

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

JAMES OTTAVIANO,

Plaintiff,

Case No. 8:08-cv-2204-T-33TGW

v.

NAUTILUS INS. CO.,

Defendant.

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ORDER

This matter is before the Court on consideration of United States Magistrate Judge Thomas G. Wilson's report and recommendation (Doc. # 44), filed on May 18, 2010. In his report and recommendation, Judge Wilson recommends that Plaintiff's Motion for Award of Reasonable Attorney Fees and Costs (Doc. # 26) be granted in part.

As of this date, there are no objections to the report and recommendation, and the time for the parties to file such objections has elapsed.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject or modify the magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1); Williams v.

Wainwright, 681 F.2d 732 (11th Cir. 1982), cert. denied, 459 U.S. 1112 (1983).

In the absence of specific objections, there is no requirement that a district judge review factual findings de novo, Garvey v. Vaughn, 993 F.2d 776, 779 n. 9 (11th Cir. 1993), and the court may accept, reject or modify, in whole or in part, the findings and recommendations. 28 U.S.C. § 636(b)(1)(C). The district judge reviews legal conclusions de novo, even in the absence of an objection. See Cooper-Houston v. S. Ry. Co., 37 F.3d 603, 604 (11th Cir. 1994); Castro Bobadilla v. Reno, 826 F. Supp. 1428, 1431-32 (S.D. Fla. 1993), aff'd, 28 F.3d 116 (11th Cir. 1994) (Table).

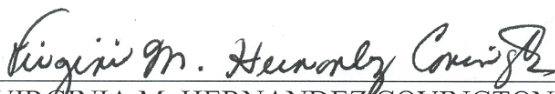
Accordingly, it is now

ORDERED, ADJUDGED, and DECREED:

- (1) United States Magistrate Judge Thomas G. Wilson's report and recommendation (Doc. # 44) is **ACCEPTED** and **ADOPTED**.
- (2) Plaintiff's Motion for Award of Reasonable Attorney Fees and Costs (Doc. # 26) is **GRANTED** to the extent that Plaintiff's counsel is awarded \$27,520 in attorney's fees pursuant to Florida Statute § 627.428, plus statutory interest, and \$1,425 in costs pursuant

to Rule 54(d) of the Federal Rules of Civil Procedure.

DONE and **ORDERED** in Chambers, in Tampa, Florida, this
7th day of June, 2010.


VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE

Copies to:

All Counsel of Record