

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

**NEW YORK LIFE INSURANCE AND
ANNUITY CORPORATION, a Delaware
Corporation,**

Plaintiff,

v.

Case No. 8:12-cv-1954-T-30MAP

**ELLEN GROSS GERTH; THOMAS J.
GROSS; ABBY BAUMGARTNER,**

Defendants.

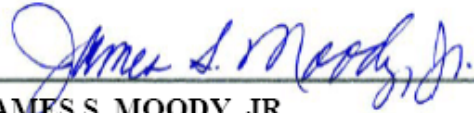
ORDER

THIS CAUSE comes before the Court upon Plaintiff's Notice of Filing Affidavit of Brandon Faulkner in Support of Motion for Attorneys' Fees (Dkt. 30). On June 3, 2013, the Court granted Plaintiff's Motion for Interpleader and Award of Attorneys' Fees and ordered Plaintiff to file an affidavit, setting forth its fees and costs and attaching any related time sheets or invoices (Dkt. 27). Plaintiff's Affidavit requests \$5,835.00 for attorneys' fees incurred in this case and \$693.70 in costs and expenses related to filing fees, service of process, copying, and mailing. The Court concludes that the attorneys' fees should be reduced by \$1,125.00, which represents the attorney time associated with the filing of the amended complaint. The remaining fees and costs are reasonable.

It is therefore **ORDERED AND ADJUDGED** that:

1. Plaintiff is awarded **\$5,403.70** for attorneys' fees, costs, and expenses incurred in connection with the filing of this case, which shall be paid forthwith from the registry monies. *See Prudential Ins. Co. v. Boyd*, 781 F.2d 1494, 1498 (11th Cir. 1986) (noting: "The usual practice is to tax the costs and fees against the interpleader fund").
2. The Clerk of Court shall make all the necessary steps to disburse from the registry monies to Plaintiff's counsel, Brandon Paul Faulkner and Charles Wachter of Holland & Knight, LLP, at 100 N Tampa St - Ste 4100, PO Box 1288, Tampa, FL 33602, the amount of **\$5,403.70** for attorneys' fees, costs, and expenses.

DONE and **ORDERED** in Tampa, Florida on June 17, 2013.



JAMES S. MOODY, JR.
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel/Parties of Record

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