

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 07-22433-CIV-HUCK/O'SULLIVAN

LARRY KLAYMAN,

Plaintiff,

vs.

FREEDOM'S WATCH, INC., BRADLEY
BLAKEMAN, ARI FLEISCHER, MEL
SEMBLER, WILLIAM P. WEIDNER, and
MATTHEW BROOKS,

Defendants.

**ORDER AFFIRMING REPORT AND RECOMMENDATION;
GRANTING IN PART AND DENYING IN PART DEFENDANT'S
FIRST AMENDED MOTION FOR TAXATION OF COSTS AND DENYING
DEFENDANT'S SECOND AMENDED MOTION FOR TAXATION OF COSTS**

THIS CAUSE comes before the Court upon Defendant's First Amended Motion for Taxation of Costs filed on April 24, 2008 ("First Amended Motion") (D.E. #152) and Defendant's Second Amended Motion for Taxation of Costs filed on September 22, 2008 concerning electronic discovery expenses only ("Second Amended Motion") (D.E. #188). The Honorable John J. O'Sullivan, United States Magistrate Judge, issued a Report and Recommendation on the Defendant's First Amended Motion on September 9, 2008 (D.E. #181) (the "First Report and Recommendation"). The Plaintiff and Defendants objected to the First Report and Recommendation. On September 12, 2008, the Court issued an order ratifying and affirming the First Report and Recommendation as to all issues except the issue of electronic discovery expenses. The issue of electronic discovery expenses was remanded to Magistrate Judge O'Sullivan. The Defendants filed their Second Amended Motion providing further information with respect to electronic discovery costs on September 22, 2008 (D.E. #188). Magistrate Judge O'Sullivan issued a Report and Recommendation on the Defendants' Second Amended Motion on November 18, 2008 (the "Second Report and Recommendation") (D.E. #197).

Defendants have not objected to the Second Report and Recommendation, so they are not challenging the factual findings contained in it. The Court has independently reviewed the First Report and

Recommendation, the Second Report and Recommendation, and the record. Being otherwise duly advised, the Court adopts the findings of fact and conclusions as in the reports. Accordingly, it is hereby

ORDERED AND ADJUDGED the First Report and Recommendation and Second Report and Recommendation are ADOPTED and, in accordance with Magistrate Judge O'Sullivan's recommendations therein, Defendants' First Amended Motion is GRANTED IN PART AND DENIED IN PART, the Defendants' Second Amended Motion is DENIED. If payment is not made within a reasonable period of time, Defendants may apply for entry of a final judgment as to costs.

DONE AND ORDERED in chambers, Miami, Florida, December 4, 2008.



Paul C. Huck
United States District Judge

Copies furnished to:
Magistrate Judge John J. O'Sullivan
Counsel of Record