

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**Boards of Trustees of the Ohio
Laborers' Fringe Benefit Programs,**

Plaintiffs,

v.

RMH Concrete & Foundations, Inc.,

Defendant.

Case No. 2:16-cv-721

**Judge Michael H. Watson
Magistrate Judge Kemp**


OPINION AND ORDER

This is an action for interest on unpaid fringe benefit contributions to employee benefits plans pursuant to a collective bargaining agreement. Plaintiffs assert claims under the Employee Retirement Income Security Program, 29 U.S.C. § 1132 ("ERISA"), and the Labor-Management Relations Act, 29 U.S.C. § 185 ("LMRA"). The Clerk entered Defendant RMH Concrete & Foundations, Inc.'s ("Defendant") default pursuant to Federal Rule of Civil Procedure 55(a) on September 22, 2016. ECF No. 5. On December 7, 2016, the United States Magistrate Judge recommended that the Plaintiffs' motion for default judgment, ECF No. 8, be granted. Report and Recommendation, ECF No. 9 ("R&R"). The parties were specifically advised of their right to object to the R&R and of the consequences of their failure to do so. *Id.* at 5–6. The deadline has passed, and there has nevertheless been no objection to the R&R.

The R&R, ECF No. 9, is **ADOPTED** and **AFFIRMED**.

The Clerk is **DIRECTED** to enter **FINAL JUDGMENT** in favor of Plaintiffs and against Defendant in the amount of \$77,075.66 in unpaid contributions, liquidated damages, and interest, court costs in the amount of \$400.00, and reasonable attorneys' fees in the amount of \$2,730.00.

IT IS SO ORDERED.



MICHAEL H. WATSON, JUDGE
UNITED STATES DISTRICT COURT