UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

KEARNEY CONSTRUCTION COMPANY, LLC,

Plaintiff,

v. Case No: 8:09-cv-1850-T-30CPT

TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, FLORIDA SOIL CEMENT, LLC, FLORIDA TRUCKING CO., INC., ALAN PAYNE, BRIAN W. SEEGER, ISLEWORTH GOLF & COUNTRY CLUB, INC. and OLD MEMORIAL CLUB, INC.,

Defendants.

ORDER

THIS CAUSE came on for consideration upon the Report and Recommendation submitted by Magistrate Judge Christopher P. Tuite (Dkt. 963), Defendant Bing Charles W. Kearney, Jr.'s Objections to Magistrate Judge's June 28, 2019 Report and Recommendation (Dkt. 964) and Travelers Casualty & Surety Company of America's Limited Objection to the Report and Recommendation (Dkt. 965).

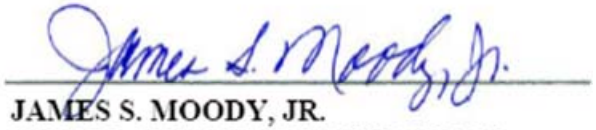
After careful consideration of the Report and Recommendation of the Magistrate Judge, Defendant Bing Charles W. Kearney, Jr.'s Objections and Travelers Casualty & Surety Company of America's Limited Objection, in conjunction with an independent

examination of the file, the Court is of the opinion that the Magistrate Judge's Report and Recommendation should be adopted, confirmed, and approved in all respects.

ACCORDINGLY, it is therefore, **ORDERED AND ADJUDGED**:

1. The Report and Recommendation (Dkt. 963) of the Magistrate Judge is adopted, confirmed, and approved in all respects and is made a part of this Order for all purposes, including appellate review.
2. Travelers Casualty & Surety Company of America's [Second] Renewed Motion for Attorneys' Fees (Dkt. 945) is granted in part and denied in part, and the Court awards Travelers attorneys' fees against Kearney in the amount of $193,752.00.
3. Travelers' request for costs (Dkt. 954) is granted in part and denied in part, and the Court taxes costs against Kearney in the amount of $5,726.75.
4. The Clerk of Court is directed to enter a Final Judgment in the amount of **$199,478.75** in favor of Travelers and against Bing Charles W. Kearney for these fees and costs.

DONE and **ORDERED** in Tampa, Florida, this 16th day of July, 2019.



JAMES S. MOODY, JR.
UNITED STATES DISTRICT JUDGE

Copies Furnished To:
Counsel/Parties of Record