UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

FEDERAL TRADE COMMISSION,

Plaintiff,

v. Case No. 6:17-cv-1257-Orl-37TBS

HARDCO HOLDING GROUP LLC; S & H FINANCIAL GROUP, INC.; DARYL M. HALL; and DEQUAN M. SICARD,

Defendants.

ORDER

In the instant action, Plaintiff Federal Trade Commission ("**FTC**") commenced action against Defendants under the Federal Trade Commission Act and Fair Debt Collection Practices Act alleging that Defendants engaged in a scheme to defraud consumers. (Doc. 1.) On Plaintiff's motion, the Court then ordered the appointment of a Receiver, and authorized him to receive "reasonable compensation for the performance of duties." (Doc. 15, p. 27.) The Receiver then moved the Court for such compensation, both for his services and services performed for him by Holland and Knight. (Docs. 48, 49 (collectively, "**Allowance Motions**").) On referral, U.S. Magistrate Judge Thomas B. Smith recommends that the Court grant the Allowance Motions in part, based on recoverable expenses. (Doc. 50 ("**R&R**").)

In his R&R, Magistrate Judge Smith analyzes the reasonableness of the Receiver's requested compensation. (*Id.*) He concludes that: (1) a reasonable compensation for the

Receiver is $37,768.85 in compensation and $1,494.40 for expenses, which subtracts $146.12 for meals because meals were not recoverable expenses; (2) a reasonable compensation for Holland & Knight is $36,923.50 and $100 in expenses, which subtracts a miscellaneous $100 insurance charge. (*Id.* at 7, 10–11.) He further recommends that the Court authorize the Receiver to pay the amounts awarded as the funds become available from the Receivership Account. (*Id.* at 7, 11.)

The parties did not object to the R&R, and the time for doing so has now passed. As such, the Court has examined the R&R only for clear error. *See Wiand v. Wells Fargo Bank, N.A.*, No. 8:12-cv-557-T-27EAJ, 2016 WL 355490, at *1 (M.D. Fla. Jan. 28, 2016); *see also Marcort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006). Finding no clear error, the Court concludes that the R&R is due to be adopted in its entirety.

Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. U.S. Magistrate Judge Thomas B. Smith's Report and Recommendation (Doc. 50) is **ADOPTED, CONFIRMED**, and made a part of this Order.
2. The First Motion for Allowance and Payment of Compensation and Reimbursement of Expenses to Receiver Brian A. McDowell (Doc. 48.) is **GRANTED IN PART**. The Court **AWARDS** the Receiver $37,768.85 in compensation and $1,494.40 in expenses to be paid from the Receivership Account once these funds are available.
3. The First Motion for Allowance and Payment of Compensation and Reimbursement of Expenses to Holland & Knight LLP as Attorneys for Receiver (Doc. 49.) is **GRANTED IN PART**. The Court **AWARDS** Holland

& Knight LLP $36,923.50 and $100 in expenses to be paid from the Receivership Account once these funds are available.

DONE AND ORDERED in Chambers in Orlando, Florida, on October 18, 2017.

ROY B. DALTON JR.
United States District Judge

Copies to:
Counsel of Record