

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 07-60670-CIV-DIMITROULEAS

FRANK R. ZOKAITES,

Plaintiff,

Magistrate Judge Rosenbaum

vs.

3236 NE 5TH STREET, INC.,Defendant.

ORDER APPROVING REPORT AND RECOMMENDATION
ORDER GRANTING PLAINTIFF'S MOTION FOR BILL OF COSTS

THIS CAUSE is before the Court upon the Plaintiff's Motion for Bill of Costs [DE 66] filed on August 25, 2008 and the Report and Recommendation [DE 91] of Magistrate Judge Robin S. Rosenbaum, filed on October 3, 2008. The Court notes that the Defendant, 3236 NE 5th Street, has not filed any objections to the Report and Recommendation, and that the time for filing such objections has passed. Even though no timely objections were filed, the Court has conducted a *de novo* review of the Report, the underlying Motion for Bill of Costs [DE 66], the Defendant's Memorandum in Partial Opposition to Plaintiff's Motion for Bill of Costs [DE 86] of September 19, 2008, and the Plaintiff's Reply to Defendant's Memorandum in Partial Opposition to Plaintiff's Motion for Court Costs [DE 88] of September 22, 2008.

This Court agrees with the reasoning and analysis of the Magistrate Judge that the Motion for Bill of Costs should be granted. The Defendant objected to only some of the costs, in its Partial Opposition, arguing that deposition transcript of Barry Didinsky (\$475.90) and the transcript of the hearing on Defendant's Motion to Discharge Lis Pendens (\$850.00) were not necessarily obtained for use in the case because they were not admitted into trial. As the

Magistrate Judge found, these materials were necessary for the Plaintiff to fully prepare for trial, since Mr. Didinsky, and Mr. Korchmar, who testified at the lis pendens hearing, were expected to testify at trial. Because the Defendant did not object to the other costs listed in the Plaintiff's Motion for Bill of Costs, the Court will not discuss them in detail, but notes that it approves of the Magistrate Judge's analysis that the Plaintiff is entitled to those costs as well.

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

1. The Magistrate Judge's Report and Recommendation [DE 91] is hereby **ADOPTED**;
2. The Plaintiff's Motion for Bill of Costs [DE 66] is hereby **GRANTED**;
3. Plaintiff shall recover from the Defendant 3236 NE 5th Street the amount of \$7,487.08 in costs.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida, this 31st day of October, 2008.


WILLIAM P. DIMITROULEAS
United States District Judge

Copies furnished to:

Counsel of record