

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

VICTOR MRAZ,

Plaintiff,

v.

Case No: 2:18-cv-254-SPC-NPM

I.C. SYSTEMS, INC.,

Defendant.

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ORDER¹

Before the Court is United States Magistrate Judge Nicholas P. Mizell's Report and Recommendation ("R&R") ([Doc. 110](#)). Judge Mizell recommends granting in part Plaintiff's Motion for attorney's fees ([Doc. 71](#)). The R&R also indicates the Court should deny Plaintiff's Motions for judicial notice ([Doc. 82](#)) and sanctions ([Doc. 96](#)). Neither party timely objected, so the 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, in whole or in part," the magistrate judge's R&R. [28 U.S.C. § 636\(b\)\(1\)\(C\)](#). In the absence

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of specific objections, there is no requirement that a district judge review the R&R *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. So it accepts and adopts the well-reasoned R&R (Doc. 110) in full.

Accordingly, it is now

ORDERED:

1. The Report and Recommendation (Doc. 110) is **ACCEPTED and ADOPTED** and incorporated into this Order.
2. Plaintiff's Motion for Sanctions Pursuant to 28 U.S.C. § 1927 (Doc. 96) is **DENIED**.
3. Plaintiff's Request for Judicial Notice (Doc. 82) is **DENIED**.
4. Plaintiff's Renewed Motion for Costs and Attorneys' Fees (Doc. 71) is **GRANTED and DENIED in part**.

- a. Plaintiff is **AWARDED** \$72,651.50 in attorney's fees.
 - b. Plaintiff is **AWARDED** \$1,366.79 in costs.
 - c. Plaintiff's fees and costs award **BEARS** post-judgment interest
(under [28 U.S.C. § 1961\(a\)](#)) from September 5, 2019, until paid.
5. The Clerk is **DIRECTED** to enter judgment for Plaintiff and against Defendant of \$72,651.50 in attorney's fees and \$1,366.79 in costs, both bearing post-judgment interest from September 5, 2019, until paid.
- DONE** and **ORDERED** in Fort Myers, Florida on September 8, 2021.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record