

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 08-20227-CIV-HUCK/O'SULLIVAN

VP GABLES, LLC,
Plaintiff,

vs.

THE COBALT GROUP, INC.,
Defendant.

**ORDER AFFIRMING IN PART REPORT AND RECOMMENDATION;
ORDER GRANTING IN PART DEFENDANT'S MOTION FOR FEES AND COSTS**

THIS CAUSE comes before the Court upon Plaintiff's Objections to the Report and Recommendation of United States Magistrate Judge John J. O'Sullivan (D.E. #58), filed Dec. 5, 2008. Magistrate Judge O'Sullivan's Report and Recommendation addressed Defendant's Verified Motion for Attorneys' Fees and Costs, wherein he recommended the Defendant be awarded attorneys fees in the amount of \$128,361.50.

The Court has reviewed *de novo* the Report and Recommendation, Plaintiff's Objections, Defendant's Response to Plaintiff's Objections, Plaintiff's Reply, and the record, and is otherwise duly advised. The Court finds that the hourly rate of \$130 for the paralegal, Sarah Garcia, should be reduced to \$100. Furthermore, although Magistrate Judge O'Sullivan's Report recommended reducing the hourly rate of \$400 for the general counsel, Lee Brunz, to \$365, this Court finds that Mr. Brunz's hourly rate should be further reduced to \$300. Accordingly, it is hereby

ORDERED that the Report and Recommendation be RATIFIED and AFFIRMED as to all issues except that **the Defendant should be awarded attorneys fees in the amount of \$121,087.50**, instead of the \$128,361.50 recommended in the Report and Recommendation and instead of the \$159,755.00 requested by the Defendant. Defendant's Verified Motion for Attorneys' Fees and Costs is therefore GRANTED IN PART and DENIED IN PART.

DONE in Chambers, Miami, Florida, this 27th day of January, 2009.



Paul C. Huck
United States District Judge

Copies furnished to:
Magistrate Judge John J. O'Sullivan
Counsel of Record