

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

APR ENERGY, LLC, a Florida
limited liability company,

Plaintiff,

v.

Case No. 3:14-cv-575-J-34JBT

FIRST INVESTMENT GROUP
CORPORATION, a foreign corporation;
and FIRST ENGINEERING GROUP a/k/a
1st ENGINEERING GROUP, a foreign
corporation,

Defendants.

ORDER

THIS CAUSE is before the Court on Magistrate Judge Joel B. Toomey's Report and Recommendation (Dkt. No. 73; Report), entered on July 2, 2015. In the Report, Magistrate Judge Toomey recommends that, to the extent APR's Motion for Attorneys' Fees and Costs (Dkt. No. 60) requests an award of attorneys' fees, the Motion should be denied without prejudice to Plaintiff seeking attorneys' fees before other courts or tribunals, if appropriate, on grounds other than section 77.22, Florida Statutes. See Report at 13. No objections to the Report have been filed, and the time for doing so has now passed.

The Court "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). If no specific objections to findings of facts are filed, the district court is not required to conduct a de novo review of those findings. See Garvey v. Vaughn, 993 F.2d 776, 779 n.9 (11th Cir. 1993);

see also 28 U.S.C. § 636(b)(1). However, the district court must review legal conclusions de novo. See Cooper-Houston v. Southern Ry. Co., 37 F.3d 603, 604 (11th Cir. 1994); United States v. Rice, No. 2:07-mc-8-FtM-29SPC, 2007 WL 1428615, at * 1 (M.D. Fla. May 14, 2007).

Upon independent review of the file and for the reasons stated in the Magistrate Judge's Report, the Court will accept and adopt the legal and factual conclusions recommended by the Magistrate Judge. Accordingly, it is hereby

ORDERED:

1. The Magistrate Judge's Report and Recommendation (Dkt. No. 73) is **ADOPTED** as the opinion of the Court.

2. To the extent APR's Motion for Attorneys' Fees and Costs (Dkt. No. 60) requests an award of attorneys' fees, the Motion is **DENIED without prejudice** to Plaintiff seeking attorneys' fees before other courts or tribunals, if appropriate, on grounds other than section 77.22, Florida Statutes.

3. As the Motion is denied without prejudice to the extent it requests an award of attorneys' fees, the remaining portion of the Motion regarding the amount of the attorneys' fees is also **DENIED without prejudice**.

DONE AND ORDERED in Jacksonville, Florida, this 5th day of August, 2015.


MARCIA MORALES HOWARD
United States District Judge

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Copies to:

The Honorable Joel B. Toomey
United States Magistrate Judge

Counsel of Record