

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

FERRARA CANDY COMPANY,

Plaintiff,

v.

Case No: 2:17-cv-512-FtM-38MRM

EXHALE VAPOR LLC, ORGASMIC
FLAVORS, INC., MICHELLE ALLEN,
MICHELLE ALLEN, MICHELLE
ALLEN and MICHELLE ALLEN,

Defendants.

ORDER¹

Before the Court is United States Magistrate Judge Mac R. McCoy's Report and Recommendation ([Doc. 35](#)), recommending that Plaintiff Ferrara Candy Company's Motion for Attorney's Fees and Costs Pursuant to Judgment and Permanent Injunction of Doc. 33 ([Doc. 34](#)) be granted in part. No party has objected to the Report and Recommendation, and the period to do so has lapsed. This matter is ripe for review.

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\(b\)\(1\)](#); [Williams v. Wainwright, 681 F.2d 732](#)

¹ Disclaimer: Documents filed in CM/ECF may contain hyperlinks to other documents or websites. These hyperlinks are provided only for users' convenience. Users are cautioned that hyperlinked documents in CM/ECF are subject to PACER fees. By allowing hyperlinks to other websites, this Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide on their websites. Likewise, the Court has no agreements with any of these third parties or their websites. The Court accepts no responsibility for the availability or functionality of any hyperlink. Thus, the fact that a hyperlink ceases to work or directs the user to some other site does not affect the opinion of the Court.

(11th Cir. 1982). Absent specific objections, there is no requirement that a district judge review factual findings *de novo*, and the court may accept, reject, or modify the findings in whole or in part. 28 U.S.C. § 636(b)(1); *Garvey v. Vaughn*, 993 F.2d 776, 779 n.9 (11th Cir. 1993). The district judge reviews legal conclusions *de novo*, even with no objection. *Cooper-Houston v. Southern Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994).

Here, Judge McCoy recommends that Ferrara Candy be awarded its requested attorneys' fees and costs, subject to the following: (1) reduction of attorney hourly rates to \$425; (2) reduction of paralegal hourly rates to \$175; (3) reduction of the hours billed by 15% to offset the effects of block billing; and (4) deduction of pro hac vice fees. After independently examining the file and on consideration of Judge McCoy's findings and recommendation, the Court accepts and adopts the Report and Recommendation.

Accordingly, it is now

ORDERED:

United States Magistrate Judge Mac R. McCoy's Report and Recommendation (Doc. 35) is **ACCEPTED AND ADOPTED**.

(1) Plaintiff Ferrara Candy Company's Motion for Attorney's Fees and Costs

Pursuant to Judgment and Permanent Injunction of Doc. 33 (Doc. 34) is


GRANTED in part as follows:

a. Plaintiff is awarded \$34,134.94 in attorneys' fees.

b. Plaintiff is awarded \$990.00 in costs.

(2) The Clerk of the Court is **DIRECTED** to enter judgment, terminate all pending motions and deadlines, and close the file.

DONE and **ORDERED** in Fort Myers, Florida this 23rd day of January, 2019.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record