

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 17-cv-23362-KMM

MAMA JO'S INC.,

Plaintiff,

v.

SPARTA INS. CO., *et al.*,Defendants.

ORDER ON REPORT AND RECOMMENDATION

THIS CAUSE came before the Court upon Defendant Sparta Insurance Company's ("Defendant Sparta") Motions for Costs and Attorneys' Fees. ("Motions") (ECF Nos. 148, 157). Plaintiff filed Responses in Opposition to the Motions. (ECF Nos. 155, 161). Defendant filed Replies. (ECF Nos. 156, 165). The Court referred this matter to the Honorable Chris M. McAliley, United States Magistrate Judge, who issued a Report and Recommendation ("R&R") (ECF No. 192), recommending that the Motions be granted in part. No objections were filed and the time to do so has passed. The matter is now ripe for review. As set forth below, the Court ADOPTS the R&R.¹

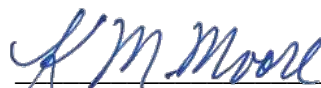
The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

¹ The Court adopts the R&R with the following alterations: on page sixteen, line one, the citation should read, in relevant part, "No. 3:09-cv-13602-J-34JBT"; on page twenty-one, line six, the citation should read, in relevant part, "at *2"; and on page twenty-seven, line eight, the citation should read, in relevant part, "2017 WL 6406520."

Defendant Sparta seeks an award of costs in the amount of \$12,354.81 pursuant to Federal Rule of Civil Procedure 54(d), and an award of attorneys' fees incurred after it made its offer of judgment and through entry of summary judgment in its favor under Florida's offer of judgment statute in the amount of \$111,146.00. *See* Fed. R. Civ. P. 54(d); Fla. Stat. § 768.79; (ECF Nos. 148, 157). As set forth in the R&R, Magistrate Judge McAliley finds that Defendant Sparta is entitled to an award of reasonable costs and attorneys' fees, but that that amounts sought should be reduced. R&R at 4. Specifically, Magistrate Judge McAliley recommends that Defendant Sparta be awarded \$10,877.64 in reasonable costs, and \$95,808.50 in reasonable attorneys' fees, for a total amount of \$106,686.14. *Id.* at 28. This Court agrees.

Accordingly, UPON CONSIDERATION of the Motions, the R&R, the pertinent portions of the record, and being otherwise fully advised in the premises, it is ORDERED and ADJUDGED that the R&R (ECF No. 192) is hereby ADOPTED. It is further ORDERED that Defendant Sparta is entitled to \$10,877.64 in costs and \$95,808.50 in attorneys' fees.

DONE AND ORDERED in Chambers, at Miami, Florida this 16th day of November, 2020.



K. MICHAEL MOORE
CHIEF UNITED STATES DISTRICT JUDGE

c: All counsel of record