

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

ANGE'S AUTO REPAIR &
SERVICE, INC.,

Plaintiff,

v.

Case No.: 2:21-cv-655-SPC-NPM

CENTURY SURETY COMPANY,

Defendant.

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ORDER

Before the Court is Defendant's Supplemental Motion for Attorney's Fees and Fee Expert Costs (Doc. 60) and United States Magistrate Judge Nicholas P. Mizell's Report and Recommendation (Doc. 62). Judge Mizell recommends that Defendant's motion be granted in part and that the Court should impose a Fla. Stat. § 768.79 sanction in the amount of \$15,894.93 and direct the clerk to enter an amended judgment in Defendant's favor for this amount.

After conducting a careful and complete review of the findings and recommendations, a district judge "may accept, reject, or modify, in whole or in part," the magistrate judge's Report and Recommendation. [28 U.S.C. § 636\(b\)\(1\)\(C\)](#). In the absence of specific objections, there is no requirement that a district judge review the Report and Recommendation de novo. See [Garvey v. Vaughn](#), 993 F.2d 776, 779 n.9 (11th Cir. 1993). Instead, when parties don't

object, a district court need only correct plain error as demanded by the interests of justice. See, e.g., *Symonette v. V.A. Leasing Corp.*, 648 F. App'x 787, 790 (11th Cir. 2016); *Thomas v. Arn*, 474 U.S. 140, 150-52 (1985). Plain error exists if (1) “an error occurred”; (2) “the error was plain”; (3) “it affected substantial rights”; and (4) “not correcting the error would seriously affect the fairness of the judicial proceedings.” *Farley v. Nationwide Mut. Ins.*, 197 F.3d 1322, 1329 (11th Cir. 1999).

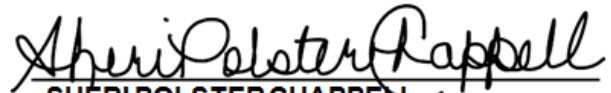
After careful consideration and an independent review of the case, the Court finds no plain error. It accepts and adopts the Report and Recommendation in full.

Accordingly, it is now

ORDERED:

1. United States Magistrate Judge Nicholas P. Mizell's Report and Recommendation (Doc. 62) is **ACCEPTED and ADOPTED** and the findings incorporated herein.
2. Defendant's Supplemental Motion for Attorney's Fees and Fee Expert Costs (Doc. 60) is **GRANTED in part and DENIED in part**.
3. The Court imposes a Fla. Stat. § 768.79 sanction in the amount of \$15,894.93. The Clerk is **DIRECTED** to enter an amended judgment in favor of Defendants in the amount of \$15,894.93.

DONE and **ORDERED** in Fort Myers, Florida on March 1, 2024.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record