

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

**DIAMOND RESORTS U.S  
COLLECTION DEVELOPMENT, LLC  
and DIAMOND RESORTS  
INTERNATIONAL, INC.,**

**Petitioner,**

**v.**

**Case No: 6:18-cv-127-Orl-37DCI**

**SANDY WILLIAM ROYCE,**

**Respondent.**

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**REPORT AND RECOMMENDATION**

This cause comes before the Court for consideration without oral argument on the following motion:

**MOTION: PETITIONER'S MOTION FOR ATTORNEYS' FEES (Doc. 39)**

**FILED: May 23, 2019**

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**THEREON it is RECOMMENDED that the motion be GRANTED in part.**

On January 25, 2018, Petitioners filed a petition to confirm the arbitration award entered against Respondent. Doc. 1. By Order dated April 18, 2019, the Court granted the Petition, and directed the Clerk to enter judgment in favor of Petitioners and against Respondent in the amount of \$157,767.21, plus accrued interest. Doc. 35. The Order provides that "Petitioners may thereafter file a motion for attorneys' fees and costs related to this proceeding." *Id.* Judgment was entered. Doc. 36.

On May 23, 2019, Petitioners filed a Motion for Attorney's Fees (the Motion), which is pending before the Court for review. Doc. 39. Specifically, Petitioners seek to recover \$25,689.15

in attorneys' fees, which Petitioners assert are "reasonable based on the time and labor required, the novelty and difficulty of the issues involved, the skill requisite to perform the legal services properly, and the fees customarily charged." *Id.* at 3. Petitioners also state they are entitled to an award of costs. *Id.*

Respondent has not filed a response to the Motion and the time for doing so has elapsed. *See* Local Rule 3.01(b).<sup>1</sup> As such, the Motion is deemed unopposed. The undersigned notes, however, that Petitioners do not specify the "award of costs" they seek, nor have they filed a proposed bill of costs. Petitioners state that they are entitled to recover costs (Doc. 39 at 1, 3, 11), but the amount remains unspecified for the Court to award.

Accordingly, it is respectfully **RECOMMENDED** that Petitioners' Motion for Attorneys' Fees (Doc. 39) be **GRANTED in part** to the extent that Petitioners be awarded \$25,689.15 in attorneys fees, and the remainder of the Motion be **DENIED**.

#### **NOTICE TO PARTIES**

A party has fourteen days from this date to file written objections to the Report and Recommendation's factual findings and legal conclusions. A party's failure to file written objections waives that party's right to challenge on appeal any unobjected-to factual finding or legal conclusion the district judge adopts from the Report and Recommendation. *See* 11th Cir. R. 3-1.

Recommended in Orlando, Florida on June 10, 2019.

  
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DANIEL C. IRICK  
UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup> The rule provides that each party opposing a motion or application shall file within 14 days after service of the motion or application a response that includes a memorandum of legal authority in opposition to the request, all of which the respondent shall include a document not more than 20 pages. Rule 3.01(b).

Copies furnished to:  
Presiding Judge  
Counsel of Record  
Courtroom Deputy