

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 11-62456-CIV-COHN/SELTZER

MICHAL HOLOVKA, via Assignment
of Claim from EURO FIRST CHOICE
ENTERPRISES, INC.,

Plaintiff,

v.

OCEAN 4660, LLC, et al.,

Defendants.

ORDER GRANTING MOTION FOR ATTORNEYS' FEES

THIS CAUSE is before the Court upon Defendant Ocean 4660, LLC's Motion for Attorneys' Fees [DE 16]. The Court has considered the motion, the attached documentation [DE's 16-1, 16-2], and the record in this case, and is otherwise fully advised in the premises. The Court notes that Plaintiff Michal Holovka has not filed a response and the time for doing so has passed. Additionally, Defendant represents that one month prior to filing this motion, its counsel submitted a copy of the motion to Plaintiff, but Plaintiff "has made no attempt to respond, discuss or resolve these issues." Mot. at 4; see also Correspondence to Plaintiff [DE 16-2].

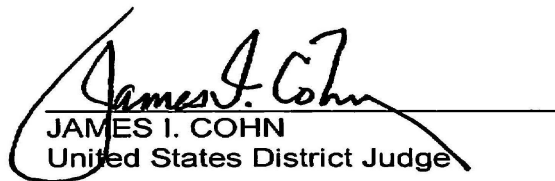
In its motion, Defendant seeks fees associated with obtaining a discharge of a *lis pendens* filed by Plaintiff as reflected in the Court's Order Granting Emergency Motion to Discharge *Lis Pendens* [DE 12]. Florida Statute § 48.23 entitles Defendant to fees incurred in obtaining the discharge of a *lis pendens*. See Fla. Stat. § 48.23(3); S&T Builders v. Globe Props., Inc., 944 So. 2d 302 (Fla. 2006); see also DiPilato v. Rudd &

Diamond, P.A. et al., Case No. 10-62492, DE 140 at 3-5 (S.D. Fla. filed on Dec. 22, 2010) (holding that a defendant was entitled to fees incurred in obtaining the discharge of a *lis pendens* under virtually identical circumstances to those in this case).

Defendant seeks fees in the total amount of \$2,138.50, consisting of 9.1 hours of work at the rate of \$235 per hour. Upon review of the motion, each item listed in the time records [DE 16-1], and the attached correspondence [DE 16-2], the Court finds that \$2,138.50 in fees is reasonable. See also DiPilato, Case No. 10-62492, DE 140 at 6-7 (concluding that \$235 per hour is a reasonable rate for Attorney Patrick Dahl, who is also counsel for Defendant in this case). Accordingly, it is hereby

ORDERED AND ADJUDGED that Defendant Ocean 4660, LLC's Motion for Attorneys' Fees [DE 16] is **GRANTED**. The Court will enter a separate judgment for fees.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida, this 13th day of March, 2012.


JAMES I. COHN
United States District Judge

Copies provided to:
Counsel of record via CM/ECF
Michal Holovka, *pro se*, via CM/ECF regular mail