

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

CASE NO.: 21-cv-21698-GAYLES/TORRES

ATHOS OVERSEAS LIMITED CORP.,
Plaintiff,

v.

**YOUTUBE, INC., YOUTUBE, LLC,
GOOGLE, LLC.,**

Defendants.

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ORDER

THIS CAUSE comes before the Court on Defendants YouTube, Inc., YouTube LLC, and Google, LLC’s (“Defendants”) Motion for Bill of Costs (“Motion for Costs”), [ECF No. 191], and Motion for Attorneys’ Fees (“Motion for Fees”), [ECF No. 196]. The action was referred to Chief Magistrate Judge Edwin Torres, pursuant to 28 U.S.C. § 636(b)(1)(B), for a ruling on all pretrial, non-dispositive matters, and for a Report and Recommendation on any dispositive matters. [ECF No. 155]. On May 2, 2024, Judge Torres issued his report recommending that the Motions for Fees and Motion for Costs be granted in part and denied in part. (the “Report”). [ECF No. 206].¹ Although Judge Torres found that YouTube was entitled to fees related to Plaintiff’s FDUTPA claim (“FDUTPA fees”), he ordered YouTube to file a supplemental motion addressing the amount of fees sought. *Id.* Defendants timely filed their objections to the Report on May 16, 2024 (“Objections”). [ECF No. 207]. Plaintiff did not file any objections to the Report, but it did file a

¹ In his Report, Judge Torres denied Plaintiff’s request that the Court defer ruling on the Motion pending its appeal to the Eleventh Circuit.

response to Defendants' Objections. [ECF No. 209]. On May 22, 2024, parties filed a Joint Stipulation wherein they resolved the amount of fees YouTube is entitled to in connection with Plaintiff's FDUPTA claim. [ECF No. 202].² Therefore the only portions of the Report that are objected to are those pertaining to YouTube's fees under Section 505 of the Copyright Act ("Copyright Act Fees").

A district court may accept, reject, or modify a magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1). Those portions of the report and recommendation to which objection is made are accorded *de novo* review, if those objections "pinpoint the specific findings that the party disagrees with." *United States v. Schultz*, 565 F.3d 1353, 1360 (11th Cir. 2009); *see also* Fed. R. Civ. P. 72(b)(3). Any portions of the report and recommendation to which *no* specific objection is made are reviewed only for clear error. *Liberty Am. Ins. Grp., Inc. v. WestPoint Underwriters, L.L.C.*, 199 F. Supp. 2d 1271, 1276 (M.D. Fla. 2001); *accord Macort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006).

In his Report, Judge Torres recommends that the Court deny Plaintiff's request to defer ruling on the Motions, grant the Motion for Fees as to YouTube's FDUPTA fees, deny the Motion for Fees as to YouTube's Copyright Act fees, and grant the Motion for Costs. Upon *de novo* review, the Court agrees with Judge Torres's well-reasoned analysis and conclusion that the Motions should be granted in part and denied in part.

CONCLUSION

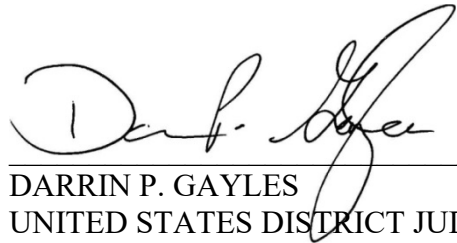
Accordingly, after careful consideration, it is **ORDERED AND ADJUDGED** as follows:

- (1) Judge Torres's Report and Recommendation, [ECF No. 206], is **ADOPTED in full**;

² Therefore, Judge Torres's directive to the Parties to file supplemental briefing regarding the amount of FDUPTA fees YouTube is entitled to is now moot.

- (2) Defendants' Motion for Costs [ECF No. 191] is **GRANTED**.
- (3) Defendants shall be awarded \$27,212.20 in costs.
- (4) Defendants' Motion for Fees [ECF No. 196] is **GRANTED in part and DENIED in part**:
 - a. Defendants' motion for fees under FDUPTA is GRANTED. YouTube shall be awarded \$64,806 in attorneys' fees under FDUPTA.
 - b. Defendants' motion for fees under the Copyright Act is DENIED.

DONE AND ORDERED in Chambers at Miami, Florida, this 16th day of July, 2024.



DARRIN P. GAYLES
UNITED STATES DISTRICT JUDGE