

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 08-60314-CIV-UNGARO

CHRISTOPHER BROOK and
LYNN BROOK,
Plaintiffs,

v.

UNITED STATES OF AMERICA,
Defendant.

ORDER ADOPTING MAGISTRATE'S REPORT AND RECOMMENDATION

THIS CAUSE came before the Court upon Plaintiffs' Verified Motion to Tax Costs Pursuant to Fed. R. Civ. P. 54 and Local Rule 7.3, filed March 3, 2009 (D.E. 50).

THE MATTER was referred to the Honorable Andrea Simonton, United States Magistrate Judge. (D.E. 59.) A Report and Recommendation dated July 14, 2009, has been filed, recommending that the Motion be GRANTED IN PART AND DENIED IN PART. (D.E. 68.) The parties have failed to file objections to the Report. *See LoConte v. Dugger*, 847 F.2d 145 (11th Cir. 1988), *cert. denied*, 488 U.S. 958 (1988) (holding that the failure to file timely objections bars the parties from attacking factual findings on appeal). Accordingly, the matter is now ripe for disposition.

THIS COURT has made a *de novo* review of the entire file and record herein, and, being otherwise fully advised in the premises, it is hereby

ORDERED AND ADJUDGED that United States Magistrate Judge Simonton's Report and Recommendation of July 14, 2009, is RATIFIED, AFFIRMED and ADOPTED, and Plaintiffs' Verified Motion to Tax Costs (D.E. 50) is GRANTED IN PART AND DENIED IN PART. Plaintiffs are awarded costs totaling \$9,134.97.

DONE AND ORDERED in Chambers at Miami, Florida, this 29th day of July, 2009.



URSULA UNGARO
UNITED STATES DISTRICT JUDGE

copies provided:
U.S. Magistrate Judge Simonton
Counsel of Record