

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

**RICHARD FORNELL, AS TRUSTEE OF  
THE FORNELL ENTERPRISES INC.  
401(k) PROFIT SHARING PLAN,**

**Petitioner,**

**-vs-**

**Case No. 6:12-cv-38-Orl-28TBS**

**MORGAN KEEGAN & COMPANY, INC.,**

**Respondent.**

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**ORDER**

This case is before the Court on Petitioner's Motion for Attorneys' Fees, Costs, and Entry of Judgment (Doc. 30). The United States Magistrate Judge has submitted a Report (Doc. 35) recommending that the motion be granted and that judgment be entered for Petitioner.

After a review of the record in this matter, and noting that no objections to the Report have been filed,<sup>1</sup> the Court agrees with the findings and conclusions in the Report and Recommendation. Therefore, it is **ORDERED** as follows:

1. The Report and Recommendation (Doc. 35) is **ADOPTED** and **CONFIRMED** and made a part of this Order.
2. Petitioner's Motion for Attorneys' Fees, Costs, and Entry of Final Judgment (Doc.

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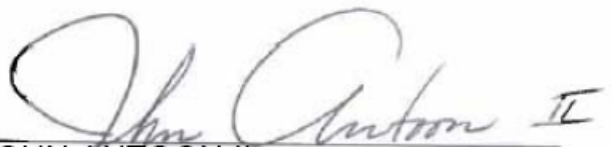
<sup>1</sup>Petitioner filed a Response (Doc. 36) to the Report noting that he does not object to it, but Respondent has not filed any objection to the Report.

30) is **GRANTED**.

3. The Clerk is directed to enter a judgment providing that Petitioner shall recover from Respondent the sum of \$446,773.58,<sup>2</sup> for which let execution issue. This sum shall bear post-judgment interest at the annual rate of 4.75% from the date of judgment until paid.

4. After entering judgment as set forth herein, the Clerk shall close this file.

**DONE** and **ORDERED** in Orlando, Florida this 22nd day of February, 2013.

  
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JOHN ANTOON II  
United States District Judge

Copies furnished to:  
United States Magistrate Judge  
Counsel of Record

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<sup>2</sup>Consistent with the Report and Recommendation, this total amount consists of:

- (a) \$194,976 in compensatory damages;
- (b) prejudgment interest of \$10,824.45 on the compensatory damages amount (calculated at the rate of 4.75% from December 23, 2011 through today's date);
- (c) \$19,342 in costs incurred by Petitioner in the underlying arbitration;
- (d) \$300 for the initial claim filing fee;
- (e) \$420 for costs of this action;
- (f) prejudgment interest of \$1,050.60 on the \$19,342 in costs and \$300 filing fee (calculated at the rate of 4.75% from January 7, 2012 through today's date);
- (g) \$184,220 in attorneys' fees incurred in the arbitration, confirming the arbitration award, and seeking attorney's fees under ERISA;
- (h) \$34,725 in attorneys' fees incurred in defending the motion for vacatur; and
- (i) prejudgment interest of \$915.53 on the \$34,725 fee amount (calculated at the rate of 4.75% from August 3, 2012, through today's date).

(See Doc. 35 at 18-19).