

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

ANTHONY MELIKHOV, MELMAR
HOLDINGS, LLC and U4G GROUP,
LLC,

Plaintiffs,

v.

Case No.: 2:19-cv-248-FtM-38MRM

LADISLAV DRAB, CE GROUP,
CESKA ENERGIE, CESKA
PLYNARESKA, NAPLES ENERGY,
LLC, HANA DRABOVA and CZECH
ENERGY USA, LLC,

Defendants.

OPINION AND ORDER¹

This matter comes before the Court on Plaintiffs' documentation provided in support of its request for attorney's fees and costs. ([Doc. 52](#)). The Court previously granted Plaintiffs' request for attorney's fees and costs as sanctions due to Nonparties Naples Energy LLC, Czech Energy USA LLC, and Hana Drabova's repeated recalcitrant conduct, but stated that the Court would reserve on the amount pending a review of the submissions filed by Plaintiffs' counsel. ([Doc. 54](#)). Plaintiffs request that the Court enter a joint and several sanctions award in the form of attorney's fees and costs against the

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Nonparties in the amount of \$48,845.14. The Nonparties were provided a copy of the request for fees and costs ([Doc. 53](#)) but have not filed an opposition.

Although admitted to practice in Florida, Plaintiffs' counsel Jason Goldstein is a shareholder at Buchalter Nemer in Irvine, California. His standard billing rate at Buchalter is \$450 an hour. Another shareholder with Buchalter, Joanne N. Davies, has performed work on this case, billing at \$495 an hour. Mr. Goldstein submits his Declaration ([Doc. 52](#)), stating that these hourly rates are the customary rate that his firm charges to each of its clients for their services. ([Doc. 52, at ¶ 2](#)). Mr. Goldstein also attaches the firm's invoices that they are seeking to recover and detailed billing records. ([Doc. 52-1](#)).

A "reasonable hourly rate" is "the prevailing market rate in the relevant legal community for similar services by lawyers of reasonably comparable skills, experience, and reputation." [Norman v. Housing Auth. Of Montgomery, 836 F.2d 1292, 1299 \(11th Cir. 1988\)](#). The burden is on the fee applicant "to produce satisfactory evidence" that the rate is in line with those prevailing in the community. [Blum v. Stenson, 465 U.S. 886, 896 n.11 \(1984\)](#). Additionally, the Court applies the prevailing market in the Fort Myers Division of the Middle District of Florida, and Plaintiffs' counsel has offered no argument to the contrary. [Olesen-Frayne v. Olesen, 2:09-CV-49-FTM-29DNF, 2009 WL 3048451, *2 \(M.D. Fla. Sept. 21, 2009\)](#).

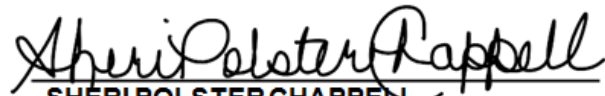
Here, Plaintiffs' counsel does not offer any information other than one sentence stating that their rates are the customary rate that their firm charges. Based upon the lack of information regarding counsel's experience, background, and expertise, the Court cannot determine the reasonable hourly rate to apply in this case. Plaintiffs' counsel will be allowed to supplement their submissions in this regard.

Accordingly, it is now

ORDERED:

Plaintiffs' counsel may supplement their submissions in support of their request for attorney's fees and costs in accordance with this Opinion and Order by **November 1, 2019**.

DONE and **ORDERED** in Fort Myers, Florida this 18th day of October, 2019.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record