

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

REMY & ASSOCIATES, L.L.C.,

Plaintiff,

v.

WHOLE FOODS MARKET GROUP, INC.,

Defendant.

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Case No. 10-11085

Hon. Gerald E. Rosen

**ORDER AWARDING ATTORNEY FEES AND COSTS**

At a session of said Court, held in  
the U.S. Courthouse, Detroit, Michigan  
on April 5, 2012

PRESENT: Honorable Gerald E. Rosen  
Chief Judge, United States District Court

In a ruling issued on February 2, 2012, the Sixth Circuit Court of Appeals affirmed this Court's dismissal of Plaintiff's claims,<sup>1</sup> and remanded the case to this Court for an award of the attorney fees and costs incurred by Defendant in the appellate phase of this litigation.<sup>2</sup> Following this remand, Defendant has filed a motion seeking an award of \$14,875 in attorney fees and \$429.41 in costs, for a total award of \$15,304.41. Plaintiff

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<sup>1</sup>The order of dismissal and accompanying judgment were issued by Judge Anna Diggs Taylor, and the case was then reassigned to the undersigned Judge for disposition of Defendant's post-judgment motion for an award of attorney fees and costs.

<sup>2</sup>As noted in the Court's prior order awarding Defendant its fees and costs incurred in securing the dismissal of Plaintiff's claims, the basis for such an award in this case rests upon a term in the parties' lease that authorizes an award of reasonable attorney fees and costs to the prevailing party.

has not responded to this motion, and the time for doing so has passed.

Having reviewed Defendant's motion, the accompanying affidavit of counsel and supporting invoices, and the record as a whole, the Court is satisfied that Defendant's present request for fees and costs is reasonable under the circumstances, and reflects appropriate amounts of attorney time spent and expenses incurred in the course of Plaintiff's appeal. Accordingly,

NOW, THEREFORE, IT IS HEREBY ORDERED that Defendant's February 27, 2012 motion for award of attorneys' fees and costs (docket #24) is GRANTED. IT IS FURTHER ORDERED that Defendant is awarded, and Plaintiff is directed to pay, **\$14,875.00** in attorney fees and **\$429.41** in costs, for a total of **\$15,304.41**.

SO ORDERED.

s/Gerald E. Rosen  
Chief Judge, United States District Court

Dated: April 5, 2012

I hereby certify that a copy of the foregoing document was served upon counsel of record on April 5, 2012, by electronic and/or ordinary mail.

s/Ruth A. Gunther  
Case Manager