

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

CHRISTOPHER VELTHEIM,

Plaintiff,

v.

Case No. 8:16-cv-298-T-33JSS

INTERNATIONAL BODYTALK ASSOCIATION,
INC., JOHN VELTHEIM, and ESTHER
VELTHEIM,

Defendants.

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ORDER

This cause comes before the Court pursuant to Defendants International Bodytalk Association, Inc., John Veltheim, and Esther Veltheim's Motion for Prevailing Parties' Attorneys' Fees and Non-Taxable Costs (Doc. # 66), which was filed on January 19, 2017. Defendants prevailed at the summary judgment stage and the Court entered Judgment in favor of Defendants on January 5, 2017. (Doc. # 65). Defendants' Motion for Attorneys' Fees and Non-Taxable Costs is timely filed under Federal Rule of Civil Procedure 54 and Local Rule 4.18, M.D. Fla. Defendants support the Motion with the Sworn Declaration of Cameron Kenneth Dean, Esq. (Doc. # 66-1).

In the Motion, Defendants explain that they have incurred \$225,645.03 in legal fees and non-taxable costs. This amount is specifically comprised of \$179,170.00 in attorneys' fees and \$46,475.03 in non-taxable costs. In the Motion, Defendants explain that under the "Australian Rule" they are

entitled to between 50% - 60% of their claimed attorneys' fees and are entitled to 100% of the non-taxable costs. (Doc. # 66 at ¶ 3).

Plaintiff Christopher Veltheim had an opportunity to respond to the Motion, but he failed to do so. Local Rule 3.01(b), M.D. Fla. states: "Each party opposing a motion or application shall file within fourteen (14) days after service of the motion or application a response that includes a memorandum of legal authority in opposition to the request, all of which the respondent shall include in a document not more than twenty (20) pages." Based on Plaintiff's failure to respond to the Motion, the Court finds that Plaintiff does not oppose the relief sought in the Motion. The Court accordingly grants the Motion as follows. The Court awards Defendants 50% of the claimed attorneys' fees in the amount of **\$89,585.00** ($\$179,170/2 = \$89,585$). The Court awards Defendants 100% of the non-taxable costs in the amount of **\$46,475.03**. The total recovery for attorneys' fees and non-taxable costs is **\$136,060.03**.

Accordingly, it is

ORDERED, ADJUDGED, and DECREED:

Defendants' Motion for Prevailing Parties' Attorneys' Fees and Non-Taxable Costs (Doc. # 66) is **GRANTED** in the

amount of **\$136,060.03** as an unopposed Motion.

DONE and **ORDERED** in Chambers in Tampa, Florida, this 3rd
day of February, 2017.

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