

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

**JASON LICHTENSTEIN, on his
own behalf and on behalf of those
similarly situated,**

Plaintiff,

v.

Case No.: 8:23-cv-1423-CEH-AAS

**ANUVIA PLANT NUTRIENTS
CORPORATION and ANUVIA
PLANT CITY, LLC,**

Defendants.

_____ /

REPORT AND RECOMMENDATION

Plaintiff Jason Lichtenstein moves for an award of attorneys' fees in the sum of \$6,950.00 against Defendants Anuvia Plant Nutrients Corporation and Anuvia Plant City, LLC (collectively, the defendants). (Doc. 24). The defendants did not respond to Mr. Lichtenstein's motion.¹ Accordingly, it is **RECOMMENDED** that Mr. Lichtenstein's motion be **GRANTED**.

I. ANALYSIS

The court entered judgment against the defendants, including a ruling

¹ See Local Rule 3.01(c), M.D. Fla. ("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.").

that Mr. Lichtenstein was entitled to an award of his reasonable attorney's fees. (Doc. 20). A reasonable attorney's fee award is "properly calculated by multiplying the number of hours reasonably expended on the litigation times a reasonable hourly rate." *Am. Civil Liberties Union of Ga. v. Barnes*, 168 F.3d 423, 427 (11th Cir. 1999). This number, often called the "lodestar," carries a strong presumption of reasonableness, but may be adjusted by the court. *Id.* at 427; *Bivins v. Wrap It Up, Inc.*, 548 F.3d 1348, 1350 (11th Cir. 2008). The fee applicant must demonstrate reasonableness, which includes "supplying the court with specific and detailed evidence." *Norman v. Housing Auth. of City of Montgomery*, 836 F.2d 1292, 1303 (11th Cir. 1988). In addition, a court may use its own experience in assessing the reasonableness of attorney's fees. *Id.*

A. Reasonable Hourly Rate

Mr. Lichtenstein requests the court find Attorney Jay P. Lechner's billing rate of \$500.00 per hour is reasonable. (*See* Doc. 24, pp. 2–4). Attorney Lechner is a Florida Bar board certified labor and employment lawyer with 22 years' experience representing both employees and employers in all aspects of employment law matters. (*Id.*). Considering the results achieved, Attorney Lechner's experience, reputation, skill, and lack of objection, the undersigned recommends the court find Attorney Lechner's billing rate of \$500.00 per hour

is reasonable. *See Lumpuy v. Scottsdale Ins. Co.*, No. 8:11-cv-2455-T-24 MAP, 2015 WL 1708875, at *2 (M.D. Fla. Apr. 15, 2015) (“the Court concludes that [attorney’s] requested rate of \$500 per hour is reasonable”); *Golf Clubs Away, LLC v. Hostway Corp.*, No. 11-62326-CIV, 2012 WL 2912709, at *4 (S.D. Fla. July 16, 2012) (finding \$500 per hour rate for partners is reasonable).

B. Hours Requested

Mr. Lichtenstein requests \$6,950.00, representing 13.90 hours billed by Attorney Jay P. Lechner. (*See* Doc. 24, pp. 4–5). After thorough review of the attorney time ledger, the undersigned recommends the court find 13.90 hours is reasonable.

II. CONCLUSION

For the reasons stated, it is **RECOMMENDED** that Mr. Lichtenstein’s motions for an award attorney’s fees (Doc. 24) be **GRANTED** in the amount of \$6,950.00.

ENTERED in Tampa, Florida on February 14, 2024.



AMANDA ARNOLD SANSONE
United States Magistrate Judge

NOTICE TO PARTIES

The parties have fourteen days from the date they are 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); 11th Cir. R. 3-1. A party's failure to object timely under 28 U.S.C. § 636(b)(1) waives that party's right to challenge on appeal the district court's order adopting this report's unobjected-to factual findings and legal conclusions. 11th Cir. R. 3-1.

cc:

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