

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION**

HECTOR NOBOA,

Plaintiff,

v.

Case No: 6:10-cv-1753-Orl-36DAB

THE SYGMA NETWORK, INC.,

Defendant.

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**ORDER**

This cause comes before the Court upon the Report and Recommendation filed by Magistrate Judge David A. Baker on July 5, 2012 (Doc. 137). In the Report and Recommendation, Judge Baker recommends that the Court deny Defendant The Sygma Network, Inc.'s ("Defendant") Motion for Entitlement to Attorney's Fees, filed on May 10, 2012 (Doc. 129). Neither party has objected to the Report and Recommendation and the time to do so has expired.

The Court agrees with Judge Baker that although Defendant was granted summary judgment, Plaintiff Hector Noboa's ("Plaintiff") case for workers compensation retaliation was not so weak or unfounded as to justify an award of attorney's fees as a sanction for unreasonable and vexatious conduct. Doc. 137, p. 2; Fed. R. Civ. P. 11(b)<sup>1</sup>; 28 U.S.C. § 1927.<sup>2</sup> Therefore,

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<sup>1</sup> "By presenting to the court a pleading, written motion, or other paper--whether by signing, filing, submitting, or later advocating it--an attorney or unrepresented party certifies that to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances: (1) it is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) the claims, defenses, and other legal contentions are warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law ..." Fed. R. Civ. P. 11(b).

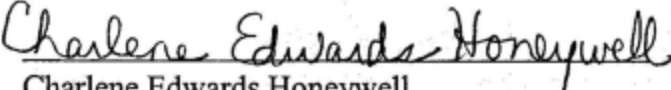
<sup>2</sup> "Any attorney or other person admitted to conduct cases in any court of the United States or any Territory thereof who so multiplies the proceedings in any case unreasonably and vexatiously may be

after careful consideration of the Report and Recommendation of the Magistrate Judge, in conjunction with an independent examination of the court file, the Court is of the opinion that the Magistrate Judge's Report and Recommendation should be adopted, confirmed, and approved in all respects.

Accordingly, it is hereby **ORDERED and ADJUDGED**:

1. The Report and Recommendation of the Magistrate Judge (Doc. 137) is adopted, confirmed, and approved in all respects and is made a part of this order for all purposes, including appellate review.
2. Defendant The Sygma Network, Inc.'s Motion for Entitlement to Attorney's Fees (Doc. 129) is **DENIED**.

**DONE and ORDERED** in Orlando, Florida on July 24, 2012.

  
Charlene Edwards Honeywell  
United States District Judge

**Copies furnished to:**  
Counsel of Record  
U.S. Magistrate Judge David A. Baker

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required by the court to satisfy personally the excess costs, expenses, and attorneys' fees reasonably incurred because of such conduct." 28 U.S.C. § 1927.