

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA**

AT BECKLEY

WESTFIELD INSURANCE COMPANY,

Plaintiff,

v.

CIVIL ACTION NO. 5:18-cv-01206

DAVID HONAKER,

Defendant.

MEMORANDUM OPINION AND ORDER

Pending are Plaintiff Westfield Insurance Company's Petition for Award of Attorney Fees and Expenses [Doc. 32], filed September 6, 2019, and Defendant David Honaker's letter-form motion [Doc. 34], filed October 2, 2019. The filings were referred to United States Magistrate Judge Omar J. Aboulhosn for submission of proposed findings and a recommendation ("PF&R"). Magistrate Judge Aboulhosn filed his PF&R on November 25, 2019. Magistrate Judge Aboulhosn recommended that the Court award Westfield Insurance Company the attorney fees and expenses as set forth in the petition and deny the letter-form motion of Mr. Honaker. Mr. Honaker objected to the PF&R on December 18, 2019 [Doc. 39].

The Court is required to "make a *de novo* determination of those portions of the report or specified findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). Mr. Honaker's sole objection states that he did not contract with Westfield Insurance Company's counsel and that he therefore does not owe opposing counsel any legal fees. But the PF&R recommends Westfield Insurance Company be awarded attorney fees due to Mr. Honaker's refusal to participate in discovery, not because Mr. Honaker himself retained the services of Westfield Insurance Company's counsel.

Accordingly, the Court **OVERRULES** Mr. Honaker's Objections [**Doc. 39**], **ADOPTS** the PF&R [**Doc. 38**], **AWARDS** Westfield Insurance Company **\$14,885.60** in attorney fees and expenses as set forth in the petition [**Doc. 32**], and **DENIES** Mr. Honaker's letter-form motion [**Doc. 34**].

The Court directs the Clerk to transmit a copy of this Order to any counsel of record and any unrepresented party herein.

ENTERED: December 19, 2019



Frank W. Volk
Frank W. Volk
United States District Judge