

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

WHOLE SPACE INDUSTRIES, LTD.,
a Western Samoa corp.,

Plaintiff,

v.

CASE NO: 2:09-cv-217-UA-SPC

GULFCOAST INTERNATIONAL
PRODUCTS, INC., a Florida corp.,

Defendant.

ORDER

This case is before the Court on the Report and Recommendation of United States Magistrate Judge Sheri Polster Chappell in which she recommends granting Plaintiff's motion for default judgment and awarding damages in the total sum of \$2,412.832.30. Defendant has failed to file objections to the report, and the time for filing objections has expired.¹

After careful consideration of the Report and Recommendation, in conjunction with an independent examination of the court file, the Court is of the opinion that the Report and Recommendation should be adopted, confirmed, and approved in all respects

¹ The Court would note that even though a clerk's default was entered against Defendant, nevertheless, Defendant was given notice of the evidentiary hearing conducted by Judge Chappell, at which it failed to appear, and was also furnished a copy of her Report and Recommendation.

because the Court is satisfied there is no clear error on the face of the record, specifically those partes of the record cited by Judge Chappell in support of her decision, precluding acceptance of the Report and Recommendation. See Macort v. Prem, Inc., 208 Fed. Appx. 781, 784 (11th Cir. 2006) (and cases cited).

ACCORDINGLY, it is **ORDERED AND ADJUDGED** as follows:

1) The Report and Recommendation of Judge Chappell is adopted, confirmed, and approved in all respects and made a part of this order for all purposes.

2) Plaintiff's Motion for Default Judgment (Dkt. 10) is granted.

3) The clerk is directed to enter judgment in favor of Plaintiff and against Defendant in the total sum of **\$2,412,832.30**.

4) The clerk is directed to term any pending motions/deadlines and to **CLOSE** this case.

DONE AND ORDERED at Tampa, Florida, on July 13, 2009.

s/Richard A. Lazzara
RICHARD A. LAZZARA
UNITED STATES DISTRICT JUDGE

COPIES FURNISHED TO:
Counsel/Parties of Record