

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

NICHOLAS COLARDO, individually and
as power of attorney for Daniel Colardo
and Matthew Colardo,

Plaintiffs,

v.

Case No: 8:10-cv-1615-T-30TBM

METROPOLITAN LIFE INSURANCE
COMPANY and BEM SERVICES, INC.,

Defendants.

ORDER

THIS CAUSE came on for consideration upon the Report and Recommendation submitted by Magistrate Judge Thomas B. McCoun, III (Dkt. #38) and the Objection (Dkt. #39) filed thereto.

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. #38) 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. Defendant BEM Services, Inc.'s Motion for Judgment on the Record (Dkt. #24) is GRANTED.

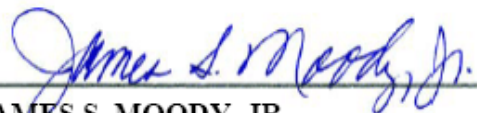
3. Defendant Metropolitan Life Insurance Company's Motion for Final Judgment (Dkt. #26) is GRANTED.

4. Plaintiff's Amended Motion for Judgment on the Record (Dkt. #27) is DENIED.

5. Judgment is hereby entered affirming the administrative decision to deny benefits.

6. The Clerk is directed to close this case.

DONE and **ORDERED** in Tampa, Florida on May 19, 2011.



JAMES S. MOODY, JR.
UNITED STATES DISTRICT JUDGE

Copies Furnished to:
Counsel/Parties of Record

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