

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

**SOUTHERN ATLANTIC COMPANIES,
LLC, EDWARD HUTCHINS and
RAYMOND MCINTOSH,**

Plaintiffs,

v.

Case No: 6:15-cv-254-Orl-31TBS

**SCHOOL BOARD OF ORANGE
COUNTY, FLORIDA,**

Defendant.

ORDER

This matter is before the Court on Defendant's Motion for Fees pursuant to 42 U.S.C. §1988(b) (Doc. 111) and Plaintiffs' response in opposition thereto (Doc. 134).

On April 25, 2016, the Court granted summary judgment on behalf of Defendant and against the individual Plaintiffs, Edward Hutchins and Raymond McIntosh (Doc. 104). In its Order, the Court found that neither Hutchins nor McIntosh had been subject to any retaliatory acts by the School Board that would implicate their First Amendment rights.

In its Motion for Fees, Defendant contends that the claims asserted by Hutchins and McIntosh were meritless, *i.e.*, groundless, frivolous, unreasonable or without foundation, as contemplated by the Eleventh Circuit in *O'Boyle v Thrasher*, No. 15-13698, 2016 WL 1426013 (11th Cir. April 12, 2016) (citing *Christiansburg Garment Co. v. Equal Employment Opportunity Comm'n*, 434 U.S. 412, 421 (1978)). This Court agrees.

In their response, Plaintiffs assert that there was evidence of their damages (*e.g.* emotional distress), but they do not address the fundamental deficiency in their claim – the absence of any

retaliatory acts by Defendant against them. This un rebutted flaw renders their claims meritless.

It is, therefore

ORDERED that Defendant's Motion for Fees is GRANTED. Defendant is hereby awarded fees and costs against EDWARD HUTCHINS and RAYMOND MCINTOSH in the total amount of \$18,983.60. Judgment will be entered at the conclusion of this case.

DONE and **ORDERED** in Chambers, Orlando, Florida on June 28, 2016.




GREGORY A. PRESNELL
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Party