

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Boards of Trustees, et al.,	:	
	:	
Plaintiffs,	:	
	:	
vs.	:	Case No.2:18-CV-280
	:	
Masonry Construction, Inc.	:	Judge Algenon L. Marbley
	:	Magistrate Judge Kimberly A.
Defendant.	:	

REPORT AND RECOMMENDATION

IT APPEARS that Defendant Masonry Construction, Inc. has been regularly served with a Summons and Complaint and has failed to defend. (Doc. 4). The Defendant has failed to obtain counsel to represent it, and has failed to show cause why default should not be entered. Defendant's default has been duly entered according to law. (Doc. 6).

Therefore, upon Plaintiffs' Motion for Default Judgment (Doc. 25), it is RECOMMENDED that judgment be hereby entered against Defendant in pursuance of the prayer of Plaintiffs' Complaint (Doc. 1).

Specifically, it is RECOMMENDED that Plaintiffs Boards of Trustees of the Ohio Laborers' Fringe Benefit Programs, now known as Ohio Laborers' Benefits have and recover from Masonry Construction, Inc. the sum of Ten Thousand Seven Hundred Thirty Nine Dollars (\$10,739.00), in unpaid fringe benefit contributions, liquidated damages and interest for the period February, 2017 through December, 2018, plus attorneys' fees of Six Thousand Eight Hundred Sixty Dollars and No Cents (\$6860.00), plus interest from the time of judgment at the rate of 1% per month, and the costs of this action. (See Docs. 25-1, 25-2).

PROCEDURE ON OBJECTIONS

If any party objects to this Report and Recommendation, that party may, within fourteen (14) days of the date of this Report, file and serve on all parties written objections to those specific proposed finding or recommendations to which objection is made, together with supporting authority for the objection(s). A District Judge of this Court shall make a de novo determination of those portions of the Report or specific proposed findings or recommendations to which objection is made. Upon proper objection, a District Judge of this Court may accept, reject, or modify, in whole or in part, the findings or recommendations made herein, may receive further evidence or may recommit this matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

The parties are specifically advised that failure to object to the Report and Recommendation will result in a waiver of the right to have the district judge review the Report and Recommendation de novo, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

IT IS SO ORDERED.

Date: May 6, 2019

/s/ Kimberly A. Jolson
KIMBERLY A. JOLSON
UNITED STATES MAGISTRATE JUDGE