

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 20-CV-60396-RAR

ANTONIO CAUZO,

Plaintiff,

v.

MASSIMO GUARNERA, et al.,

Defendants.

**ORDER ADOPTING REPORT AND RECOMMENDATION
AWARDING ATTORNEYS' FEES AND COSTS**

THIS CAUSE comes before the Court on United States Magistrate Judge Jared M. Strauss's Report and Recommendation, [ECF No. 127] ("Report"), on Plaintiff's Motion for Attorneys' Fees, [ECF No. 125]. The Report recommends awarding Plaintiff attorneys' fees against Defendants in the amount of \$36,375, plus interest. *See* Report at 8. Plaintiff timely filed objections to the Report, [ECF No. 128] ("Objections").

When a magistrate judge's "disposition" has been properly objected to, district courts must review the disposition *de novo*. FED. R. CIV. P. 72(b)(3). Because Plaintiff timely filed objections to the Report, the Court has conducted a *de novo* review of Magistrate Judge Strauss's legal and factual findings to which Plaintiff objected. Upon careful review of the record, the Court agrees with Magistrate Judge Strauss's recommendation.

When determining the reasonableness of attorneys' fees, courts begin by multiplying a reasonable hourly rate by the number of hours reasonably expended. *Norman v. Housing Auth. of Montgomery*, 836 F.2d 1292, 1299 (11th Cir. 1988) (citing *Hensley v. Eckerhart*, 461 U.S. 424, 433 (1983)). Here, Plaintiff seeks an award of attorneys' fees in the amount of \$44,160, based on 110.4 hours billed at an hourly rate of \$400. The Report recommends that this Court grant

Plaintiff's Motion for Attorneys' Fees, but calculate the fee based on 97 hours worked at an hourly rate of \$375, amounting to \$36,375.


Despite Plaintiff's argument that \$400 is a reasonable hourly rate, our precedent indicates that \$375 is the recognized reasonable hourly rate for Plaintiff's attorney in this case. *See Walker v. Grampa's Real Est. Inc.*, No. 20-61557, 2022 WL 2789967, at *2–4 (S.D. Fla. June 29, 2022), *report and recommendation adopted*, 2022 WL 2788498 (S.D. Fla. July 15, 2022); *Phillips v. SC Cap. Ventures, Inc.*, No. 19-62555, 2020 WL 2988381, at *2 n.2 (S.D. Fla. June 4, 2020) (“This Court routinely refuses to award Kozolchuk more than \$375/hr.”). While Plaintiff's counsel points to other cases in which he has been awarded \$400, Magistrate Judge Strauss carefully distinguished those matters from the facts here and correctly found they were not dispositive. *See Report at 4.*

Having addressed Plaintiff's objection to the reasonable hourly rate, the Court turns to the number of hours billed in this case. Plaintiff does not object to Magistrate Judge Strauss's finding that counsel reasonably billed only 97 hours—and the Court finds the Report's reduction of hours billed both reasonable and appropriate. Accordingly, it is hereby

ORDERED AND ADJUDGED as follows:

1. The Report [ECF No. 127] is **AFFIRMED AND ADOPTED**.
2. Plaintiff's Motion for Attorneys' Fees [ECF No. 125] is **GRANTED IN PART AND DENIED IN PART**. Plaintiff is awarded attorney's fees in the amount of \$36,375, plus interest.

DONE AND ORDERED in Miami, Florida, this 17th day of January, 2023.



RODOLFO A. RUIZ II
UNITED STATES DISTRICT JUDGE