

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

CASE NO. 09-80020-CIV-HURLEY

**AMERICAN HOME ASSURANCE CO.,
Plaintiff,**

vs.

**RAP TRUCKING, INC.,
Defendant.**

**ORDER ADOPTING MAGISTRATE'S REPORT AND RECOMMENDATION
ON PLAINTIFF'S MOTION FOR COSTS [DE# 61]**


THIS CAUSE is before the court upon Plaintiff's motion for costs [DE# 61]. This matter was previously referred to United States Magistrate Judge James Hopkins Jr., pursuant to 28 U.S.C. §§ 636-39 and Rule 72 of the Federal Rules of Civil Procedure, for a recommended disposition. On March 23, 2010, Magistrate Judge Hopkins filed a Report and Recommendation upon the motion. [DE # 65]. The defendant has not filed any objection to the report, while the plaintiff has objected to the exclusion of costs associated with the deposition transcript of Ken Burke. [DE# 66].

Having carefully reviewed the report and recommendation, and provided *de novo* review as to those portions of the report to which objection has been lodged, the court concludes that the the resolution of the issues as recommended by Magistrate Judge Hopkins is sound and well-reasoned, and accordingly will adopt that recommendation here.

It is therefore **ORDERED** and **ADJUDGED** as follows:

1. Magistrate Judge Hopkins March 23, 2010 [DE # 65] report is hereby **ADOPTED** and **INCORPORATED** in full.
2. The plaintiff's motion for costs [DE# 21] is **GRANTED in part and DENIED in part.**
3. It is accordingly **ADJUDGED** that plaintiff **AMERICAN HOME ASSURANCE COMPANY** shall recover costs from defendant **RAP TRUCKING, INC.** in the total amount of **\$639.34**, which sum shall bear interest at the rate prescribed by 28 U.S.C. § 1961 from this date, for which let execution issue.

DONE and **SIGNED** in Chambers at West Palm Beach, Florida this 17 day of April, 2010.


Daniel T. K. Hurley
United States District Judge

Copies furnished to:

United States Magistrate Judge James Hopkins
all counsel