

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

ECP STATION I, LLC,

Plaintiff,

v.

CASE NO. 8:15-cv-2523-T-26JSS

JOSEPH P. CHANDY
and SUNNY P. JOSEPH,

Defendants.

ORDER

THIS CAUSE came on for consideration upon the Report and Recommendation filed by United States Magistrate Judge Julie S. Sneed on June 29, 2016, at docket 35, recommending that the Plaintiff's Motion for Summary Judgment against Defendant Sunny Joseph filed at docket 28 be granted. The Court notes that neither party filed written objections to the Report and Recommendation and the time for filing such objections has expired.

After careful consideration of the Report and Recommendation in conjunction with an independent examination of the court file, the Court is of the opinion that the Report and Recommendation should be adopted, confirmed, and approved in all respects, except with regard to the issue of damages and the amount of attorney fees and costs, because the Court is satisfied that there is no clear error on the face of the record, specifically

those parts of the record cited by the Magistrate Judge in support of her decision, precluding acceptance of the recommendation. See Macort v. Prem, Inc., 208 Fed. App'x 781, 784 (11th Cir. 2006) (and cases cited) (unpublished).

ACCORDINGLY, it is **ORDERED AND ADJUDGED** as follows:

- 1) The Report and Recommendation (Dkt. 35) is adopted, confirmed, approved in all respects with the exception of the amount of damages, attorney fees, and costs to be awarded Plaintiff and is made a part of this order for all purposes.
- 2) The Plaintiff's Motion for Summary Judgment Against Sunny Joseph (Dkt. 28) is **granted**.
- 3) The Court reserves jurisdiction pending an evidentiary hearing with regard to the issue of the amount of damages, attorney fees, and costs to be awarded the Plaintiff against the Defendant Sunny Joseph.

Additionally, after **DUE AND CAREFUL CONSIDERATION** of the court file as it relates to the Defendant Joseph P. Chandy, it is **ORDERED AND ADJUDGED** that the Plaintiff's Motion to Enter Default Judgment Against Joseph P. Chandy (Dkt. 19) is **granted**. The Court reserves jurisdiction pending an evidentiary hearing with regard to the issue of the amount of damages, attorney fees, and costs to be awarded the Plaintiff against the Defendant Joseph P. Chandy.

The Court will conduct a status conference on **Friday, July 29, 2016, at 11:30 a.m.**, for the purpose of scheduling an evidentiary hearing. Counsel for the Plaintiff may attend the hearing telephonically.

DONE AND ORDERED at Tampa, Florida, on July 15, 2016.

s/Richard A. Lazzara

RICHARD A. LAZZARA
UNITED STATES DISTRICT JUDGE

COPIES FURNISHED TO:
Counsel of Record