

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

OPERATING ENGINEERS LOCAL 66,
AFL-CIO AND CONSTRUCTION
INDUSTRY COMBINED FUNDS, INC.,

2:20-CV-01995-CCW-CRE

Plaintiff,

v.

EAST COAST PAVING & SEAL
COATING, INC., BARBARA S. HASSON,
BARRY MILES,

Defendants.

OPINION

Before the Court is Plaintiff Operating Engineers Local 66, AFL-CIO and Construction Industry Combined Funds, Inc.’s (together “Plaintiff”) Motion for Default Judgment. ECF No. 12. This case has been referred to Chief United States Magistrate Judge Eddy for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B) and Local Rule of Civil Procedure 72.

On December 23, 2020, Plaintiff filed the Complaint against Defendants East Coast Paving & Seal Coating, Inc. (“East Coast Paving”), Barbara Hasson, and Barry Miles. ECF No. 1. Plaintiff served Defendant Hasson on March 9, 2021. ECF No. 6. Plaintiff requested that the Clerk enter default against Defendant Hasson on April 7, 2021. ECF No. 7. The Clerk entered default against Defendant Hasson on April 8, 2021. ECF No. 10. On April 16, 2021, Plaintiff moved for default judgment against Defendant Hasson. ECF No. 12.

Chief Magistrate Judge Eddy issued a Report and Recommendation on April 19, 2021 recommending that Plaintiff's Motion be granted. ECF No. 13. Service of the Report and Recommendation was made on the parties, and no objections have been filed.

The Court has reviewed the pleadings and documents in this case, together with the Report and Recommendation. As part of the Court's review, on May 21, 2021, the Court ordered Plaintiff to provide supplemental briefing as to the factual and legal authorities that support Plaintiff's calculation of damages. ECF No. 14. Plaintiff filed a brief in response to the Court's order on May 27, 2021. ECF Nos. 15 and 16.

Based on the record before it, the Court agrees with Chief Magistrate Judge's Report and Recommendation that Plaintiff's Motion for Default Judgment should be granted. However, based on the supplemental briefing at ECF No. 15 and 16, which was not available to the Chief Magistrate Judge at the time of her Report and Recommendation, the Court has adjusted the judgment amount, and will grant Plaintiff's Motion and issue a judgment in favor of Plaintiff and against Defendant Hasson as follows:

Principal per Paragraph 26 of the Complaint	\$50,279.72
Interest through December 23, 2020 per Paragraph 26 of the Complaint	\$11,287.65
Interest from December 23, 2020 through June 3, 2021 (163 days at \$16.53 per day) per Paragraph 26 of the Complaint	\$2,694.39
Liquidated damages per Paragraph 26 of the Complaint	\$1,834.87
Costs	\$527.00
Attorneys' Fees per Paragraphs 10, 16, and 18 of Attorney Leech's Declaration, ECF No. 16-	\$8,881.00

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TOTAL

\$75,504.63

DATED this 3rd day of June, 2021.

BY THE COURT:

/s/ Christy Criswell Wiegand
CHRISTY CRISWELL WIEGAND
United States District Judge

cc (via ECF email notification):

All Counsel of Record