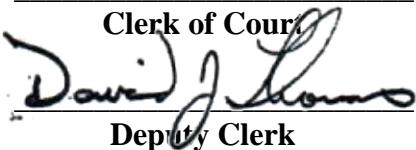
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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Opinion and Order dated April 30, 2020, and the Order dated March 30, 2021, the Court GRANTS Plaintiffs' motion for summary judgment and DENIES Defendant's cross motion. Defendant is ORDERED to pay Plaintiffs \$22,477.77. Defendant is also ORDERED to pay Plaintiffs their reasonable attorney's fees and costs. The Court will refer the calculation of reasonable fees to Magistrate Judge Wang by separate order. The Court also notes that much of Defendant's briefing consists not of legal argument, but of excerpts of emails between Defendant's counsel and Plaintiffs' counsel. The emails, all attached as exhibits, consist of unprofessional attacks against opposing counsel, and Defendant's counsel repeats those attacks in its brief. None of this is relevant to the legal issues presented in this case. In addition, as the Court has noted, Defendant's response to Plaintiff's Rule 56.1 Statement facially did not comply with the Federal Rules of Civil Procedure or this District's Local Rules. Nor did Defendant even submit a Rule 56.1 Statement supporting its cross-motion for summary judgment. The Court admonishes Defendant's counsel for this behavior and advises counsel against such actions in future litigation.

Before the Court is Magistrate Judge Ona T. Wang's January 28, 2021 Report & Recommendation recommending that the Court grant (1) Plaintiffs' motion for attorneys' fees and costs in the amount of \$42,682.87 and (2) Plaintiff's request for post-judgment interest. Dkt. No. 76 ("R & R"). As of March 30, 2021, no objection to the R & R have been filed, and the deadline for objections have passed. Thus, the Court reviews the R & R for clear error, and it finds none. The Court therefore adopts the R & R in its entirety and GRANTS (1) Plaintiffs' motion for attorneys' fees and costs in the amount of \$42,682.87 and (2) Plaintiff's request for post-judgment interest, with interest to accrue at the statutory rate set forth in 28 U.S.C. § 1961.; accordingly, the case is closed.

Dated: New York, New York
March 30, 2021

RUBY J. KRAJICK

BY: 
Clerk of Court
David J. Horowitz
Deputy Clerk