

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

Nos. 05-14686 & 06-12082

FILED
U.S. COURT OF APPEALS
ELEVENTH CIRCUIT
NOVEMBER 3, 2006
THOMAS K. KAHN
CLERK

D. C. Docket No. 03-00896-CV-T-24-TGW

PROFESSIONAL EMPLOYER PLANS, INC.,

Plaintiff
Counter-Defendant
Appellee,

versus

LEADING EDGE INSURANCE GROUP, INC.,

Defendant-
Counter-Claimant
Cross-Claimant
Appellant.

Appeals from the United States District Court
for the Middle District of Florida

(November 3, 2006)

Before BLACK and HULL, Circuit Judges, and RYSKAMP,* District Judge.

PER CURIAM:

Appellant, Leading Edge Insurance Group, Inc., appeals the district court's denial of its motion for judgment as a matter of law following a jury verdict holding Leading Edge liable for fraud and violating the New Jersey Consumer Fraud Act (NJCFRA). Leading Edge also appeals the district court's award of attorneys' fees to Appellee, Professional Employer Plans, Inc. (PEP), the denial of its request for attorneys' fees for the civil theft claim, and the denial of its motion for remittitur.

In its opinion dated August 2, 2005, the district court considered the evidence in the light most favorable to the Plaintiff and denied Leading Edge's motion for judgment as a matter of law for the fraud claim and NJCFRA claim and motion for remittitur. The district court awarded PEP attorneys' fees and costs under the NJCFRA because the jury found Leading Edge committed an unconscionable commercial practice. The court also found that Professional Employer Plans presented substantial support for its civil theft claim and therefore refused to award attorneys' fees or costs to Leading Edge for that claim.

We have heard oral argument, thoroughly reviewed the Record, and

*Honorable Kenneth L. Ryskamp, United States District Judge for the Southern District of Florida, sitting by designation.

concluded the district court committed no error.

AFFIRMED.