

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO: 06-20710-CIV-HUCK/O'SULLIVAN**

LEONARDO LOPEZ,
JIMA IBEROAMERICA, S.A.,

Plaintiffs,

v.

RICA FOODS, INC.,

Defendant.

ORDER ON DEFENDANT'S APPLICATION FOR APPELLATE ATTORNEY'S FEES

This matter is before the Court on Rica Foods, Inc.'s Application for Appellate Attorney's Fees (D.E. #139), which was transferred to this Court by the Eleventh Circuit Court of Appeals on September 5, 2008. The matter was referred to Magistrate Judge John O'Sullivan for a Report and Recommendation on January 7, 2009. (D.E. #197). On March 24, 2009, Judge O'Sullivan issued a Report and Recommendation recommending that Rica Foods, Inc.'s Application for Appellate Attorney's Fees be denied. (D.E. #204). On April 10, 2009, Defendants filed an Objection to the Report and Recommendation. (D.E. #205). Plaintiffs responded to the Defendant's Objection on April 20, 2009. (D.E. #208). The Court has reviewed the Report and Recommendation, Defendant's Objection, Plaintiffs' Response and is otherwise duly advised in the premises. For the reasons stated in open court at today's hearing, it is hereby

ORDERED that the Report and Recommendation is adopted without prejudice. The Court will reconsider Defendant's request for appellate attorney's fees when the underlying case is resolved on the merits, either in Costa Rica or in this Court on remand from the Eleventh Circuit.

DONE AND ORDERED in Chambers, Miami, Florida, May 5, 2009



Paul C. Huck
United States District Judge

Copies furnished to:
Counsel of Record