

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
CASE NO. 20-24134-CIV-WILLIAMS

TRISURA SPECIALTY INSURANCE  
COMPANY,

Plaintiff,

v.

BLUE HORSE TRUCKING  
CORPORATION, *et al.*,

Defendants.

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**ORDER**

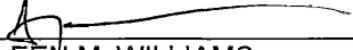
**THIS MATTER** is before the Court on U.S. Magistrate Judge Chris M. McAliley’s Report and Recommendation (“***the Report***”) (DE 108) that the Court grant the Motion to Determine Entitlement to Attorneys’ Fees (“***the Motion***”), filed by Defendants Nelson Betancourt (“***Betancourt***”) and Blue Horse Trucking Corporation (“***Blue Horse***”) (collectively, “***Defendants***”). (DE 84.) On January 7, 2022, the underlying state court action that formed the basis for the above-captioned case was settled, rendering this case moot. (See DE 106 at 2.) Defendants then filed the instant Motion, requesting that the Court enter an order “determining that the settlement of the underlying [state court] action is a confession of judgment entitling these [] Defendants . . . to an award of attorney[s]’ fees” without the Court’s entry of final judgment in this case. (DE 84 at 3.) In the Report, Judge McAliley concluded that Defendants “are entitled to an award of reasonable attorneys’ fees” and that the Court “need not enter judgment against Plaintiff[] for [Defendants] to recover their attorneys’ fees.” (DE 108 at 4, 6.) No objections to the Report have been filed. Upon an independent review of the Report, the record, and applicable case law, the Court agrees with Judge McAliley’s recommendations.

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

1. The conclusions in the Report (DE 108) are **AFFIRMED AND ADOPTED**.

2. Defendants' Motion to Determine Entitlement to Attorneys' Fees (DE 84) is **GRANTED**.
3. Now that the Court has determined that Defendants are entitled to an award of reasonable attorneys' fees, the Court will consider Defendant Betancourt's Motion for Attorney's Fees (DE 89) and Defendant Blue Horse's Motion for Attorney's Fees (DE 90).<sup>1</sup>
4. This case remains administratively closed.

**DONE AND ORDERED** in Chambers in Miami, Florida on this 16th day of September, 2022.

  
KATHLEEN M. WILLIAMS  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> Both of these motions (DE 89; DE 90) have already been referred to Judge McAliley to make a report and recommendation and/or take any other appropriate action required by law. (DE 105.)