

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

**GUSTAVO ZAVARCE and SANDRA
JIMENEZ,**

Plaintiffs,

v.

Case No: 6:23-cv-922-GAP-DCI

**CLEAR BLUE INSURANCE
COMPANY,**

Defendant.

REPORT AND RECOMMENDATION

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

**MOTION: Defendant, Clear Blue Insurance Company's Motion
Requesting Quantification of Fees (Doc. 33)**

FILED: January 12, 2024

THEREON it is RECOMMENDED that the motion be GRANTED.

In a prior Order (Doc. 29), the Court directed Plaintiff to pay the reasonable costs and attorney fees incurred by Defendant pursuant to Federal Rule of Civil Procedure 37(a)(5)(A). In that Order, the Court ordered the parties to confer on an amount to be paid, adding that if the parties could not agree on an amount then Defendant should fill a motion requesting quantification of fees. Doc. 29 at 2. On January 12, 2024, Defendant filed a motion requesting quantification of fees, noting that the parties were unable to come to an agreement on an amount. Doc. 33 (the Motion).

In the Motion, Defendant requests that the Court award it \$502.00 against Plaintiffs. Doc. 33 at 7. In support, Defendant provides a memorandum of law setting forth the lodestar and justifying the requested hourly rates and the hours billed. *Id.* at 3-7; *see also* Doc. 33-1 (detailed billing records).

Plaintiffs have once again failed to respond to the Motion. The Court routinely grants motions as unopposed where the opposing parties have not filed a response in opposition to the motion. *See* Docs. 27, 28; Local Rule 3.01(c) (“A party may respond to a motion within fourteen days after service of the motion . . . If a party fails to timely respond, the motion is subject to treatment as unopposed.”) Thus, given the lack of opposition and after consideration of the Motion and the document filed in support thereof, the undersigned recommends the requested fee be found reasonable.

Accordingly, the undersigned **RECOMMENDS** that the Motion (Doc. 33) be **GRANTED**.

NOTICE TO PARTIES

The party has fourteen days from the date the party is served a copy of this report to file written objections to this report’s proposed findings and recommendations or to seek an extension of the fourteen-day deadline to file written objections. 28 U.S.C. § 636(b)(1)(C). A party’s failure to serve and 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; 28 U.S.C. § 636(b)(1).

Recommended in Orlando, Florida on January 30, 2024.

Copies furnished to:
Presiding District Judge
Counsel of Record
Unrepresented Party



DANIEL C. IRICK
UNITED STATES MAGISTRATE JUDGE