

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

EARNEST DONALDSON,

Plaintiff,

v.

Case No.: 8:18-cv-193-T-23AAS

**SAILORMEN, INC. d/b/a POPEYE'S
LOUISIANA KITCHEN,**

Defendant.

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ORDER

The court held a hearing on Sailormen, Inc.'s ("Sailormen") motion to compel Earnest Donaldson to provide initial disclosures and discovery responses, and request for expenses incurred in connection with the motion. (Doc. 10). Mr. Donaldson did not appear at the hearing or otherwise object to Sailormen's motion to compel or request for expenses. The court granted Sailormen's motion and awarded expenses, including reasonable attorney's fees, incurred in connection with the motion pursuant to Fed. R. Civ. P. 37(a)(5)(A). (Doc. 14). Sailormen requests attorney's fees in the amount of \$1,173.00, for 5.2 hours of combined work performed by two attorneys and a paralegal billing at hourly rates of \$260.00, \$235.00, and \$190.00, respectively. (Doc. 15).

Courts are not authorized "to be generous with the money of others, and it is as much the duty of courts to see that excessive fees and expenses are not awarded as it is to see that an adequate amount is awarded." *Am. Civil Liberties Union of*

Georgia v. Barnes, 168 F.3d 423, 428 (11th Cir. 1999). When reducing fees, a court may “conduct an hour-by-hour analysis or it may reduce the requested hours with an across-the-board cut.” *Bivins v. Wrap it Up Inc.*, 548 F.3d 1348, 1350 (11th Cir. 2008). Although a court may apply either method, it cannot apply both. *See id.*

Considering that the issues raised in the motion to compel were straightforward and at no point contested by Mr. Donaldson, a reduction of Sailormen’s requested attorney’s fee award is warranted. Mr. Donaldson is directed to reimburse Sailormen **\$568.50** of the attorney’s fees it incurred in connection with the motion to compel (Doc. 10).

ORDERED in Tampa, Florida on September 26, 2018.

A handwritten signature in black ink that reads "Amanda Arnold Sansone". The signature is written in a cursive, flowing style.

AMANDA ARNOLD SANSONE
United States Magistrate Judge