

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

SUSAN GEPHART, as Personal
Representative of the Estate of
Thomas Cherry,

Plaintiff,

v.

Case No. 8:10-cv-830-T-33TBM

ROBERT C. WASHBURN, HERNANDO
COUNTY SHERIFF'S OFFICE AND ITS
MEMBERS, SERGEANT DONALD SMITH,
PAUL SMITH, and DUSTIN ADKINS,
individually, and in their
official capacity, SPRING HILL
FIRE & RESCUE DISTRICT VOLUNTEER
AND ITS MEMBERS, CAPTAIN JAMES
BILLOTTE, CHRIS BOZEK, STEVE
SMITH, WARREN FLATT, ROBERT
LEONDIKE, and ROBERT DELVECCHIO,
individually, and in their
official capacity,

Defendants.

_____ /

ORDER

This matter is before the Court pursuant to Defendant Robert C. Washburn's Motion for Summary Judgment (Doc. # 22) and supporting affidavit (Doc. # 23), both filed on August 12, 2010.

Plaintiff was given an opportunity to file a response in opposition to Defendant's dispositive motion, but failed to do so. Accordingly, the Court considers the Motion as an unopposed motion, and after being fully advised in the premises, grants the Motion.

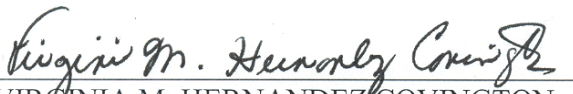
Upon due consideration of the Motion and the record before the Court, and for the reasons stated in the Motion, the Court grants the Motion as unopposed.

Accordingly, it is

ORDERED, ADJUDGED, and DECREED:

- (1) Defendant Robert C. Washburn's Motion for Summary Judgment (Doc. # 22) is **GRANTED**.
- (2) The Clerk is directed to enter Judgment in Defendant Robert C. Washburn's favor and, thereafter, to **CLOSE THIS CASE**.

DONE and **ORDERED** in Chambers, in Tampa, Florida, this 10th day of September 2010.


VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE

Copies: All Counsel of Record