

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

THE LYDIA SCHWEER FAMILY TRUST,  
by and through trustee, ARLENE FUQUA,

Plaintiff,

v.

CASE NO: 8:09-cv-2451-T-26MAP

ALFRED DINGLER, PRIME INSURANCE  
AGENCY, and THE HARTFORD INSURANCE  
COMPANY,

Defendants.

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**ORDER**

Upon due consideration, it is ordered and adjudged that Defendants' Motion to Strike Claim for Attorneys' Fees (Dkt. 14) is denied as unnecessary and premature. In the event Plaintiff obtains a judgment against Defendants, it will have to file a motion for attorneys' fees in which it will have to "specify the judgment and the statute, rule or other grounds entitling the movant to the award." Fed. R. Civ. P. 54(d)(2)(B)(ii)." If Plaintiff is unable to specify the basis entitling it to an award of fees, its request for such fees will be denied.

**DONE AND ORDERED** at Tampa, Florida, on January 15, 2010.

s/Richard A. Lazzara  
**RICHARD A. LAZZARA**  
**UNITED STATES DISTRICT JUDGE**

**COPIES FURNISHED TO:**  
Counsel of Record