

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

CASE NO.: 1:11-cv-24634-GRAHAM/GOODMAN

GLORIA LONGAS,

Plaintiff,

v.

BOTERO GALLERIES, INC., et al.,

Defendants.

---

**ORDER ON MOTION FOR ATTORNEY'S FEES**

This matter is before the Court on Plaintiff's motion for attorney's fees (DE 14), filed March 15, 2012. U.S. District Judge Donald L. Graham referred this matter to the Undersigned on March 21, 2012. No defendant has appeared in this case and on March 22, 2012, Judge Graham entered a judgment against all defendants "as to liability only." (DE 16).

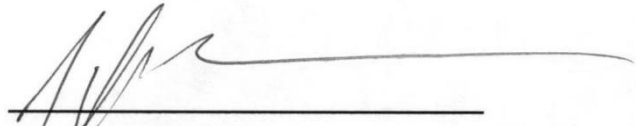
A motion for attorney's fees must be filed no later than 14 days *after* the entry of judgment. Fed. R. Civ. P. 54(d)(2)(B)(i). The Local Rules extend this period to 60 days. Local Rule S.D. Fla. 7.3(a). Plaintiff here filed her motion for attorney's fees *before* Judge Graham entered his default final judgment.

Moreover, as Plaintiff acknowledges in her motion, a prevailing plaintiff is one "who receives at least some relief on the merits of her claim." (Doc. 14, at 2) (citing *Buckhannon Bd. & Care Home v. West Virginia Dep't of Health & Human Res.*, 532 U.S. 598, 603-04 (2001)). Here, Judge Graham did not enter a money judgment in favor of Plaintiff. Instead, Judge Graham required Plaintiff to submit additional documentation of

her damages. Therefore, Plaintiff has not yet recovered anything and her motion is premature.

Accordingly, Plaintiff's motion for attorney's fees is **denied without prejudice**.

DONE and ORDERED in Chambers, at Miami, Florida, March 26, 2012.



---

Jonathan Goodman  
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:  
Hon. Donald L. Graham  
Counsel of Record