

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

BRANCH BANKING AND TRUST
COMPANY, a North Carolina banking
corporation, as successor in interest to
Colonial Bank by asset acquisition from
the FDIC as receiver for Colonial Bank

Plaintiff,

v.

Case No: 2:13-cv-25-FtM-38CM

PARK CIRCLE, LLC, GREGORY
TOTH, STEPHANIE MILLER-TOTH
and FIFTH THIRD BANK N.A.,

Defendants.

ORDER¹

This matter comes before the Court on Branch Banking and Trust Company's Motion for Entry of Final Judgment ([Doc. #82](#)) filed on August 13, 2014. On May 8, 2014, the Court granted the Plaintiff's Motion for Summary Judgment ([Doc. #54](#)). On May 9, 2014, the Clerk's Office entered judgment ([Doc. #55](#)) on behalf of the Plaintiff BB&T in the amount of \$125,918.75 along with interest of \$36, 548.20 through January 3, 2013, plus \$6,822.82 in late fees for a total deficiency judgment award of \$169, 289.77 with an additional per diem rate of \$62.10.

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The Plaintiff now moves for entry of final judgment to include \$36,956.50 in attorney and paralegal fees and \$465.00 in costs. On August 7, 2014, the Court issued an Opinion and Order adopting the Magistrate Judge's Report and Recommendation granting the Plaintiff the requested amount of attorneys and paralegal fees and costs. ([Doc. #81](#)). Thus good cause exists to grant the Motion for Final Judgment to include attorney's fees and costs.

Accordingly, it is now **ORDERED**:

Branch Banking and Trust Company's Motion for Entry of Final Judgment ([Doc. #82](#)) is **GRANTED**.

- (1) The Plaintiff Branch Banking and Trust Company is awarded damages in the amount of **\$125,918.75** along with interest of **\$36,548.20** through January 3, 2013, plus **\$6,822.82** in late fees for a total deficiency judgment award of **\$169,289.77** with additional per diem rate of interest of **\$62.10** accruing thereafter.
- (2) The Plaintiff Branch Banking and Trust Company is awarded **\$36,956.50** in attorney and paralegal fees and **\$465.00** in costs accruing interest pursuant to the interest rate allowed in [28 U.S.C. § 1961](#).
- (3) The Clerk of the Court is directed to enter final judgment including attorney's fees and costs, terminate any pending motions and close the file.

DONE and **ORDERED** in Fort Myers, Florida this 26th day of August, 2014.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record