

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

Case No. 1:20-cv-23771-KMM

SEGUNDO TOSTE,

Plaintiff,

v.

THE BEACH CLUB AT FONTAINEBLEAU
CONDOMINIUM ASSOCIATION, INC., *et al.*,

Defendants.

ORDER ON REPORT AND RECOMMENDATION

THIS CAUSE came before the Court upon Plaintiff Segundo Toste’s (“Plaintiff”) Verified Motion for Award of Attorney’s Fees (“Motion” or “Mot.”) (ECF No. 345). The Motion was referred to the Honorable Lauren F. Louis, United States Magistrate Judge (ECF No. 348) who issued a Report and Recommendation, (“R&R”) (ECF No. 357), recommending that the Motion be GRANTED, in part, and DENIED, in part. No objections to the R&R were filed, and the time to do so has now passed. The matter is now ripe for review. As set forth below, the Court ADOPTS the R&R.

The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Crim. P. 59(b)(3). The Court “must consider *de novo* any objection to the magistrate judge’s recommendation.” Fed. R. Crim. P. 59(b)(3). A *de novo* review is therefore required if a party files “a proper, specific objection” to a factual finding contained in the report. *Macort v. Prem, Inc.*, 208 F. App’x 781, 784 (11th Cir. 2006). “It is critical that the objection be sufficiently specific and not a general

objection to the report” to warrant *de novo* review. *Id.* Yet when a party has not properly objected to the magistrate judge’s findings, “the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *See Keaton v. United States*, No. 14-21230-CIV, 2015 WL 12780912, at *1 (S.D. Fla. May 4, 2015); *see also Lopez v. Berryhill*, No. 17-CV-24263, 2019 WL 2254704, at *2 (S.D. Fla. Feb. 26, 2019) (stating that a district judge “evaluate[s] portions of the R & R not objected to under a clearly erroneous standard of review” (citing *Davis v. Apfel*, 93 F. Supp. 2d 1313, 1317 (M.D. Fla. 2000))).

In her Report and Recommendation, Magistrate Judge Louis concludes that (1) Plaintiff is entitled to an award of attorney’s fees but solely in connection with Plaintiff’s Motion to Strike and Defendants’ Motions for Summary Judgment, (2) the attorneys’ requested hourly rates are reasonable, (3) Plaintiff may recover \$30,825.00 for fees associated with attorney Thais Hernandez for 82.2 hours billed at a rate of \$375.00, (4) Plaintiff may recover \$5,580.00 for fees associated with attorney Rebekah Guerrero for 20.1 hours, reduced by 1.5 hours, billed at a rate of \$300.00, and (5) Plaintiff may recover \$4,575.00 for fees associated with attorney Alejandro Vilarello for 12.2 hours billed at a rate of \$375.00. *See generally* R&R. This Court agrees.

Accordingly, UPON CONSIDERATION of the Motion, the R&R, the pertinent portions of the record, and being otherwise fully advised in the premises, it is hereby ORDERED AND ADJUDGED that the R&R (ECF No. 375) is ADOPTED. Plaintiff’s Motion for Attorney Fees is GRANTED, in part, and DENIED, in part. Plaintiff is awarded \$40,980.00 in attorneys’ fees.

DONE AND ORDERED in Chambers at Miami, Florida, this 24th day of January, 2025.



K. MICHAEL MOORE
UNITED STATES DISTRICT JUDGE

c: All counsel of record