

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

REGIONS BANK, etc.,

Plaintiff,

v.

CASE NO. 8:12-CV-1837-T-17MAP

MARVIN KAPLAN, et al.,

Defendants.

_____ /

MARVIN I. KAPLAN, et al.

Counterclaim/Crossclaim Plaintiffs,

v.

ROBERT NICHOLAS SHAW, et al.,

Counterclaim/Crossclaim Defendants.

_____ /

ORDER

This cause is before the Court on:

- Dkt. 358 Motion for Attorney's Fees and Costs
- Dkt. 369 Response

Counterclaim/Crossclaim Plaintiffs Marvin I. Kaplan, R1A Palms, LLC, Triple Net Exchange, LLC, MK Investing, LLC and BNK Smith, LLC, move for the award of attorney's fees and costs in the amount of \$34,947.50 in favor of Counterclaim/Crossclaim Plaintiffs and against Crossclaim Defendant Bridgeview Bank Group ("BBG"), pursuant to Sec. 772.104(3), Florida Statutes, Fed. R. Civ. P. 54 and

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Local Rule 4.18.

Counterclaim/Crossclaim Plaintiffs asserted claims against Bridgeview Bank Group in the Amended Counterclaim/Crossclaims (Dkt. 93). These claims included a RICO claim (Count IV), a RICO conspiracy claim (Count V), a Florida RICO claim (Count VI) and a Florida RICO conspiracy claim (Count VII).

The Court initially denied dismissal of these claims. The Court reexamined the disposition of the RICO claims in the context of Counterclaim/Crossclaim Defendant Starr's Motion for Reconsideration. The Court determined that the "continuity" element could not be met, and granted Starr's Motion for Reconsideration, dismissing the RICO claims. (Dkt. 351). Thereafter, the Court granted BBG's Motion for Reconsideration (Dkt. 378), dismissing the RICO claims against BBG.

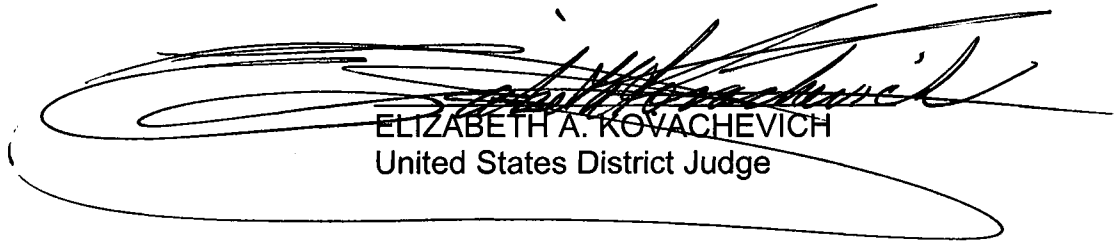
In response to the Amended Counterclaim/Crossclaims, Bridgeview Bank Group filed its Answer, Affirmative Defenses, Counterclaim and Crossclaim (Dkt. 271). BBG's Counterclaim and Crossclaim against R1A, TNE, MKI and BNK included a Florida RICO claim (Count I) and a Florida RICO conspiracy claim (Count II). The Court granted dismissal of these claims (Dkt. 353) for the same reason as in the Order granting Starr's Motion for Reconsideration (Dkt. 351) in ruling on the Motion to Dismiss of Counterclaim/Crossclaim Defendants R1A, TNE, MKI and BNK, although the continuity issue was not raised in their Motion.

After consideration, the Court denies the Motion for Attorney's Fees without prejudice. If appropriate, R1A, TNE, MKI and BNK may renew their Motion for Attorney's Fees after the entry of a final judgment. Accordingly, it is

ORDERED that the Motion for Attorney's Fees (Dkt. 358) is **denied without prejudice**. The Motion may be renewed after the entry of a final judgment.

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DONE and ORDERED in Chambers in Tampa, Florida on this 31st day of
March, 2016.



ELIZABETH A. KOVACHEVICH
United States District Judge

Copies to:
All parties and counsel of record