

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

TRUSTEES OF THE U.A. UNION LOCAL
NO. 290 PLUMBER, STEAMFITTER AND
SHIPFITTER INDUSTRY HEALTH AND
WELFARE TRUST, ET AL.,

3:12-CV-01206-ST
ORDER

Plaintiffs,

v.

BOANERGES GROUP, LLC,

Defendant.

BROWN, Judge.

Magistrate Judge Janice M. Stewart issued Findings and Recommendation (#17) on April 8, 2013, in which she recommends this Court grant in part and deny in part Plaintiffs' Motion (#12) for Default Judgment as follows: "[J]udgment should be entered against defendant in the amounts requested by

plaintiff[s] less \$800 in referral attorney fees for the delinquent period of January 2012 through September 2012 for which plaintiff[s have] submitted no supporting documentation." The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Because no objections to the Magistrate Judge's Findings and Recommendation were timely filed, this Court is relieved of its obligation to review the record *de novo*. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)(*en banc*). *See also United States v. Bernhardt*, 840 F.2d 1441, 1444 (9th Cir. 1988). Having reviewed the legal principles *de novo*, the Court does not find any error.

CONCLUSION

The Court **ADOPTS** Magistrate Judge Stewart's Findings and Recommendation (#17). Accordingly, the Court **GRANTS** Plaintiffs' Motion (#12) for Default Judgment to the extent that the Court orders Defendant to pay to Plaintiffs:

- (1) \$9,437.45 in contributions, \$1,443.47 in interest, and \$1,806.12 in liquidated damages, plus interest through the date of payment as set forth in the relevant Trust Agreements;
- (2) \$3,657.96 in contributions outstanding on Defendant's Settlement Agreement and Promissory Note; and

(3) \$2,865 in litigation attorneys' fees and costs.

The Court **DENIES** Plaintiffs' Motion (#12) to the extent that the Court declines to order Defendant to pay to Plaintiffs \$800 in referral attorneys' fees for the delinquent period of January 2012 through September 2012.

The Court **DIRECTS** Plaintiffs to submit a form of Judgment **no later than May 16, 2013**.

IT IS SO ORDERED.

DATED this 2nd day of May, 2013.

/s/ Anna J. Brown

ANNA J. BROWN
United States District Judge