

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

ERICKA LAWTON-DAVIS; and
ANTHONY DAVIS,

Plaintiffs,¹

v.

Case No. 6:14-cv-1157-Orl-37DCI

STATE FARM MUTUAL
AUTOMOBILE INSURANCE
COMPANY,

Defendant.

ORDER

As the prevailing party in this automobile insurance action, Defendant has thrice moved for taxation of costs. (Docs. 173, 191, 195.) Due to the pendency of a motion for a new trial, insufficient supporting documents, and a lack of supporting legal authority, such motions have been thrice denied without prejudice. (Docs. 184, 193, 196, 197.) Nevertheless, Defendant persisted, and on April 26, 2017, U.S. Magistrate Judge Daniel C. Irick issued a Report recommending that Defendant's third amended motion for an award of costs (Doc. 199) be granted in part and denied in part. (Doc. 204 ("R&R").)

Specifically, Defendant requests an award of \$20,820.19 in costs ("**Requested Amount**"). (See *id.* at 4-5.) Noting Plaintiffs' objections (Doc. 201), the R&R recommends that the Court reduce the Requested Amount by \$3,399.56 for: (1) amounts Plaintiff has

¹ On Plaintiffs' motion, the Court dropped their daughter Zoriyah Davis as a party to this action at the outset of trial. (Docs. 154, 155.)

already paid Defendant; and (2) unjustified costs for the expedited delivery of transcripts, equipment rental, rush transcripts, and the rush service of subpoenas. (*Id.* at 5-9.) Accounting for these reductions, Magistrate Judge Irick recommends that the Court award Defendant a total of \$17,420.63 in costs. (*Id.* at 9.)

Neither party objected to the R&R; hence the Court has reviewed it only for clear error. *See Wiand v. Wells Fargo Bank, N.A.*, No. 8:12-cv-557-T-27EAJ, 2016 WL 355490, at *1 (M.D. Fla. Jan. 28, 2016); *see also Marcort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006). Finding none, the Undersigned concludes that the R&R is due to be adopted in its entirety.

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

1. U.S. Magistrate Judge Daniel C. Irick's Amended Report and Recommendation (Doc. 204)² is **ADOPTED, CONFIRMED**, and made a part of this Order.
2. Defendant's Third Amended Motion for Costs (Doc. 199) is **GRANTED IN PART AND DENIED IN PART**.
 - a. The Motion is **GRANTED** to the extent that the Court awards Defendant **\$17,420.63** in costs.
 - b. In all other respects, the Motion is **DENIED**.
3. The Clerk is **DIRECTED** to issue an amended judgment in favor of Defendant State Farm Mutual Automobile Insurance Company and against

² Magistrate Judge Irick issued the operative R&R on April 26, 2017, to correct a scrivener's error in the initial Report issued the prior day. (Doc. 204, p. 1 n.1.)

Plaintiffs Ericka Lawton-Davis and Anthony Davis in the following amounts:

- a. **\$150,033.05** in attorney fees;³ and
- b. **\$17,420.63** in costs.

DONE AND ORDERED in Chambers in Orlando, Florida, on May 11, 2017.




ROY B. DALTON JR.
United States District Judge

Copies to:
Counsel of Record

³ (See Docs. 197, 200, 202 (awarding Defendant such attorney fees).)