

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

MOUSE ON THA TRACK, LLC  
and BOOSIE BAD AZZ  
PUBLISHING, LLC,

Plaintiffs,

v.

Case No.: 2:24-cv-195-SPC-KCD

CELCIUS NIGHTCLUB, LLC and  
LOUIS NOTBOHM,

Defendants.

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**OPINION AND ORDER**

Before the Court is Plaintiffs' Motion Regarding Reasonableness of Attorney's Fees and Costs (Doc. 21) and United States Magistrate Judge Kyle C. Dudek's Report and Recommendation (Doc. 23). Judge Dudek recommends awarding Plaintiffs \$11,374.25 in attorney's fees and \$1,914.13 in costs. No party objected, so the matter is ripe for review.

After conducting a careful and complete review of the findings and recommendations, a district judge "may accept, reject, or modify, in whole or in part," the magistrate judge's Report and Recommendation. 28 U.S.C. § 636(b)(1)(C). In the absence of specific objections, there is no requirement that a district judge review the Report and Recommendation de novo. *See Garvey v. Vaughn*, 993 F.2d 776, 779 n.9 (11th Cir. 1993). Instead, when

parties don't object, a district court need only correct plain error as demanded by the interests of justice. *See, e.g., Symonette v. V.A. Leasing Corp.*, 648 F. App'x 787, 790 (11th Cir. 2016); *Thomas v. Arn*, 474 U.S. 140, 150-52 (1985). Plain error exists if (1) "an error occurred"; (2) "the error was plain"; (3) "it affected substantial rights"; and (4) "not correcting the error would seriously affect the fairness of the judicial proceedings." *Farley v. Nationwide Mut. Ins.*, 197 F.3d 1322, 1329 (11th Cir. 1999).

After careful consideration and an independent review of the case, the Court finds no plain error. It accepts and adopts the Report and Recommendation to the extent it grants fees and costs. The Court need not strike the Proposed Bill of Costs (Doc. 22) as it substantiates the partial costs incurred by Plaintiff.


Accordingly, it is now

**ORDERED:**

1. United States Magistrate Judge Kyle C. Dudek's Report and Recommendation (Doc. 23) is **ACCEPTED and ADOPTED** and the findings incorporated herein.
2. Plaintiffs' Motion Regarding Reasonableness of Attorney's Fees and Costs (Doc. 21) is **GRANTED**.
3. Plaintiffs are awarded \$11,374.25 in attorney's fees and \$1,914.13 in costs.

4. The Clerk is **DIRECTED** to amend the judgment to include the above figures.

**DONE** and **ORDERED** in Fort Myers, Florida on September 19, 2024.

  
SHERI POLSTER CHAPPELL  
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record