

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

SPIVEY UTILITY CONSTRUCTION
COMPANY,

Plaintiff,

v.

Case No: 8:16-cv-3123-T-36AEP

OCCUPATIONAL SAFETY AND
HEALTH ADMINISTRATION,

Defendant.

ORDER

This cause comes before the Court upon the Report and Recommendation filed by Magistrate Judge Anthony E. Porcelli on August 14, 2018 (Doc. 40). In the Report and Recommendation, Magistrate Judge Porcelli recommends that Plaintiff Spivey Utility Construction Company's Amended Motion for Attorneys' Fees and Costs (Doc. 17) be DENIED. 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.

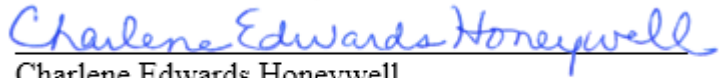
Upon consideration of the Report and Recommendation, and upon this Court's independent examination of the file, it is determined that the Report and Recommendation should be adopted. Accordingly, it is now

ORDERED AND ADJUDGED:

- (1) The Report and Recommendation of the Magistrate Judge (Doc. 40) is adopted, confirmed, and approved in all respects and is made a part of this Order for all purposes, including appellate review.
- (2) Plaintiff Spivey Utility Construction Company's Amended Motion for Attorneys' Fees and Costs (Doc. 17) is DENIED.

- (3) As all issues in this case, including the underlying dispute between the parties, have been resolved, the parties are directed to file a stipulation of dismissal of this case on or before September 18, 2018.

DONE AND ORDERED at Tampa, Florida on September 4, 2018.


Charlene Edwards Honeywell
United States District Judge

Copies to:
The Honorable Anthony E. Porcelli
Counsel of Record