

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 17-80732-CIV-KAM

RAVI KADIYALA, individually, and as the
Assignee of CREDIT UNION MORTGAGE
UTILITY BANC, INC., an Illinois corporation,

Plaintiff,

v.

MARK JOHN PUPKE, MARIE MOLLY
PUPKE,

Defendants.

_____ /

MARK JOHN PUPKE and
MARIE MOLLY PUPKE,

Counterclaim Plaintiffs,

v.

RAVI KADIYALA, individually, and as the
Assignee of CREDIT UNION MORTGAGE
UTILITY BANC, INC. an Illinois corporation,

Counterclaim Defendant.

_____ /

ORDER

THIS CAUSE comes before the Court upon Plaintiff's Renewed Verified Motion for Attorney's Fees and Non-Taxable Expenses and Costs (DE 316).

THIS MATTER was referred to the Honorable William Matthewman, United States Magistrate Judge, Southern District of Florida. A Report and Recommendation, dated

August 15, 2024, has been filed, recommending that the district court award Plaintiff attorneys' fees in the amount of \$484,623.95 and non-taxable costs in the amount of \$13,539.40, for a total award of \$498,163.35 against Defendant Mark Pupke.

The Court has conducted a *de novo* review of the entire file, the record herein and the objections filed by Defendant Mark Pupke.¹ The Court overrules Mr. Pupke's objections. The objections attack the underlying judgment which has been affirmed on appeal. *See Kadiyala v. Pupke*, No. 22-10211, 2024 WL 33910 (11th Cir. Jan. 3, 2024). As such, it is now the law of the case and the Court is not free to alter or amend the judgment, especially on a motion for attorneys' fees and costs. *Alphamed, Inc. v. B. Braun Medical, Inc.*, 367 F.3d 1280, 1285 (11th Cir. 2004) ("Under the law of the case doctrine, both district courts and appellate courts are generally bound by a prior appellate decision in the same case."); *Litman v. Mass. Mut. Life Ins. Co.*, 825 F.2d 1506, 1511 (11th Cir.1987) ("The law of the case doctrine, self-imposed by the courts, operates to create efficiency, finality and obedience within the judicial system.").

Accordingly, it is hereby **ORDERED AND ADJUDGED** that:

- 1) The Report is **AFFIRMED**.
- 2) Plaintiff's Renewed Verified Motion for Attorney's Fees and Non-Taxable Expenses and Costs (DE 316) is **GRANTED IN PART AND DENIED IN PART** in the total amount of \$498,163.35.

¹ The Court construes Defendant Mark Pupke's motion for reconsideration (DE 346) as objections to the Report and Recommendation.

3) The Court will separately issue Judgment.

DONE AND ORDERED in Chambers at West Palm Beach, Palm Beach County,
Florida, this 30th day of August, 2024.



KENNETH A. MARRA
United States District Judge