

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 08-22053-CIV-LENARD/GARBER

**CARMELO MASTROELI,**

Plaintiffs,

vs.

**BORACK & ASSOCIATES, P.A.,  
DAVID E. BORACK, et al.,**

Defendant.

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**ORDER ADOPTING REPORT AND RECOMMENDATION OF MAGISTRATE  
JUDGE (D.E. 49) AND GRANTING PLAINTIFF'S VERIFIED MOTION FOR  
ATTORNEY'S FEES AND COSTS (D.E. 35)**


**THIS CAUSE** is before the Court on the Report of Magistrate Judge Barry L. Garber ("Report," D.E. 49), issued on July 28, 2009, recommending that Plaintiff's Verified Motion for Attorney's Fees and Costs ("Motion," D.E. 35), be granted in the amount of \$2,408.33. Therein, the parties were given ten days to file objections to the Report. As of the date of this Order, Defendants Borack & Associates, P.A., and David E. Borack have not filed any objections to the Report. Failure to file timely objections shall bar the parties from attacking on appeal the factual findings contained in the report. See Resolution Trust Corp. v. Hallmark Builders, Inc., 996 F.2d 1144, 1149 (11th Cir. 1993). Based on a review of the Magistrate Judge's Report, the Motion, the related pleadings, and the record, it is hereby **ORDERED AND ADJUDGED** that:

1. The Report and Recommendation of Magistrate Judge Barry L. Garber (D.E.

49), issued on July 28, 2009, is **ADOPTED**.

2. Consistent with the Report and this Order, Plaintiff's Verified Motion for Attorney's Fees and Costs (D.E. 35), filed on January 20, 2009, is **GRANTED** in the amount of \$2,408.33.

**DONE AND ORDERED** in Chambers at Miami, Florida, this 17th day of August, 2009.

  
**JOAN A. LENARD**  
**UNITED STATES DISTRICT JUDGE**