

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 14-cv-22774-GAYLES/TURNOFF

ARVAT CORPORATION,
Plaintiff,

v.

SCOTTSDALE INSURANCE COMPANY,
Defendants.

ORDER AFFIRMING AND ADOPTING REPORT OF MAGISTRATE JUDGE

THIS CAUSE comes before the Court on Magistrate Judge William C. Turnoff's Report and Recommendation [ECF No. 52] (the "Report"), entered on September 12, 2016. By Endorsed Order entered on January 12, 2016 [ECF No. 47], this Court referred to Judge Turnoff Plaintiff Arvat Corporation's Motion for Determination of Entitlement to Reasonable Attorneys' Fees and Court Costs [ECF No. 44] for a Report and Recommendation. Judge Turnoff's Report recommends that this Court deny the motion because, *inter alia*, the Plaintiff has not obtained a judgment against Defendant Scottsdale Insurance Company, as this Court's order directing the parties to participate in appraisal does not qualify as a triggering event for the entitlement to fees and costs under Fla. Stat. § 626.9373. Because the appraisal process has not concluded and the Court has not yet determined whether the damages claimed by the Plaintiff are covered by the insurance policy at issue, Judge Turnoff determined that the Plaintiff's request for a prevailing party fee award is premature. *See* Report at 7-9. Moreover, the Plaintiff conceded that its bill of costs was untimely filed. *Id.* at 9. Objections to the Report were due by September 29, 2016. To date, no objections have been filed.

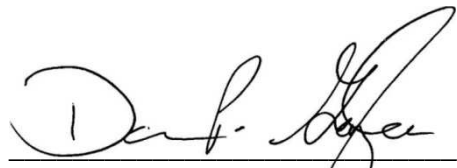
A district court may accept, reject, or modify a magistrate judge's report and recommen-

ation. 28 U.S.C. § 636(b)(1). Those portions of the report and recommendation to which objection is made are accorded *de novo* review, if those objections “pinpoint the specific findings that the party disagrees with.” *United States v. Schultz*, 565 F.3d 1353, 1360 (11th Cir. 2009); *see also* Fed. R. Civ. P. 72(b)(3). If no objections are filed, the district court need only review the report and recommendation for “clear error.” *Macort v. Prem, Inc.*, 208 F. App’x 781, 784 (11th Cir. 2006) (per curiam); *see also* Fed. R. Civ. P. 72 advisory committee’s note. The Court has undertaken this review and has found no clear error in the analysis and recommendations stated in the Report.

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

- (1) the Report [ECF No. 52] is **AFFIRMED AND ADOPTED** and incorporated into this Order by reference; and
- (2) Plaintiff Arvat Corporation’s Motion for Determination of Entitlement to Reasonable Attorneys’ Fees and Costs [ECF No. 44] is **DENIED**.

DONE AND ORDERED in Chambers at Miami, Florida, this 30th day of September, 2016.



DARRIN P. GAYLES
UNITED STATES DISTRICT JUDGE