

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

Q1, LLC,

Plaintiff,

v.

Case No: 6:22-cv-1212-RBD-LHP

MPR ASSEMBLY AND LOGISTIC
SERVICES, LLC and DSV ROAD,
INC.,

Defendants

ORDER

This cause came on for consideration without oral argument on the following motion filed herein:

MOTION: Q1, LLC d/b/a/ QUALITY ONE WIRELESS, and as successor to QUALITY ONE WIRELESS, LLC'S RENEWED MOTION FOR ENTITLEMENT TO ATTORNEY'S FEES (Doc. No. 117)

FILED: August 9, 2024

THEREON it is ORDERED that the motion is DENIED without prejudice.

As discussed in more detail in prior Orders, *see, e.g.*, Doc. Nos. 106, 109, Plaintiff Q1, LLC filed suit against Defendants MPR Assembly and Logistic

Services, LLC (“MPR”) and DSV Road, Inc. (“DSV”), asserting a claim against MPR for strict liability under the Carmack Amendment, and a claim against DSV for breach of contract, relating to a shipment of cell phones that went missing in transit from Florida to Indiana. Doc. No. 40. DSV filed a crossclaim against MPR for contractual indemnity under their Broker-Carrier Agreement. Doc. 46. DSV subsequently moved for summary judgment against Plaintiff (Doc. No. 53), and Plaintiff moved for summary judgment against MPR (Doc. No. 55).

On February 7, 2024, the Court granted both motions and held that MPR was strictly liable to Plaintiff under the Carmack Amendment claim, and that Plaintiff’s claim against DSV was time-barred. Doc. No. 86. The Court reserved jurisdiction to determine entitlement to attorneys’ fees, if any. *Id.* Judgment was entered in favor of Plaintiff and against MPR in the amount of \$968,660.00 on February 8, 2024. Doc. No. 88.

Plaintiff and MPR have both filed appeals of the Court’s summary judgment Order, Doc. Nos. 93–94, and DSV’s crossclaim against MPR remains pending, Doc. No. 106. In addition, MPR moved to certify as immediately appealable the portion of the Court’s summary judgment order and judgment addressing Plaintiff’s Carmack Amendment claim against MPR. Doc. No. 114. On July 26, 2024, the Court granted that request, directed the Clerk to enter an amended judgment under Fed. R. Civ. P. 54(b) on that portion of the summary judgment order, and directed

DSV and MPR to file any dispositive motions relating to DSV's crossclaim by a date certain. Doc. No. 115.¹ An amended judgment issued on July 29, 2024, which included a direction that "[a]ny motions seeking an award of attorney's fees and/or costs must be filed within the time and in the manner prescribed in Local Rule 7.01. . . ." Doc. No. 116. Plaintiff thereafter filed the above-styled renewed motion for entitlement to fees, which has been referred to the undersigned. Doc. No. 117.²

However, the appeal by MPR with respect to Plaintiff's Carmack Amendment claim remains pending before the Eleventh Circuit Court of Appeals. See Doc. Nos. 113, 115, 123. As such, and as the undersigned previously explained, see Doc. No. 109, MPR's appeal may affect consideration of the issue of attorney's fees. The undersigned therefore finds it appropriate to await the outcome of the appeals before resolving the above-styled renewed motion. See *Morrison v. Amway Corp.*, No. 6:01-cv-0749-Orl-22JGG, 2003 WL 25570793, at *1 (M.D. Fla. Nov. 10, 2003) ("[T]he Court has discretion to deny a motion for attorney's fees without prejudice to refile after the appeal has concluded."); see also, e.g., *E-Z Dock, Inc. v. Snap Dock*,

¹ MPR and DSV timely-filed cross-motions for summary judgment, which remain pending. Doc. Nos. 118-19.

² Plaintiff filed an initial motion for entitlement to fees on February 22, 2024, which the undersigned denied without prejudice as premature due to the pending appeals. Doc. Nos. 89, 109.

LLC, No. 2:21-cv-450-SPC-NPM, 2022 WL 19914347, at *2 (M.D. Fla. Oct. 24, 2022) (exercising discretion to defer resolution of attorney's fees until after resolution of appeal); *Action Nissan, Inc. v. Hyundai Motor Am. & Genesis Motor Am.*, No. 6:18-cv-380-WWB-EJK, 2022 WL 17409415, at *1 (M.D. Fla. Feb. 7, 2022) (same); *Yellowpages Photos, Inc. v. YP, LLC*, No. 8:17-cv-764-T-36JSS, 2020 WL 6729719, at *2 (M.D. Fla. Oct. 29, 2020), *report and recommendation adopted*, 2020 WL 6728846 (M.D. Fla. Nov. 16, 2020) (same); *Truesdell v. Thomas*, No. 5:13-cv-552-Oc-10PRL, 2016 WL 7049252, at *3 (M.D. Fla. Dec. 5, 2016) (same).

Accordingly, Q1's Renewed Motion for Entitlement to Attorney's Fees (Doc. No. 117) is **DENIED without prejudice** to filing a renewed motion, if appropriate, within twenty-one days after issuance of the mandate by the Eleventh Circuit.

DONE and ORDERED in Orlando, Florida on November 13, 2024.



LESLIE HOFFMAN PRICE
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Parties