

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION**

LESLIE SMITH,

Plaintiff,

v.

Case No.: 3:08cv3/MCR/EMT

PSYCHIATRIC SOLUTIONS, INC., et al.,

Defendants.

ORDER

This cause comes on for consideration upon the magistrate judge's Report and Recommendation dated February 28, 2012 (doc. 309). The parties have been furnished a copy of the Report and Recommendation and have been afforded an opportunity to file objections pursuant to Title 28, United States Code, Section 636(b)(1).

Having fully and carefully considered the Report and Recommendation and having made a *de novo* determination of all objections filed, the undersigned concludes that the Report and Recommendation should be adopted.

Accordingly, it is now **ORDERED** as follows:

1. The magistrate judge's Report and Recommendation is adopted and incorporated by reference in this order.

2. Attorneys Reino, Channapasappa, and Avery are permitted to formally withdraw as counsel for their respective clients.

3. Defendants' motion for attorneys' fees and sanctions (Doc. 156), is **GRANTED in part and DENIED in part**, as follows:

The motion is **GRANTED** with respect to the request for fees pursuant to Fla. Stat. § 448.104 and **DENIED** with respect to the request for sanctions pursuant to 28 U.S.C. § 1927.

4. Plaintiff's motion for Rule 11 sanctions (Doc. 294) is **DENIED**, with Defendants to be awarded attorneys' fees for their expenses incurred in opposing the motion.¹ Defendants shall file proof of attorneys' fees incurred in opposing the Rule 11 sanctions motion within thirty (30) days.

5. Plaintiff is found liable for attorney's fees pursuant to Fla. Stat. § 448.104, and the parties shall immediately commence complying with N.D. Fla. Loc. R. 54.1(E) to determine the amount of fees to be awarded.

DONE AND ORDERED this 30th day of March, 2012.

M. Casey Rodgers

**M. CASEY RODGERS
CHIEF UNITED STATES DISTRICT JUDGE**

¹ Although not addressed by the R&R, the undersigned concludes that these attorneys' fees are the responsibility of counsel, not the plaintiff, given the findings made by the magistrate judge regarding the Rule 11 motion filed, as herein adopted by the court.