

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF FLORIDA  
PENSACOLA DIVISION

EMERALD SURF CONDOMINIUM  
OWNERS' ASSOCIATION, INC.,

Plaintiff,

v.

3:08cv101-WS

LANDMARK AMERICAN INSURANCE  
COMPANY, a surplus lines carrier,

Defendant.

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ORDER ADOPTING THE MAGISTRATE JUDGE'S  
REPORT AND RECOMMENDATION

Before the court is the magistrate judge's report and recommendation (doc. 58) docketed November 12, 2008. The magistrate judge advises that the parties have settled their claims, including the attorney's fee issue that is pending before this court. There being no objection to the magistrate judge's report and recommendation, it is ORDERED:

The plaintiff's request (doc. 8) for attorney's fees and costs associated with the defendant's improper removal of the case is DENIED as moot.

DONE AND ORDERED this 10th day of December, 2008.

s/ William Stafford  
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WILLIAM STAFFORD  
SENIOR UNITED STATES DISTRICT JUDGE