

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION**

THERESA GRAHAM, as Personal  
Representative of the Estate of  
Faye Dale Graham,

Plaintiff,

vs.

Case No. 3:09-cv-13602-J-34JBT

R.J. REYNOLDS TOBACCO COMPANY, et al.,

Defendants.

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**ORDER**

**THIS CAUSE** is before the Court on the Report and Recommendation (Dkt. No. 321; Report), entered by the Honorable Joel B. Toomey, United States Magistrate Judge, on November 17, 2017. In the Report, Judge Toomey recommends that Plaintiff Theresa Graham's Application for Attorneys' Fees and Incorporated Memorandum of Law (Dkt. No. 319; Motion) be granted, in part, and denied, in part. See Report at 2, 8-9. No objections to the Report have been filed, and the time for doing so has passed.

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). If no specific objections to findings of facts are filed, the district court is not required to conduct a de novo review of those findings. See Garvey v. Vaughn, 993 F.2d 776, 779 n.9 (11th Cir. 1993); see also 28 U.S.C. § 636(b)(1). However, the district court must review legal conclusions de novo. See Cooper-Houston v. Southern Ry. Co., 37 F.3d 603, 604 (11th Cir. 1994);

United States v. Rice, No. 2:07-mc-8-FtM-29SPC, 2007 WL 1428615, at \* 1 (M.D. Fla. May 14, 2007).

Upon independent review of the file and for the reasons stated in the Magistrate Judge's Report, the Court will accept and adopt the legal and factual conclusions recommended by the Magistrate Judge. Accordingly, it is hereby

**ORDERED:**

1. The Magistrate Judge's Report and Recommendation (Dkt. No. 321) is **ADOPTED** as the opinion of the Court.

2. Plaintiff Theresa Graham's Application for Attorneys' Fees and Incorporated Memorandum of Law (Dkt. No. 319) is **GRANTED, in part, and DENIED, in part.**

a. The Motion is **GRANTED** to the extent that Plaintiff is awarded **\$482,729.00** in attorneys' fees.

b. The Motion is **DENIED** to the extent that Plaintiff requests \$37,161.50 in attorneys' fees incurred in this Court, without prejudice to Plaintiff filing a supplemental motion for such attorneys' fees within **THIRTY (30) DAYS** of the entry of this Order, after conferring with Defendants pursuant to Local Rule 3.01(g), United States District Court, Middle District of Florida.

3. The Clerk of the Court is **DIRECTED** to enter judgment in favor of Plaintiff, Theresa Graham as Personal Representative of the Estate of Faye Dale Graham, c/o Lieff Cabraser Heimann & Bernstein, LLP, 275 Battery Street, Fl. 29, San Francisco, CA 94111, and against Defendants Philip Morris USA, Inc. and R.J. Reynolds Tobacco Company, Inc., jointly and severally, in the amount of \$482,729.00, representing \$328,854.00 in attorney's

fees for Lieff Cabraser, \$135,675.00 in attorney's fees for Samuel Issacharoff, Esq., and \$18,200.00 in attorney's fees for Motley Rice, LLC. Post-judgment interest will accrue at the statutory rate set forth in 28 U.S.C. § 1961.

**DONE AND ORDERED** in Jacksonville, Florida, this 7th day of December, 2017.

  
MARCIA MORALES HOWARD  
United States District Judge

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Copies to:

Counsel of Record