

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

MARIAH RUMREICH, on behalf of  
herself and all others similarly situated

Plaintiff,

v.

Case No.: 2:17-cv-292-FtM-38MRM

GOOD SHEPHERD DAY SCHOOL  
OF CHARLOTTE, INC.,

Defendant.

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**OPINION AND ORDER**<sup>1</sup>

Before the Court is United States Magistrate Judge Mac R. McCoy's Report and Recommendation ("R&R") ([Doc. 69](#)), recommending that Plaintiff Mariah Rumreich's Motion for Attorney's Fees and Costs ([Doc. 58](#)) be granted in part and denied in part. No party has objected to the R&R, and the period to do so has lapsed. This matter is ripe for review.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify the magistrate judge's report and recommendation. [28 U.S.C. § 636\(b\)\(1\)](#); [Williams v. Wainwright](#), 681 F.2d 732 (11th Cir. 1982). In the absence of specific objections, there is no requirement that a

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district judge review factual findings *de novo*, and the court may accept, reject or modify the findings in whole or in part. 28 U.S.C. § 636(b)(1); *Garvey v. Vaughn*, 993 F.2d 776, 779 n.9 (11th Cir. 1993). The district judge reviews legal conclusions *de novo*, even in the absence of an objection. *Cooper-Houston v. Southern Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994).

Here, Rumreich accepted a \$500.00 judgment after originally seeking \$3,805.81. She now seeks \$11,900.00 in attorney fees (23.8 hours at a rate of \$500 per hour) and \$472.59 in costs (\$400 for filing fees and \$72.59 for mileage and parking). Judge McCoy found that a rate of \$500.00 per hour was excessive and found \$350.00 per hour reasonable under the circumstances. And after considering Good Shepherd's objections, Judge McCoy found 17.8 hours of compensable work reported in Plaintiff Counsel's billing sheets. But in calculating the lodestar, Judge McCoy mistakenly used a rate of \$300 per hour. So, based on Judge McCoy's sound findings, the lodestar amount is \$6,230.00. Judge McCoy recommends a 60% reduction of the lodestar because of Rumreich's limited success. Finally, Judge McCoy recommends that Rumreich be awarded \$400.00 for filing costs but nothing for mileage and parking. After conducting an independent examination of the file and on consideration of Judge McCoy's findings and recommendations, the Court accepts the R&R except for the math error in calculating the lodestar.

Accordingly, it is now

**ORDERED:**

(1) The Report and Recommendation ([Doc. 69](#)) is **ACCEPTED and ADOPTED in part**, and the findings are incorporated herein.

(2) Plaintiff Mariah Rumreich's Motion for Attorney's Fees and Costs ([Doc. 58](#)) is  
**GRANTED in part and DENIED in part.**

(3) Plaintiff Mariah Rumreich is awarded \$2,492.00 in attorney's fees and \$400.00  
in costs.

(4) The Clerk is **DIRECTED** to amend the judgment to include this fee and cost  
award.

**DONE** and **ORDERED** in Fort Myers, Florida this 10th day of May, 2019.

  
**SHERI POLSTER CHAPPELL**  
**UNITED STATES DISTRICT JUDGE**

Copies: All Parties of Record