

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

IZZAT NAZER,

Plaintiff,

v.

Case No: 8:16-cv-2259-T-36JSS

FIVE BUCKS DRINKERY LLC and CITY
OF SAINT PETERSBURG,

Defendants.

ORDER

This cause comes before the Court upon the Report and Recommendation filed by Magistrate Judge Julie S. Sneed on May 10, 2018 (Doc. 138). In the Report and Recommendation, Magistrate Judge Sneed recommends that Defendant Five Bucks Drinkery, LLC's Motion for Rule 37 Attorney's Fees Pursuant to Court Order DE 109 (Dkt. 117) be DENIED without prejudice and with leave to re-file within thirty days of the entry of a mandate by the Court of Appeals on Plaintiff's pending appeal. All parties were furnished copies of the Report and Recommendation and were afforded the opportunity to file objections pursuant to 28 U.S.C. § 636(b)(1). No such objections were filed.

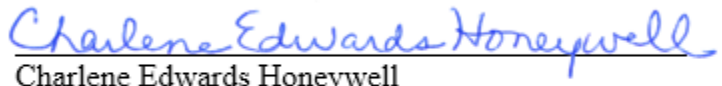
Upon consideration of the Report and Recommendation, and upon this Court's independent examination of the file, it is determined that the Report and Recommendation should be adopted. Accordingly, it is now

ORDERED AND ADJUDGED:

- (1) The Report and Recommendation of the Magistrate Judge (Doc. 138) is adopted, confirmed, and approved in all respects and is made a part of this Order for all purposes, including appellate review.

- (2) Defendant Five Bucks Drinkery, LLC's Motion for Rule 37 Attorney's Fees Pursuant to Court Order DE 109 is DENIED, without prejudice.
- (3) Defendant Five Bucks Drinkery, LLC, is granted leave to re-file its motion within thirty (30) days of the entry of a mandate by the Court of Appeals on Plaintiff's pending appeal.

DONE AND ORDERED at Tampa, Florida on June 5, 2018.


Charlene Edwards Honeywell
United States District Judge

Copies to:
The Honorable Julie S. Sneed
Counsel of Record