

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

COLLIER COUNTY, a political
subdivision of the State of Florida

Plaintiff,

v.

Case No: 2:17-cv-14-FtM-38CM

RTG, LLC,

Defendants.

ORDER¹

Before the Court is United States Magistrate Judge Carol Mirando's Report and Recommendation. ([Doc. 62](#)). Judge Mirando recommends granting in part and denying in part Defendant RTG LLC's Motion for Attorneys' Fees ([Doc. 55](#)) and granting in part and denying in part Appellee RTG LLC's Motion for Attorneys Fees ([Doc. 59](#)). No party objects to the Report and Recommendation, and the time to do so has expired.

A district judge "may accept, reject, or modify in whole or in part, the findings or recommendations made by the magistrate judge." [28 U.S.C. § 636\(b\)\(1\)](#). The district judge "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." *Id.* And "[t]he judge

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may also receive further evidence or recommit the matter to the magistrate judge with instructions.” *Id.*

After examining the file independently, and upon considering Judge Mirando’s findings and recommendations, the Court accepts and adopts the Report and Recommendation.

Accordingly, it is now

ORDERED:

- (1) United States Magistrate Judge Carol Mirando’s Report and Recommendation (Doc. 62) is **ACCEPTED and ADOPTED** and the findings incorporated herein.
 - (2) Defendant RTG LLC’s Motion for Attorneys’ Fees (Doc. 55) is **GRANTED in part and DENIED in part**. The Court awards RTG **\$126,495.00** in attorneys’ fees.
 - (3) Appellee RTG, LLC’s Motion for Attorneys’ Fees (Doc. 59) is **GRANTED in part and DENIED in part**. The Court awards RTG **\$36,007.50** in attorneys’ fees.
 - (4) The Clerk of Court is **DIRECTED** to enter an amended judgment accordingly.
- DONE** and **ORDERED** in Fort Myers, Florida this 25th day of October 2018.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record