

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

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|--|---|--------------------------------|
| ANTHONY VARGO, <i>individually and</i> |) | |
| BELLA CAPELLI ACADEMY, LLC, |) | |
| <i>by Anthony Vargo, a Member,</i> |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | Civil Action No. 10-1164 |
| |) | United States District Judge |
| |) | Arthur J. Schwab |
| |) | United States Magistrate Judge |
| PAUL G. DESABATO, ANTHONY V. |) | Cynthia Reed Eddy |
| DESIMONE, NICHOLAS D'AMICO, |) | |
| EUGENE G. SCIULLI, BENJAMIN M. |) | |
| PUSATERI, SR. AND BELLA CAPELLI) |) | |
| ACADEMY, LLC, |) | |
| Defendants. |) | |

MEMORANDUM ORDER

The above captioned case was statistically closed on June 24, 2011, when it was submitted for arbitration (ECF No. 40). On January 14, 2013, Plaintiff Anthony Vargo filed an Application to Confirm Arbitration Decision on Liability (ECF No. 41), which was referred to a Magistrate Judge in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.C and 72.D of the Local Rules of Court for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on February 13, 2013, recommending that the District Court grant Plaintiff Anthony Vargo’s Application To Confirm Arbitration Decision in regard to the liability issue that was arbitrated, to compel the parties to proceed to the damage phase of the arbitration proceedings within 60 days, and to retain jurisdiction to enforce an arbitration decision. On February 14, 2013, the matter was reassigned to this Court as presiding judge. This Court adopted that Report and Recommendation (ECF No. 43).

Plaintiff Vargo subsequently filed a Motion to Confirm Arbitration Decision and Enter Judgment (ECF No. 44), and on June 26, 2013, the Magistrate Judge filed a Report and Recommendation (ECF No. 46), recommending that the Arbitration Award be confirmed, and that Judgment be entered in Anthony Vargo's favor and against the Defendants collectively in the amount of \$213,973.54. Objections were due on July 15, 2013. None have been filed.

AND NOW, this 16th day of July, 2013, after *de novo* review of the pleadings and documents in the case, together with the two Reports and Recommendations, IT IS HEREBY ORDERED as follows:

IT IS HEREBY ORDERED that the Report and Recommendation ((ECF No. 46) is ADOPTED as the Opinion of the Court.

Judgment is HEREBY ENTERED in Anthony Vargo's favor and against the Defendants in the amount of \$213,973.54.

IT IS FURTHER ORDERED that the Clerk of Court mark this case CLOSED.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, defendants have thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

By the Court:



Arthur J. Schwab
United States District Judge

cc: all ECF registered counsel