

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**
Case No. 12-22032-CIV-SEITZ

BUSHI PAYNE,
Plaintiff,

v.

SECURITY AND CRIME PREVENTION
SERVICE, INC., and MICHAEL RAINFORD,
Defendants.

ORDER AWARDING ATTORNEYS' FEES AND COSTS

THIS MATTER is before the Court on Plaintiff's motion for attorneys' fees [DE-45] and on the Report and Recommendation of the Honorable Andrea M. Simonton [DE-47] ("R&R"), which recommends granting Plaintiff's motion by default and awarding Plaintiff the full \$9,230.50 requested in fees and costs. This sum reflects \$8,820.50 for 29.9 hours of work at an hourly rate of \$295, in addition to \$410 for Plaintiff's costs in filing this case and serving Defendants. Unsurprisingly, Defendants, who did not respond to the underlying motion for attorneys' fees, also failed to object to the R&R, and the time for doing so has passed.

The FLSA mandates an award of "a reasonable attorney's fee . . . and costs of the action" to a prevailing plaintiff. 29 U.S.C. § 216(b). Judge Simonton concluded that Plaintiff's request for \$350 for filing the complaint and \$60 for serving the Defendants were taxable under 28 U.S.C. § 1920, and so Plaintiff should recover \$410 in costs.

Judge Simonton also determined that Plaintiff's fee request was reasonable. First, she concluded that \$295 was a reasonable hourly rate because it was the "prevailing

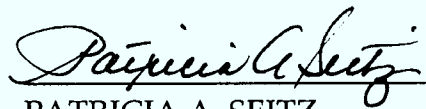
market rate in the relevant legal community for similar services by lawyers of reasonably comparable skills, experience, and reputation." *American Civil Liberties Union v. Barnes*, 168 F.3d 423, 428 (11th Cir. 1999). Second, having examined counsel's fee ledger [DE-45-2], she determined that 29.9 hours of work was a reasonable number of hours expended in prosecuting this case, which involved preparing and filing the complaint, participating in a settlement conference, filing several default judgment motions, and establishing Plaintiff's damages at an evidentiary hearing.

Having carefully reviewed, *de novo*, the R&R and the record, the Court fully agrees with Judge Simonton's recommendations. For the reasons set forth in the R&R, it is

ORDERED that

- 1) Magistrate Judge Simonton's Report and Recommendation [DE-47] is AFFIRMED and ADOPTED, and incorporated by reference into this Court's Order.
- 2) Plaintiff's Verified Motion for Award of Attorneys' Fees and Reasonable Expenses of Litigation [DE-45] is GRANTED.
- 3) Plaintiff shall recover the amount of **\$9,230.50** from Defendants, which sum reflects \$8,820.50 in reasonable attorneys' fees and \$410 in taxable costs. Defendants Security & Crime Prevention Service, Inc. and Michael Rainford shall be jointly and severally liable for this sum.

DONE AND ORDERED in Miami, Florida, this 21st day of August, 2014.



PATRICIA A. SEITZ
UNITED STATES DISTRICT JUDGE