

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO.: 09-CV-20473-SEITZ/O'SULLIVAN

MARION H. KNIGHT, JR.,

Plaintiff,

v.

**PHILIPS SOUTH BEACH, LLC., a
foreign limited liability co., d/b/a
THE SHORE CLUB,
MORGANS HOTELS GROUP
MANAGEMENT, LLC d/b/a MGH
MANAGEMENT COMPANY, a Florida
limited liability company, KANYE
OMARI WEST, and GETTING OUT
OUR DREAMS, INC. d/b/a G.O.O.D
MUSIC d/b/a GOOD MUSIC, a foreign
corporation,**

Defendants.

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ORDER

THIS CAUSE is before the Court pursuant to an informal discovery conference held before the undersigned on May 4, 2010. Having heard argument from counsel, it is

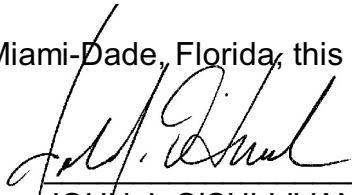
ORDERED and ADJUDGED that the plaintiff shall appear in Miami, Florida for seven (7) additional hours of deposition on May 10, 2010, and May 11, 2010. The plaintiff shall respond properly to the deposition questions. It is further

ORDERED AND ADJUDGED that the plaintiff shall reimburse the defendants \$1300.00 in attorneys fees and costs associated with the plaintiff arriving 3.25 hours late for his deposition. "Rule 37(b)(2) provides a range of sanctions that a district court may

impose upon parties and their attorneys for failure to comply with the court's discovery orders." Stuart I. Levin & Associates v. Ronald Rogers, 156 F.3d 1135, 1140 (11th Cir. 1998). Federal Rule of Civil Procedure 37(b)(2) provides in part that: "the Court should require the party failing to obey . . . to pay the reasonable expenses, including attorney's fees, caused by the failure, unless the Court finds that the failure was substantially justified or that other circumstances make an award of expenses unjust."

The plaintiff has failed to show substantial justification for failing to attend his deposition at the required time in April 2010. The undersigned awards the defendants 3.25 hours at a rate of \$165.00 per hour for the time spent by attorney Adam Josephs , 3.25 hours at a rate of \$200.00 per hour for the time spent by attorney Jay Green, and 3.00 hours at a rate of \$40.00 per hour for the videographer, for a total award of \$1300.00¹.

DONE and ORDERED in Miami-Dade, Florida, this 4th day of May, 2010.



JOHN J. O'SULLIVAN
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:
U.S. District Court Judge Seitz
All Counsel of Record

¹The actual amount would total \$1306.25, but the undersigned has rounded the amount to an even \$1300.00.