

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

Case No. 0:18-CIV-62813-SMITH/VALLE

CAROLINA MATAMOROS,

Plaintiff,

vs.

BROWARD SHERIFF'S OFFICE,

Defendant.

**DEFENDANT'S NOTICE AND/OR MOTION FOR ENTRY OF JUDGMENT ON COSTS &
ATTORNEY'S FEES AWARDED IN FAVOR OF DEFENDANT AND MEMORANDUM OF
LAW**

Defendant, Broward Sheriff's Office, pursuant to Fed. R. Civ. P. 58 and S.D. Fla. L.R.

7.1, files this Notice and/or Motion for Entry of Judgment on Costs & Attorney's Fees Awarded

Defendant in consolidation of the following orders on said costs and fees:

- 1) Order signed and entered on July 15, 2022 by United States District Judge Rodney Smith Adopting and Affirming Magistrate Vallee's Report and Recommendation of April 18, 2022 adjudicating that, "Defendant is awarded \$17, 635.80 in appellate attorney's fees."
- 2) Order signed and entered on February 16, 2022 by United States District Judge Rodney Smith Adopting and Affirming Magistrate Vallee's Report and Recommendation of January 31, 2022 awarding Defendant, Broward Sheriff's Office "total costs of \$2,925.87" along with "post-judgment interest at the rate of 1.94 % on any award of costs, accruing from August 8, 2019."
- 3) Mandate entered on July 26, 2021 by United States Court of Appeals Eleventh Circuit adjudicating that, "Costs are hereby taxed in the amount of \$241.90 against appellant and are payable directly to appellee."

Although Fed. R. Civ. P. 58(a)(3) does not require a separate document for an order disposing of a motion for attorney's fees under Rule 54, Defendant made no Rule 54 motion for attorney's fees. Instead, Defendant's Motion for Attorney's Fees was made pursuant to 11th Cir. R. 39-2, which Motion, by order of the 11th Circuit Court of Appeals dated

September 2, 2021 was “transferred to the district court for its consideration of whether Appellee is entitled to appellate attorney’s fees and the amount of appellate attorney’s fees, if any, to which it may be entitled See 11th Cir. R. 39-2(d).” Following this transfer, the District Court’s award of attorney’s fees in favor of defendant, which was not appealed within the deadlines prescribed by the Rules of Procedure, should be documented by entry of judgment thereon, which Judgment should also reflect the costs so adjudicated as set forth above.

A proposed Judgment is attached to and included herewith.

WHEREFORE, Defendant respectfully prays for the foregoing entry of Judgment in its favor.

Dated: October 25, 2022
Fort Lauderdale, Florida

Respectfully submitted,
s/ Gale Ciceric Payne
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Attorney for Defendant, Broward
Sheriff’s Office

CERTIFICATE OF SERVICE

I hereby certify that on October 25, 2022, I electronically filed the foregoing Defendant’s Notice And/Or Motion for Entry of Judgment with the Court by CM/ECF. I also certify that the foregoing document is being served on October 25, 2022 on all counsel of record identified on the Service List below in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

/s/ Gale Ciceric Payne
Gale Ciceric Payne, Esq.

SERVICE LIST

Plaintiff, Carolina Matamoros versus Defendant, Broward Sheriff's Office
Case No. 0:18-CIV-62813-SMITH/VALLE
United States District Court, Southern District of Florida

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