

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**Case No. 18-21085-CIV-COOKE/GOODMAN**

BLANCA PRIETO,

Plaintiff,

vs.

TOTAL RENAL CARE, INC.  
d/b/a DAVITA d/b/a  
FLORIDA RENAL CARE,

Defendant.

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**ORDER ADOPTING MAGISTRATE JUDGE'S  
OMNIBUS REPORT AND RECOMMENDATION**

**THIS MATTER** is before me upon the Omnibus Report and Recommendation on Defendant's Motions for Entitlement of Reasonable Attorneys' Fees, Expenses, and Otherwise Non-Taxable Costs (the "R&R") of the Honorable Jonathan Goodman, U.S. Magistrate Judge (ECF No. 169), regarding Defendant's Renewed Motion for Entitlement of Reasonable Attorneys' Fees, Expenses, and Otherwise Non-Taxable Costs [ECF No. 159], Defendant's Modified Motion for Entitlement to Reasonable Attorneys' Fees, Expenses, and Otherwise Non-Taxable Costs [ECF No. 160], and Motion for Appellate Attorneys' Fees [ECF No. 164]. See Referral Orders [ECF Nos. 165-67].. The Undersigned referred this case to Judge Hunt for all non-dispositive pretrial motions, fees, and costs, as well as the specific motions at issue herein. ECF Nos. 10 and 165-167; *see also* 28 U.S.C. § 636; S.D. Fla. L.R., Mag. R. 1.

In his R&R, Judge Goodman recommends that: 1) Defendant's renewed fees motion [ECF No. 159] be denied as moot because it was superseded by the modified fees motion [ECF No. 160]; 2) Defendant's modified fees motion [ECF No. 160] be granted in part and denied in part. The motion should be granted with respect to Defendant's entitlement to attorneys' fees at the trial level and denied as to Defendant's request for non-taxable costs. Defendant should be permitted to file a renewed motion addressing the amount of costs to be awarded for work performed at the trial level; however, any renewed fees motion should be

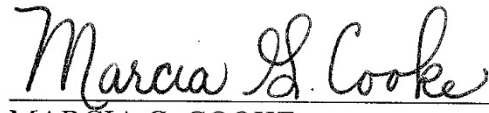
supported by the appropriate documentation (including revised timesheets and a declaration), should not include time entries already submitted as part of the appellate fees request, and be in compliance with Local Rule 7.3; and 3) Defendant's request for appellate attorneys' fees [ECF No. 164] be granted in part and denied in part. The Court should, therefore, award Defendant \$20,239.60 (\$5,059.90 less than the amount requested) in reasonable appellate attorneys' fees.

It should be noted that no objections were filed as to the R&R. Nonetheless, I have reviewed the Motions, the briefing related thereto, Judge Goodman's R&R, the record, and the relevant legal authorities. Having done so, I find Judge Goodman's R&R to be clear, cogent, and compelling.

Accordingly, Judge Goodman's R&R (ECF No. 136) is **AFFIRMED and ADOPTED** as the Order of this Court. It is therefore **ORDERED and ADJUDGED** as follows:

1. Defendant's renewed fees motion [ECF No. 159] is **DENIED AS MOOT** because it was superseded by the modified fees motion [ECF No. 160];
2. Defendant's modified fees motion [ECF No. 160] is **GRANTED IN PART AND DENIED IN PART**. The motion is granted with respect to Defendant's entitlement to attorneys' fees at the trial level and denied as to Defendant's request for non-taxable costs. Defendant is permitted to file a renewed motion addressing the amount of costs to be awarded for work performed at the trial level; however, any renewed fees motion must be supported by the appropriate documentation (including revised timesheets and a declaration), should not include time entries already submitted as part of the appellate fees request, and must be in compliance with Local Rule 7.3; and
3. Defendant's request for appellate attorneys' fees [ECF No. 164] is **GRANTED IN PART AND DENIED IN PART**. The Court, therefore, awards Defendant \$20,239.60 in reasonable appellate attorneys' fees.

**DONE and ORDERED** in chambers, at Miami, Florida, this 14th day of February  
2022.

A handwritten signature in cursive script that reads "Marcia G. Cooke". The signature is written in black ink and is positioned above a horizontal line.

MARCIA G. COOKE  
United States District Judge

Copies furnished to:  
*Jonathan Goodman, U.S. Magistrate Judge*  
*Counsel of record*