

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

BLAINE LAMBERT,

Plaintiff,

v.

Case No: 8:17-cv-1129-T-30JSS

UNITED PARCEL SERVICE, INC.,

Defendant.

ORDER

THIS CAUSE comes before the Court upon Plaintiff's Motion to Enforce Settlement Agreement (Dkt. 22) and Defendant's Response in Opposition (Dkt. 26). The Court, having reviewed the Motion and Response, and being otherwise advised in the premises, concludes that Plaintiff's Motion should be granted in part.

The parties agreed to settle this matter. As part of the settlement agreement, Defendant agreed to pay Plaintiff an undisclosed monetary amount within 15 days of Plaintiff signing the agreement. Plaintiff signed the agreement on January 4, 2018 and did not receive payment from Defendant by the January 19 deadline.

In both the Motion and Response, the parties detail their counsels' communications about the nonpayment. Plaintiff's counsel followed up with Defendant's counsel numerous times to check on the status of payment and report that Plaintiff had not received payment. Defendant's counsel assured Plaintiff's counsel many times that the checks were in process or on the way. According to Defendant, "Plaintiff received his payment on February 1,

2018 (13 days late), as promised by undersigned counsel, and Plaintiff's counsel received his payment the next day, on February 2, 2018 (14 days late)."

Plaintiff filed his Motion before payment was tendered, requesting that the Court order Defendant to pay 1) Plaintiff and his attorneys the agreed-to amounts in the settlement; 2) Plaintiff interest from January 19, 2018 until payment is received; and 3) Plaintiff's attorney's fees and costs incurred with filing the Motion.

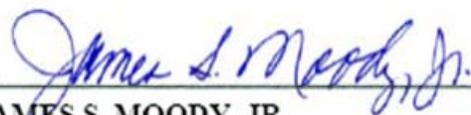
The Court awards the thirteen (13) days of interest, which Plaintiff shall calculate using the appropriate federal interest rate. And, the Court awards \$1,000 in attorney's fees to Plaintiff for his enforcement of the settlement agreement. If Defendant objects to these awards, the Court will hold an evidentiary hearing on the matter.

Upon review and consideration, it is therefore

ORDERED AND ADJUDGED that:

1. Plaintiff's Motion (Dkt. 22) is **GRANTED**, in part, to the extent that the Court awards Plaintiff interest and attorney's fees as specified in the Order.
2. Defendant shall have fourteen (14) days from the date of this Order to notify the Court of any objections to the awarded interest and attorney's fees.

DONE and **ORDERED** in Tampa, Florida, this 22nd day of February, 2018.



JAMES S. MOODY, JR.
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel/Parties of Record