

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 18-21019-CIV-UNGARO/O'SULLIVAN

WARREN TECHNOLOGY, INC.,
Plaintiff,

v.

UL LLC and TUTCO, LLC, formerly
know as TUTCO, INC.,
Defendants.

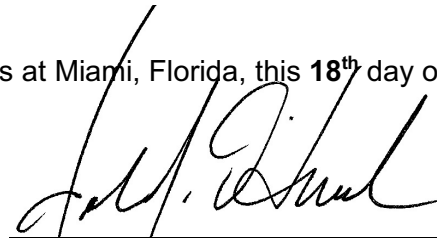
ORDER

THIS MATTER is before the Court on the Defendant Tutco LLC's Verified Motion for Attorney's Fees (DE # 65, 12/27/18). Having reviewed the applicable filings and law, it is

ORDERED AND ADJUDGED that the Defendant Tutco LLC's Verified Motion for Attorney's Fees (DE # 65, 12/27/18) is DENIED without prejudice to renew after the exhaustion of all appeals.

The defendant requests attorney's fees under the Florida Deceptive and Unfair Trade Practices Act (FDUTPA). "[T]o recover attorney's fees in a FDUTPA action, a party must prevail in the litigation; meaning that the party must receive a favorable judgment from a trial court with regard to the legal action, including the exhaustion of all appeals." Chow v. Chak Yam Chau, 640 Fed. Appx. 834, 838 (11th Cir. 2015) (quoting Diamond Aircraft Indus., Inc. V. Horowitch, 107 So.3d 362, 367 (Fla. 2013)).

DONE AND ORDERED in Chambers at Miami, Florida, this 18th day of January,
2019.



JOHN J. O'SULLIVAN
CHIEF UNITED STATES MAGISTRATE JUDGE