

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

PATRICIA KENNEDY,

Plaintiff,

v.

Case No. 6:17-cv-640-Orl-37KRS

KSK INVESTMENTS LLC; and HJ  
FLORIDA INC.,

Defendants.

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**ORDER**

On April 10, 2017, Plaintiff initiated this action against Defendants under the Americans With Disabilities Act (“**ADA**”). (Doc. 1.) Thereafter, the parties stipulated to the entry of a consent decree, and the Court gave counsel leave to seek an award of attorney fees, expenses, and costs. (See Doc. 17.) On September 16, 2017, Plaintiff filed an Amended Motion for Attorney Fees (Doc. 20 (“**Fees Motion**”)) to which Defendants responded (Doc. 21). The matter was then referred to U.S. Magistrate Judge Karla R. Spaulding. (Doc. 28 (“**R&R**”).)

In her Fees Motion, Plaintiff seeks reimbursement of: (1) attorney fees in the amount of \$8,022; (2) paralegal fees in the amount of \$138; (3) costs and litigation expenses totaling \$460; (4) expert expenses totaling \$1,200; and (5) a re-inspection fee of \$1,000. (Doc. 20, p. 11.) In their response, Defendants contend that the expenses, costs, attorney fees and hourly rates are excessive. (Doc. 21, p. 8.)

In her R&R, Magistrate Judge Spaulding recommends that the Court grant the Fees

Motion in part. (Doc. 28, p. 10.) She concludes that Plaintiff is entitled to: (1) an award of attorney fees totaling \$4,467.50, based on an hourly rate for attorney work of \$300 and \$95 for paralegal work; and (2) taxable costs in the amount of \$430. (*Id.* at 7-8.) Magistrate Judge Spaulding also finds that Plaintiff is not entitled to expert witness fees or a re-inspection fee, as her counsel conceded that no re-inspection has occurred. (*Id.* at 8-10.)

The parties did not object to the R&R, and the time for doing has now passed. Hence the Court has examined the R&R only for clear error. *See Wiand v. Wells Fargo Bank, N.A.*, No. 8:12-cv-557-T-27EAJ, 2016 WL 355490, at \*1 (M.D. Fla. Jan. 28, 2016); *see also Marcort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006). Finding no clear error, the Court concludes that the R&R is due to be adopted in its entirety.

Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. U.S. Magistrate Judge Karla R. Spaulding's Report and Recommendation (Doc. 28) is **ADOPTED, CONFIRMED**, and made a part of this Order.
2. Plaintiff's Verified Application for Attorney's Fees, Costs, Expert Witness Fees and Litigation Expenses and Memorandum of Law (Doc. 20) is **GRANTED IN PART** to the extent identified in the R&R.
3. The Court awards Plaintiff \$4,467.50 in attorney fees and \$430.00 in taxable costs, for a total award of **\$4,897.50**.
4. The Clerk is **DIRECTED** to close the file.

**DONE AND ORDERED** in Chambers in Orlando, Florida, on December 12, 2017.



  
ROY B. DALTON JR.  
United States District Judge

Copies to:  
Counsel of Record