

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

MULTIFLEX SYSTEMS, INC.,

Plaintiff,

vs.

Case No. 8:09-cv-2071-T-33AEP

REED TRANSPORT SERVICES, INC., XP
TRANSPORTATION, INC. and YAMIR
VALDES,

Defendants.

ORDER

This matter is before the Court on consideration of United States Magistrate Judge Anthony E. Porcelli's Report and Recommendation (Doc. 18), entered on March 3, 2010, recommending that Plaintiff's Motion for Final Judgment as to Defendant, XP Transportation, Inc. (Doc. 15) be **GRANTED in PART** as it relates to the entry of final judgment and **DENIED in PART** as it relates to the issue of attorneys' fees and costs.

As of this date, there are no filed 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. Southern 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).

After conducting a careful and complete review of the findings, conclusions and recommendations, and giving de novo review to matters of law, the Court accepts the factual findings and legal conclusions of the magistrate judge, and the recommendation of the magistrate judge regarding the motion.

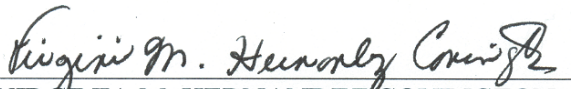
Accordingly, it is hereby

ORDERED, ADJUDGED and DECREED:

- (1) United States Magistrate Judge Anthony E. Porcelli's Report and Recommendation (Doc. 18) is **ACCEPTED** and **ADOPTED**.
- (2) The Motion for Final Judgment as to Defendant, XP Transportation, Inc. (Doc. 15) is **GRANTED in PART** as to the entry of final judgment and **DENIED in PART** as it relates to the issue of attorneys' fees and costs.

- (3) The **CLERK** is directed to enter final judgment in favor of Plaintiff and against Defendant, XP Transportation, Inc. in the amount of \$108,161.42, plus interest accruing at the rate of eleven (11%) percent per annum.
- (4) Plaintiff may file a separate motion for attorneys' fees and costs within fourteen days of the date of this Order.

DONE and **ORDERED** in Chambers in Tampa, Florida, this 23rd day of March 2010.


VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE

Copies to:

All Parties and Counsel of Record