

06-60241.rr

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
Miami Division

Case Number: 06-60241-CIV-ALTONAGA-BROWN

SAINVILUS FRANCOIS,

Plaintiff,

vs.

FRIED GREEN TOMATOES, INC., and
BILLIE GEMMILL,

Defendants.

REPORT AND RECOMMENDATION -
MOTION TO TAX APPELLATE ATTORNEY'S FEES

This matter is before this Court on Plaintiff's Verified Motion to Tax Attorney's Fees, filed December 1, 2008. The Court has considered the motion, the response, the reply, and all pertinent materials in the file.

Plaintiff successfully defended the appeal of plaintiff's judgment. Plaintiff is entitled to fees as indicated in the opinion of the Eleventh Circuit. Defendants' response does not dispute this. Defendants' response does not contest any of the entries in the motion in support of the fees; either as to the amount of hours or the hourly fees sought. Defendants only respond that they "would like the Court to determine the reasonable amount of appellate attorneys' fees to which Plaintiff is entitled ...".

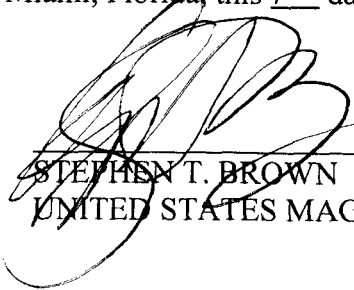
Objections to fees sought should be reasonably specific. See e.g. American Civil Liberties Union of Georgia v. Barnes, 168 F. 3d 423, 428 (11th Cir. 1999). Since there are none in the response, the Court will not engage in a full legal analysis except to say that it has

nonetheless reviewed all of the time entries, the hourly rates sought, and the expert's opinion, and finds the numbers presented to be reasonable and justifiable.

It is therefore respectfully recommended that appellate attorneys' fees in the total sum of \$26,840.00 be awarded to plaintiff.

The parties have ten (10) days from the date of this Report and Recommendation within which to serve and file written objections, if any, with the Honorable Cecilia M. Altonaga, United States District Judge for the Southern District of Florida. Failure to file objections timely shall bar the parties from attacking on appeal the factual findings contained herein. LoConte v. Dugger, 847F.2d 745 (11th Cir. 1988), cert. denied, 488 U.S. 958 (1988).

DONE AND ORDERED in Chambers at Miami, Florida, this 13th day of January, 2009.


STEPHEN T. BROWN
UNITED STATES MAGISTRATE JUDGE

cc: Hon. Cecilia M. Altonaga
parties and counsel of record