

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

AJIT BHOGAITA,

Plaintiff,

v.

Case No: 6:11-cv-1637-Orl-31DAB

**ALTAMONTE HEIGHTS
CONDOMINIUM ASSN., INC.,**

Defendant.

ORDER


This matter is before the Court on remand from the Eleventh Circuit Court of Appeals for consideration and disposition (“Remand Order”) (Doc. 187) of this Court’s earlier, endorsed Order denying approval of a supersedeas bond and stay of final judgment (“Order Denying Bond”) (Doc. 183). The matter was originally before the Court on Defendants Altamonte Heights Condominium Association, Inc.’s (“Altamonte Heights”) Motion for approval of Supersedeas Bond and to Stay Final Judgment Pending Appeal (“Motion for Bond”) (Doc. 181) and Plaintiff Ajit Bhogaita’s (“Bhogaita”) Response in Opposition to the Motion for Bond (“Response”) (Doc. 182). While Altamonte Heights did file a Reply in Support of the Motion for Bond (“Reply”) (Doc. 184) the filing was improper because Altamonte Heights failed to seek leave of the Court to file a reply, Local Rule 3.01(c), nor did it seek to have the Court reconsider the Order Denying Bond.

Upon review of the Remand Order, the materials supplied by the parties, and the Court’s own reconsideration of the underlying matter, the Court has determined that the Motion for Bond is due to be granted. *See Pedraza v. United Guar. Corp.*, 313 F.3d 1323, 1332-33 (11th Cir. 2002); *c.f. Ins. Co. of Penn. v. City Of Long Beach*, 342 F. App’x 274, 277 (9th Cir. 2009) (noting that

attorneys' fees are distinct from costs under 42 U.S.C. § 3613(c)(2)).¹

Accordingly, the Court **VACATES** the Order Denying Bond (Doc. 183) and **GRANTS** the Motion for Bond (Doc. 181), the supersedeas bond (Doc. 181-3) is approved and the final judgment is stayed pending appeal.

DONE and **ORDERED** in Chambers, Orlando, Florida on December 6, 2013.



GREGORY A. PRESNELL
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Party

¹ Defendant's Reply cites to 42 U.S.C. § 1316(c)(2) as the relevant fee provision, (Doc. 184 ¶¶ 16 - 19), that statute, however, addresses the topic of administrative and judicial review of Social Security determinations—not attorney's fees in Fair Housing Act cases. The Court assumes that this was a typographical error and that Defendants intended to cite 42 U.S.C. § 3613(c)(2).