

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

CASE NO. 07-80439-CIV-HURLEY/HOPKINS

ROSELAURE EUGENE,

Plaintiff,

v.

3DON & PARTNER ESTATE GROUP, LLC, et al.,

Defendants.

**ORDER ADOPTING REPORT AND RECOMMENDATION OF MAGISTRATE
JUDGE AND GRANTING IN PART MOTIONS FOR ATTORNEYS' FEES AND COSTS**

THIS CAUSE is before the court upon the parties' motions for award of attorneys' fees and costs [DE # 70, 71, 97], and the report and recommendation of the Honorable James M. Hopkins, United States Magistrate Judge [DE # 104]. The magistrate judge recommended that the court grant each of the motions in part. Defendants filed an objection to the magistrate judge's report and recommendation [DE # 105].

Pursuant to Fed. R. Civ. P. 72(b), "The district judge . . . shall make a *de novo* determination upon the record, or after additional evidence, of any portion of the magistrate judge's disposition to which specific written objection has been made in accordance with this rule." The rule requires that objections be filed within ten days of service of the report and recommendation, and that the objecting party arrange for transcription of sufficient portions of the record. Fed. R. Civ. P. 72(b). The district judge may then "accept, reject, or modify the recommended decision, receive further evidence, or recommit the matter to the magistrate judge with instructions." *Id.* Portions of the


report and recommendation that are not specifically objected to are subject to the clear error standard. The identical requirements are set forth in 28 U.S.C. § 636(b)(1).

Upon review of the report of the magistrate judge and defendants' objections, it is hereby

ORDERED and ADJUDGED:

1. Defendants' objection to the magistrate judge's report [DE # 104] is **OVERRULED**.
2. The Report and Recommendation of the United States Magistrate Judge [DE # 104] is **ADOPTED** in its entirety and incorporated herein by reference.
3. Plaintiff's motions for award of attorneys' fees and costs [DE # 70, 97] are **GRANTED IN PART**. Defendants' motion for award of attorneys' fees and costs [DE # 71] is **GRANTED IN PART**.
4. Pursuant to Fed. R. Civ. p. 58(a), the court will enter final judgment by separate order.

DONE and SIGNED in Chambers at West Palm Beach, Florida this 14th day of April, 2009.


Daniel T. K. Hurley
United States District Judge

Copies provided to counsel of record
Hon. James M. Hopkins