

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 07-60670-CIV-DIMITROULEAS

FRANK R. ZOKAITES,

Plaintiff,

Magistrate Judge Rosenbaum

vs.

3236 NE 5<sup>TH</sup> STREET, INC.,Defendant.  

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**ORDER APPROVING REPORT AND RECOMMENDATION**  
**ORDER GRANTING PLAINTIFF'S MOTION FOR ATTORNEYS' FEES**

THIS CAUSE is before the Court upon the Plaintiff's Motion for Attorneys' Fees [DE 73] filed on September 5, 2008, and the Report and Recommendation [DE 107] of Magistrate Judge Robin S. Rosenbaum, filed on January 13, 2009. The Court notes that the Defendant, 3236 NE 5th Street, has not filed any objections to the Report and Recommendation, and that the time for filing such objections has passed. Even though no timely objections were filed, the Court has conducted a *de novo* review of the Report, the underlying Motion for Attorneys' Fees [DE 73], the Defendant's Response and Supporting Memorandum in Opposition to Plaintiff's Motion for Attorneys' Fees [DE 87] of September 20, 2008, and the Plaintiff's Reply to Defendant's Response and Supporting Memorandum in Opposition to Plaintiff's Motion for Attorneys' Fees [DE 90] of September 29, 2008, and the parties' affidavits and exhibits.

This Court agrees with the reasoning and analysis of the Magistrate Judge that the Motion for Attorneys' Fees should be granted. The Defendant objected specifically to only some of the fees, arguing that certain time entries in Plaintiff's exhibits are excessive, vague, or otherwise non-compensable. We agree with the Magistrate Judge's findings: the work done by Attorney

Gina Greenwald on jury instructions is compensable; the client contact recorded by Attorney Eric Lee are too vague and should be reduced to 25% of what is sought; the entries referencing “unknown” individuals are compensable; the time spent on ministerial matters should be reduced; state court attorneys’ fees are inappropriate; and an award on the supplemental fees is appropriate with the exception of compensation for the work on the appeal of the Motion for Reconsideration.

Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. The Magistrate Judge’s Report and Recommendation [DE 107] is hereby **ADOPTED**;
2. The Plaintiff’s Motion for Attorneys’ Fees [DE 73] is hereby **GRANTED in part** and **DENIED in part**;
3. Plaintiff shall recover from the Defendant 3236 NE 5th Street the amount of \$79,080.49 in attorneys’ fees as set forth in the Report and Recommendation [DE 107].

**DONE AND ORDERED** in Chambers at Fort Lauderdale, Broward County, Florida, this  
3rd day of February, 2009.

  
WILLIAM P. DIMITROULEAS  
United States District Judge

Copies furnished to:

Counsel of record