

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

**YOLDAS ASKAN,**

**Plaintiff,**

**v.**

**Case No: 6:21-cv-1366-PGB-DCI**

**FARO TECHNOLOGIES INC.,**

**Defendant.**

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**ORDER**

This cause is before the Court on United States Magistrate Judge Irick’s Report and Recommendation (Doc. 214 (“**the Report**”)) on Defendant’s Renewed Motion to Quantify Attorneys’ Fees. (Doc. 206). Magistrate Judge Irick recommends that the Defendant’s Motion be granted and Plaintiff be compelled to pay Defendant \$9,780.00 in attorneys fees. (Doc. 214, p. 5).

**I. BACKGROUND**

The procedural and factual background as set forth in the Report are hereby adopted and made a part of this Order. (*See id.* at pp. 1–2).

**II. LEGAL STANDARD**

A district judge “may accept, reject, or modify in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). The district judge “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which

objection is made.”<sup>1</sup> *Id.* And “[t]he judge may also receive further evidence or recommit the matter to the magistrate judge with instructions.” *Id.* However, “[f]rivolous, conclusive, or general objections need not be considered by the district court.” *United States v. Schultz*, 565 F.3d 1353, 1361 (11th Cir. 2009) (citation omitted).

### **III. DISCUSSION**

The Magistrate Judge correctly notes that in his opposition to the Defendant’s renewed motion, the Plaintiff failed to challenge the reasonableness of the requested rate, the reasonableness of the hours billed, or the total requested award. (Doc. 214, p. 2; Doc. 210). Similarly, in his Objection to the Report the Plaintiff fails to contest the reasonableness of the requested award and does not articulate how the Report is incorrect. (Doc. 216). Instead, the Plaintiff repeats his belief that he should have prevailed on the merits of his claim. (*Id.*). As such, the Plaintiff’s Objection to the Report is frivolous and need not be considered by the Court. That said, the Court has conducted a *de novo* review of the Defendant’s Renewed Motion for Attorneys’ Fees and finds the requested attorneys’ fees to be reasonable. Thus, following an independent review of the Defendant’s Motion and the Plaintiff’s response, and after considering the Plaintiff’s “objection” to the Report, the Report and Recommendation is adopted and confirmed.

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<sup>1</sup> The district court must consider the record and factual issues independent of the magistrate judge’s report, as *de novo* review is essential to the constitutionality of § 636. *Jeffrey S. v. State Bd. of Educ.*, 896 F.2d 507, 513 (11th Cir. 1990).

#### IV. CONCLUSION

For these reasons, it is **ORDERED AND ADJUDGED** as follows:

1. Plaintiff's Objection (Doc. 216) to the Report is **OVERRULED**;
2. Magistrate Judge Irick's Report and Recommendation (Doc. 214) is **ADOPTED** and **CONFIRMED** and made a part of this Order; and
3. Defendant's Renewed Motion to Quantify Attorneys' Fees (Doc. 206) is **GRANTED**.

**DONE AND ORDERED** in Orlando, Florida on January 4, 2024.

  
PAUL G. BYRON  
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record  
Unrepresented Parties