

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

COX ENTERPRISES, INC.,

Plaintiff,

-vs-

Case No. 6:04-cv-698-Orl-28DAB

NEWS-JOURNAL CORPORATION,
HERBERT M. DAVIDSON, JR., MARC L.
DAVIDSON, JULIA DAVIDSON TRUILO,
JONATHAN KANEY, JR., DAVID
KENDALL, ROBERT TRUILO, GEORGIA
KANEY, and PMV, INC.,

Defendants.

ORDER

This case is before the Court following remand from the United States Court of Appeals for the Eleventh Circuit. (See Doc. 698). In its January 4, 2012 opinion, the appellate court stated in part that “the district court must reevaluate the claims of all of [News-Journal Corporation’s] creditors consistent with this opinion.” (Id.).

Pursuant to a referral by this Court, the assigned United States Magistrate Judge has, after holding an evidentiary hearing, issued a Report and Recommendation (Doc. 791) regarding the amount and propriety of the claim of the Pension Guaranty Benefit Corporation (“PBGC”) against News-Journal Corporation—the only remaining creditor claim. In his Report, the magistrate judge found that the amount of PBGC’s claim against News-Journal Corporation for the News-Journal Corporation’s Pension Plan’s unfunded benefit liabilities is \$13,887,822.00 and that no separate payment for unpaid minimum funding

contributions is owed.

After an independent review of the record in this matter, including the Objection filed by Plaintiff Cox Enterprises, Inc. (Doc. 792) and the Response (Doc. 793) filed by PBGC to that Objection, the Court agrees with the findings and conclusions in the Report and Recommendation. Therefore, it is **ORDERED** as follows:

1. The Report and Recommendation (Doc. 791) is **ADOPTED** and **CONFIRMED** and made a part of this Order.

2. The Court finds that the amount of PBGC's claim against News-Journal Corporation for the News-Journal Corporation's Pension Plan's unfunded benefit liabilities is \$13,887,822.00 and that no separate payment for unpaid minimum funding contributions is owed.

3. In its Objection, Cox included a Motion to Schedule Final Briefing and Oral Argument. (See Doc. 792). That motion is **DENIED**. However, a **status conference** will be held in this case before the undersigned United States District Judge on **Wednesday, May 21, 2014, at 10:00 a.m.** in Courtroom #6B, George C. Young United States Courthouse and Federal Building, 401 W. Central Boulevard, Orlando, Florida. Thirty minutes have been set aside for this status conference.

DONE and **ORDERED** in Orlando, Florida this 24 day of April, 2014.



JOHN ANTOON II
United States District Judge

Copies furnished to:
United States Magistrate Judge
Counsel of Record
Unrepresented Party

PLEASE NOTE: Photo I.D. is required to enter the United States Courthouse. Also, cellular telephones and laptop computers are prohibited in the Courthouse.