

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

FERRARA CANDY COMPANY,

Plaintiff,

v.

Case No: 2:17-cv-512-FtM-38MRM

EXHALE VAPOR LLC, ORGASMIC  
FLAVORS, INC., MICHELLE ALLEN,  
MICHELLE ALLEN, MICHELLE  
ALLEN and MICHELLE ALLEN,

Defendants.

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**ORDER**<sup>1</sup>

Before the Court is United States Magistrate Judge Mac R. McCoy's Report and Recommendation ([Doc. 35](#)), recommending that Plaintiff Ferrara Candy Company's Motion for Attorney's Fees and Costs Pursuant to Judgment and Permanent Injunction of Doc. 33 ([Doc. 34](#)) be granted in part. No party has objected to the Report and Recommendation, 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](#)

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(11th Cir. 1982). Absent specific objections, there is no requirement that a 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 with no objection. *Cooper-Houston v. Southern Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994).

Here, Judge McCoy recommends that Ferrara Candy be awarded its requested attorneys' fees and costs, subject to the following: (1) reduction of attorney hourly rates to \$425; (2) reduction of paralegal hourly rates to \$175; (3) reduction of the hours billed by 15% to offset the effects of block billing; and (4) deduction of pro hac vice fees. After independently examining the file and on consideration of Judge McCoy's findings and recommendation, the Court accepts and adopts the Report and Recommendation.

Accordingly, it is now

**ORDERED:**

United States Magistrate Judge Mac R. McCoy's Report and Recommendation (Doc. 35) is **ACCEPTED AND ADOPTED**.

(1) Plaintiff Ferrara Candy Company's Motion for Attorney's Fees and Costs

Pursuant to Judgment and Permanent Injunction of Doc. 33 (Doc. 34) is

**GRANTED in part** as follows:

a. Plaintiff is awarded \$34,134.94 in attorneys' fees.

b. Plaintiff is awarded \$990.00 in costs.

(2) The Clerk of the Court is **DIRECTED** to enter judgment, terminate all pending motions and deadlines, and close the file.

**DONE** and **ORDERED** in Fort Myers, Florida this 23rd day of January, 2019.

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

Copies: All Parties of Record