

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Trustees of the Laborers'
District Council and Contractors'
Pension Fund of Ohio,

Plaintiffs,

v.

Case No. 2:16-cv-110

Concrete Restoration
Specialists, LLC,

Defendant.

ORDER

This is an action brought pursuant to the Employees Retirement Income Security Act of 1974, 29 U.S.C. §1001, *et seq.*, by the Trustees of the Laborers' District Council and Contractors' Pension Fund of Ohio, asserting a claim against Concrete Restoration Specialists, LLC, for withdrawal liability in the amount of \$815,934.00, plus accrued interest, and liquidated damages. This matter is before the court on the July 25, 2016, report and recommendation of the magistrate judge, who recommended that plaintiffs' motion for default judgment be granted.

The parties were specifically advised that the failure to object to the report and recommendation "will result in a waiver of the right to *de novo* review by the District Judge and waiver of the right to appeal the judgment of the District Court." Doc. 17, p. 4. The time for filing objections has expired, and no party has objected to the report and recommendation.

The court adopts the report and recommendation (Doc. 17). The plaintiffs' motion for default judgment (Doc. 15) is granted. Plaintiffs are entitled withdrawal liability in the amount of

\$815,934.00 and liquidated damages with interest thereon in the amount of \$163,186.80. Plaintiffs have established that they are entitled to judgment in the amount of \$979,120.80 and interest on the unpaid balance, including accrued interest, at the prime rate in effect in April of each year after judgment is entered, as determined by JPMorgan Chase, Bank, N.A.

The clerk is directed to enter judgment as follows:

Judgment is hereby rendered in favor of plaintiffs and against defendant Concrete Restoration Specialists, LLC, in the amount of \$979,120.80 (*i.e.*, \$815,934.00 in withdrawal liability and \$163,186.80 in liquidated damages), plus interest at the rate of 3.50% from April 5, 2016; and for each succeeding 12-month period that any amount in default remains unpaid, interest on the unpaid balance (including accrued interest) at the prime rate (as determined by JPMorgan Chase Bank, N.A.) in effect on April 1st of each year after judgment is rendered.

It is so ordered.

Date: August 31, 2016

s/James L. Graham
James L. Graham
United States District Judge