

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

KEARNEY CONSTRUCTION COMPANY,  
LLC,

Plaintiff,

v.

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

TRAVELERS CASUALTY AND SURETY  
COMPANY OF AMERICA,

Defendant,

v.

KEARNEY CONSTRUCTION COMPANY,  
LLC, et al.,

Third Party Defendants,

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TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA,

Plaintiff,

v.

FTBB, LLC,

Defendant.

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**ORDER**

**THIS CAUSE** came on for consideration upon the Report and Recommendation submitted by Magistrate Judge Christopher P. Tuite (Dkt. 936). An Objection was filed by Defendant Bing Charles W. Kearney, Jr. (Dkt. 937).

After careful consideration of the Report and Recommendation of the Magistrate Judge, the Objection to the Report and Recommendation, and 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** that:

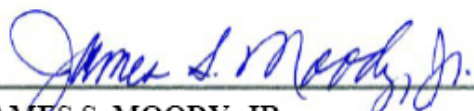
1. The Report and Recommendation (Dkt. 936) of the Magistrate Judge is adopted, confirmed, and approved in all respects and is made a part of this Order for all purposes, including appellate review.

2. Travelers Casualty & Surety Company of America's Renewed Motion for Attorneys' Fees and Costs (Dkt. 875) is **GRANTED** insofar as Travelers is entitled to an award of reasonable attorneys' fees and costs under Fla Stat., §59.29(8).

3. The motion is denied without prejudice as to the reasonable amount of attorneys' fees to be awarded, with leave to file a renewed, well-prepared fee motion within fourteen (14) days of this Order.

4. The motion is denied without prejudice as to costs, with leave to file a verified bill of costs, with detailed documentation of the reasonable costs Travelers seeks, also within fourteen (14) days of this Order.

**DONE** and **ORDERED** in Tampa, Florida on July 27, 2018.

  
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**JAMES S. MOODY, JR.**  
**UNITED STATES DISTRICT JUDGE**

**Copies Furnished To:**  
Counsel/Parties of Record