

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 08-80795-CIV-HURLEY/HOPKINS

FLAGSTAR BANK, FSB,

Plaintiff,

v.

A.M. HOCHSTADT, et al.,

Defendants.

**ORDER ADOPTING REPORT AND RECOMMENDATION OF MAGISTRATE
JUDGE, OVERRULING DEFENDANT’S OBJECTION, AND GRANTING IN PART
AND DENYING IN PART PLAINTIFF’S MOTION FOR ATTORNEYS’ FEES**

THIS CAUSE is before the court upon plaintiff’s motion for attorneys’ fees and costs [DE # 174], and the report and recommendation of the Honorable James M. Hopkins, United States Magistrate Judge, recommending that the court grant in part and deny in part plaintiff’s motion [DE # 234]. Defendant A.M. Hochstadt filed a notice, though wrongly styled as an objection, “acknowledg[ing] that pursuant to the language of the notes [he] is liable for reasonable attorney (sic) fees and costs” and that “there is no objection to the amounts determined.” *See* DE # 236.

Defendant Terez Hocshtadt (“T. Hochstadt”) filed an objection, arguing, *inter alia*, that she is not liable for attorneys’ fees and that, in any event, fees should be apportioned between her and defendant A.M. Hochstadt.¹ *See* DE # 235. Pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b)(3), the court has reviewed *de novo* those portions of the magistrate judge’s report and recommendation to which objections have been made.


¹ T. Hochstadt’s objection repeats the same arguments she made in her response to plaintiff’s motion for attorneys’ fees and costs. *See* DE # 185. Thus, in ruling on T. Hochstadt’s objections, the court has reviewed plaintiff’s reply to T. Hochstadt’s response. *See* DE # 186.

Having carefully reviewed the Magistrate Judge's report and recommendation, defendant Terez Hochstadt's objection, the mortgages and notes, and the case law, the court finds the resolution of the issues as recommended by Magistrate Judge Hopkins to be sound and well reasoned. The court therefore adopts those recommendations.

Therefore, for all the foregoing reasons, it is hereby **ORDERED** and **ADJUDGED** that:

1. Defendant Terez Hochstadt's objection to the magistrate judge's report [DE # 235] is **OVERRULED**.
2. The Report and Recommendation of the United States Magistrate Judge [DE # 234] is **ADOPTED** in its entirety and **INCORPORATED** herein by reference.
3. Plaintiff's motion for attorneys' fees and costs is **GRANTED IN PART** and **DENIED IN PART**.
4. Pursuant to Rule 58, the court shall issue final judgment by separate order.

DONE and **SIGNED** in Chambers at West Palm Beach, Florida this 26th day of March, 2010.


Daniel T. K. Hurley
United States District Judge

Copies provided to counsel of record