

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

JOHN CURKOVIC,

Plaintiff,

v.

Case No: 6:16-cv-1784-Orl-41GJK

**BOTTLING GROUP, LLC and
BROOKS TURTON,**

Defendants.

REPORT AND RECOMMENDATION

This cause came on for consideration without oral argument on the following motion:

**MOTION: VERIFIED MOTION OF DEFENDANT TO TAX COSTS
(Doc. No. 63)**

FILED: July 3, 2018

THEREON it is RECOMMENDED that the motion be GRANTED.

On June 20, 2018, judgment was entered in favor of Defendant Bottling Group, LLC, and against Plaintiff John Curkovic.¹ Doc. No. 62. On July 3, 2018, Bottling Group filed a Verified Motion of Defendant to Tax Costs (the “Motion”), Doc. No. 63, and a Bill of Costs, Doc. No. 64. In the Motion, Bottling Group requests that the Court tax costs against Curkovic in the amount of \$4,249.11. Doc. No. 63 at 3. Bottling Group provided a detailed itemization of each cost requested, and Bottling Group’s counsel stated in the Motion that all costs were necessarily incurred for use

¹ On July 20, 2018, Curkovic filed a notice of appeal. Doc. No. 66.

in this case. *Id.* at ¶ 6; Doc. No. 64. On July 18, 2018, the Clerk taxed costs in the amount of \$4,249.11. Doc. No. 65.

Although Bottling Group's counsel certified in the Motion that she conferred with Curkovic's counsel and Curkovic's counsel objects to the relief requested, Curkovic did not file a response to the Motion, as is his custom.² Accordingly, the Motion is unopposed. *See* Local Rule 3.01(b) ("Each party opposing a motion or application shall file within fourteen (14) days after service of the motion or application a response that includes a memorandum of legal authority in opposition to the request . . .").

Based on the foregoing, it is **RECOMMENDED** that the Motion (Doc. No. 63) be **GRANTED**.

NOTICE TO PARTIES

A party has fourteen days from this date to file written objections to the Report and Recommendation's factual findings and legal conclusions. Failure to file written objections waives that party's right to challenge on appeal any unobjected-to factual finding or legal conclusion the district judge adopts from the Report and Recommendation. *See* 11th Cir. R. 3-1.

Recommended in Orlando, Florida, on August 3, 2018.



GREGORY J. KELLY
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

Presiding District Judge
Counsel of Record
Unrepresented Party
Courtroom Deputy

² See Doc. Nos. 37 and 42 for Orders treating Defendant's motions as unopposed due to Plaintiff's failure to respond to them.