

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

SABAL TRAIL TRANSMISSION, LLC,

Plaintiff,

Case No. 6:16-cv-465-Orl-37-KRS

v.

Parcel HT125-FL-OS-018.005

+/- 0.01 ACRES OF LAND IN OSCEOLA  
COUNTY, FLORIDA; JAMES F. MURPHY;  
ANNA B. YOKEL; UNKNOWN HEIRS AND  
BENEFICIARIES OF JAMES F. MURPHY;  
HEIRS AND DEVISEES OF FRANK J.  
YOKEL; JAMES F. MURPHY, JR., and  
UNKNOWN OWNERS, IF ANY,

Defendants.

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**ORDER**

This matter is before the Court on the following matters:

- (1) Motion for Final Summary Default Judgment and Incorporated Memorandum of Law (Doc. 45), filed November 10, 2016; and
- (2) Report and Recommendation of U.S. Magistrate Judge Karla R. Spaulding (Doc. 47), filed December 12, 2016.

**DISCUSSION**

On **February 2, 2016**, the Federal Energy Regulatory Commission ("**FERC**") issued an order which, among other things, granted to Plaintiff Sabal Trail Transmission, LLC ("**Plaintiff**") a Certificate of Public Convenience and Necessity ("**FERC Certificate**"), authorizing Plaintiff to construct and operate facilities for transporting natural gas in interstate commerce—the Sabal Trail Project ("**Project**"). (See Doc. 1; Doc. 1-4.)

Pursuant to the Natural Gas Act, 15 U.S.C. §§ 717–717z, and based on the FERC

Certificate, Plaintiff filed several land condemnation actions throughout the U.S. District Courts for the Middle District of Florida to acquire easements necessary to complete the Project. (Doc. 1.) In this action, the defendants include: (1) certain property located in Osceola County, Florida; (2) James F. Murphy; (3) James F. Murphy, Jr.; (4) Unknown Heirs and Beneficiaries of James F. Murphy; (5) Heirs and Devisees of Frank J. Yokel; and (6) Anna B. Yokel as personal representative of the Estate of Frank J. Yokel (collectively, "**Defendants**"). (See *id.*) Plaintiff properly served the Defendants (see Docs. 19, 37, 38), but none have appeared in this action (see Doc. 39). Accordingly, the Clerk entered defaults against the Defendants.<sup>1</sup> (See Docs. 33, 40, 41, 42, 43, 44.)

On **November 11, 2016**, Plaintiff filed a Motion for Final Summary Default Judgment (Doc. 45 ("**Motion**")), which was referred to U.S. Magistrate Judge Karla R. Spaulding ("**Judge Spaulding**") for issuance of a report and recommendation (Doc. 46). On **December 12, 2016**, Judge Spaulding issued her Report and Recommendation (Doc. 47 ("**Report**")), which recommends that the Court to grant the Motion. No party has filed objections to the Report, and the time to do so has passed. See 28 U.S.C. § 636(b)(1); see *also* Fed. R. Civ. P. 72(b)(2). Absent objections, and upon consideration, the Court finds that the well-reasoned Report is due to be accepted and adopted.

### **CONCLUSION**

Accordingly, it is hereby **ORDERED, ADJUDGED, and DECREED**:

1. Report and Recommendation of U.S. Magistrate Judge Karla R. Spaulding (Doc. 47) is **ADOPTED AND AFFIRMED**.

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<sup>1</sup> Before the defaults were entered, the Court granted Plaintiff's Motions for Partial Summary Judgment, for Preliminary Injunction, and for Immediate Possession. (See Doc. 26.)

2. Motion for Final Summary Default Judgment and Incorporated Memorandum of Law (Doc. 45) is **GRANTED**.
3. This Court has jurisdiction pursuant to the Natural Gas Act.
4. Sabal Trail Transmission, LLC has properly exercised its power of eminent domain.
5. One hundred dollars (\$100.00) is just compensation for the parcel at issue in this action—HT125-FL-OS-018.005—(Doc. 1-5).
6. Upon payment by Sabal Trail Transmission, LLC of \$100.00 into the registry of the Court:
  - a. ownership and property rights related to Parcel HT125-FL-OS-018.005 shall become vested in Plaintiff Sabal Trail Transmission, LLC;
  - b. Plaintiff Sabal Trail Transmission, LLC and Liberty Mutual Insurance Company shall be released from the bond previously posted in this action (Doc. 29); and
  - c. Plaintiff Sabal Trail Transmission, LLC shall provide written notice to the Court of such payment and shall advise the Court whether any further proceedings are required before this file is **CLOSED**.

**DONE AND ORDERED** in Chambers in Orlando, Florida, on January 12, 2017.



  
ROY B. DALTON JR.  
United States District Judge

Copies:  
Counsel of Record  
Unrepresented Parties  
Magistrate Judge Karla R. Spaulding

