

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

KEARNEY CONSTRUCTION  
COMPANY, LLC,

Plaintiff,

v.

Case No: 8:09-cv-1850-T-30TBM

TRAVELERS CASUALTY AND  
SURETY COMPANY OF AMERICA,  
FLORIDA SOIL CEMENT, LLC,  
FLORIDA TRUCKING CO., INC.,  
ALAN PAYNE, BRIAN W. SEEGER,  
ISLEWORTH GOLF & COUNTRY  
CLUB, INC. and OLD MEMORIAL  
CLUB, INC.,

Defendants.

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**ORDER**

**THIS CAUSE** came on for consideration upon the Report and Recommendation submitted by Magistrate Judge Thomas B. McCoun III (Dkt. #749). The Court notes that neither party filed written objections to the Report and Recommendation and the time for filing such objections has elapsed.

After careful consideration of the Report and Recommendation of the Magistrate Judge in conjunction with an independent examination of the file, the Court is of the opinion that the Magistrate Judge's Report and Recommendation should be adopted, confirmed, and approved in all respects.


**ACCORDINGLY**, it is therefore, **ORDERED AND ADJUDGED**:

1. The Report and Recommendation (Dkt. #749) of the Magistrate Judge is adopted, confirmed, and approved in all respects and is made a part of this order for all purposes, including appellate review.

2. Travelers' Adopted Motion for Final Summary Judgment (Dkt. #670) is DENIED.

3. FTBB, LLC's Motion for Final Summary Judgment on Amended Complaint for Proceedings Supplementary (Dkt. #671) is GRANTED as to Count I and DENIED as to Counts II and III of Travelers' Amended Complaint.

**DONE** and **ORDERED** in Tampa, Florida, this 15th day of June, 2016.

  
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JAMES S. MOODY, JR.  
UNITED STATES DISTRICT JUDGE

Copies Furnished To:  
Counsel/Parties of Record

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