

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

Case No. 15-cv-23416-GAYLES

ERVIN GARCIA,
Plaintiff,

v.

NACHON ENTERPRISES, INC.;
CARLOS NACHON; and
ACE HARDWARE CORP. (DELAWARE),
Defendants.

ORDER ADOPTING AS MODIFIED REPORT OF MAGISTRATE JUDGE

THIS CAUSE comes before the Court on Magistrate Judge William C. Turnoff’s Report and Recommendation [ECF No. 116] (the “Report”), entered on February 14, 2017. By Endorsed Order entered on January 10, 2017 [ECF No. 107], this Court referred to Judge Turnoff Defendant Nachon Enterprises, Inc.’s (“NEI”) Verified Motion for Entry of Judgment Taxing Costs [ECF No. 103] and Bill of Costs [ECF No. 104] for a Report and Recommendation. Judge Turnoff’s Report recommends that this Court grant NEI’s motion and bill of costs and that NEI be awarded \$2,586.13 in costs. Plaintiff Ervin Garcia timely filed objections on February 28, 2017 [ECF No. 122].

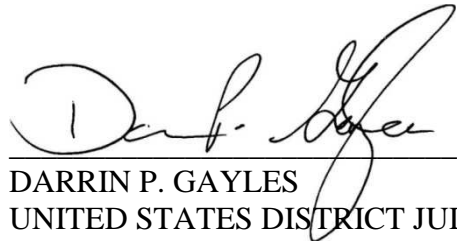
A district court may accept, reject, or modify a magistrate judge’s report and recommendation. 28 U.S.C. § 636(b)(1). Those portions of the report and recommendation to which objection is made are accorded *de novo* review, if those objections “pinpoint the specific findings that the party disagrees 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 the required *de novo* review and agrees with Garcia's objection that NEI should not be permitted to recover costs jointly and severally from both Garcia and his legal counsel, but rather should recover only from Garcia individually. The Report shall be modified to this effect. Accordingly, it is

ORDERED AND ADJUDGED that the Report and Recommendation [ECF No. 116] is **ADOPTED AS MODIFIED**. Defendant Nachon Enterprises, Inc.'s Verified Motion for Entry of Judgment Taxing Costs [ECF No. 103] and Bill of Costs [ECF No. 104] are **GRANTED**. NEI is entitled to recover \$2,586.13 in costs from Plaintiff Ervin Garcia *only*.

DONE AND ORDERED in Chambers at Miami, Florida, this 24th day of April, 2017.


DARRIN P. GAYLES
UNITED STATES DISTRICT JUDGE