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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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TRUSTEES OF EMPIRE STATE CARPENTERS
ANNUITY, APPRENTICESHIP, LABOR
MANAGEMENT COOPERATION, PENSION              MEMORANDUM & ORDER
and WELFARE FUNDS,                           15-CV-2843(JS)(AYS)

                         Petitioners,

          -against-

DUNCAN & SON CARPENTRY, INC.,

                         Respondent.
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APPEARANCES
For Petitioners:     Charles R. Virginia, Esq.
                     Nicole Marimon, Esq.
                     Elina Burke, Esq.
                     Virginia & Ambinder LLP
                     40 Broad Street, 7th Floor
                     New York, NY 10004

For Respondent:      No appearance
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SEYBERT, District Judge:

Pending before the Court is Magistrate Judge Anne Y. Shields' Report and Recommendation ("R&R") recommending that this Court: (1) treat the unopposed petition to confirm the arbitration award as an unopposed motion for summary judgment, (2) grant the petition to confirm and enforce the arbitration award, and (3) direct the Clerk of the Court to enter judgment in favor of petitioners in the amount of $420,084.17. (R&R, Docket Entry 12, at 1.) For the following reasons, the Court ADOPTS Judge Shields' R&R in its entirety.

BACKGROUND

On May 18, 2015, Trustees of Empire State Carpenters Annuity, Apprenticeship, Labor Management Cooperation, Pension and Welfare Funds ("Petitioners") filed a petition to confirm and enforce an arbitration award (the "Petition") against Duncan & Son Carpentry, Inc., ("Respondent") pursuant to section 502(a)(3) of the Employee Retirement Income Security Act of 1974 ("ERISA"), 29 U.S.C. § 1132(a)(3), Section 301 of the Labor Management Relations Act of 1947 ("LMRA"), as amended 29 U.S.C. § 185, and Section 9 of the Federal Arbitration Act, 9 U.S.C. § 9. (Pet., Docket Entry 1, ¶1.) An arbitrator rendered an award against Respondent in the amount of $419,054.17 on January 22, 2015, after concluding that Respondent violated several collective bargaining agreements with the Northeast Regional Council of Carpenters f/k/a the Empire State Regional Council of Carpenters. (Pet. ¶¶ 7, 20-21.) Respondent has failed to abide by the award, (Pet. ¶ 23), and has not appeared in this action.

On August 22, 2016, the undersigned referred the Petition to Judge Shields for a Report and Recommendation on whether the Petition should be granted. (Referral Order, Docket Entry 11.) On January 30, 2017, Judge Shields issued her R&R recommending that: (1) the unopposed Petition be treated as an unopposed motion for summary judgment, (2) the Petition to enforce and confirm the award be granted, and (3) judgment be entered in

favor of Petitioners in the amount of $419,054.17, plus attorneys'
fees of $562.50, and costs of $467.50, for a total award of
$420,084.17. (R&R at 1.)

DISCUSSION

In reviewing an R&R, a district court "may accept,
reject, or modify, in whole or in part, the findings and
recommendations made by the magistrate judge." 28 U.S.C. § 636(b)
(1)(C). If no timely objections have been made, the "court need
only satisfy itself that there is no clear error on the face of
the record." Urena v. New York, 160 F. Supp. 2d 606, 609-10
(S.D.N.Y. 2001) (internal quotation marks and citation omitted).

Objections were due within fourteen (14) days of service
of the R&R. The time for filing objections has expired, and no
party has objected. Accordingly, all objections are hereby deemed
to have been waived.

Upon careful review and consideration, the Court finds
Judge Shields' R&R to be comprehensive, well-reasoned, and free of
clear error, and it ADOPTS the R&R in its entirety.

CONCLUSION

Judge Shields' R&R (Docket Entry 12) is ADOPTED in its
entirety. The Petition to confirm and enforce the arbitration
award (Docket Entry 1) is GRANTED. The Clerk of the Court is
directed to enter judgment in favor of Petitioners in the amount
of $419,054.17, plus attorneys' fees of $562.50, and costs of

$467.50, for a total award of $420,084.17. Petitioners are directed to mail a copy of this Order to the Respondent and file proof of service on ECF within five (5) days.

                                SO ORDERED.

                                /s/ JOANNA SEYBERT_____
                                Joanna Seybert, U.S.D.J.

Dated: March __10__, 2017
          Central Islip, New York

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