

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

INSECO, INC.,

Plaintiff,

v.

Case No. 8:23-cv-1996-TPB-TGW

THE PAVER SEALER STORE, LLC
and SCOTT BRIAN COLLETTI,

Defendants.

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ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on consideration of the report and recommendation of Thomas G. Wilson, United States Magistrate Judge, entered on August 27, 2024. (Doc. 43). Judge Wilson recommends that “Plaintiff’s Amended Motion for Final Default Judgment and Permanent Injunction Against All Defendants” (Doc. 42) be granted in favor of Plaintiff and against Defendants, jointly and severally, in the amount of \$300,000.¹ Judge Wilson further recommends that the preliminary injunction entered in this case be made permanent. No party has objected, and the time to object has expired.

¹ Judge Wilson further recommends an award of plaintiff’s reasonable attorney’s fees and costs to be determined upon the filing of an appropriate motion. The Court agrees and declines to treat the motion for final default judgment as a motion for attorney’s fees and costs. Plaintiff will be required to follow the procedures set forth in the Local Rules to the extent it claims entitlement to attorney’s fees and expenses. See Local Rule 7.01.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify the magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1); *Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983); *Williams v. Wainwright*, 681 F.2d 732 (11th Cir. 1982). A district court must "make a de novo determination of those portions of the [report and recommendation] to which an objection is made." 28 U.S.C. § 636(b)(1)(C). When no objection is filed, a court reviews the report and recommendation for clear error. *Macort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006); *Nettles v. Wainwright*, 677 F.2d 404, 409 (5th Cir. 1982).

Upon due consideration of the record, including Judge Wilson's report and recommendation, the Court adopts the report and recommendation. Consequently, Plaintiff's motion for default judgment is granted.

Accordingly, it is

ORDERED, ADJUDGED, and DECREED:

- (1) The report and recommendation (Doc. 43) is **AFFIRMED** and **ADOPTED** and **INCORPORATED BY REFERENCE** into this Order for all purposes, including appellate review.
- (2) "Plaintiff's Amended Motion for Final Default Judgment and Permanent Injunction Against All Defendants" (Doc. 42) is hereby **GRANTED**.
- (3) The Clerk is directed to enter default judgment in favor of Plaintiff and

against Defendants, in the amount of \$300,000.00.

- (4) The Court will separately enter the permanent injunction.
- (5) Plaintiff is directed to file a motion for attorney's fees and costs that complies with Local Rule 7.01, including all deadlines.
- (6) Following the entry of judgment, the Clerk is directed to terminate any pending motions and deadlines, and thereafter close this case.

DONE and **ORDERED** in Chambers, in Tampa, Florida, this 17th day of September, 2024.



TOM BARBER
UNITED STATES DISTRICT JUDGE