

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

IN RE:

Case No.: 6:08-bk-04350-ABB

GURVINDER SINGH UBEROI and
JASMINE UBEROI,
Debtors.

AUTOMATED PETROLEUM & ENERGY
CO., INC., a Florida corporation,

Plaintiff,

v.

Adv. Proc. No.: 6:08-ap-00155-ABB

GURVINDER S. UBEROI,

Defendant.

JUDGMENT AWARDING ATTORNEY'S FEES

This matter came on for consideration of a Complaint to Determine Dischargeability of Debt (Doc. No.1) filed by Plaintiff, Automated Petroleum and Energy Co., Inc. ("APEC") against Defendant, Gurvinder S. Uberoi ("Uberoi"). An evidentiary hearing was held on October 21, 2008.

The Court issued its Memorandum Opinion Determining Debt Nondischargeable (Doc. No. 18); entered Judgment (Doc. No. 19) finding Uberoi's debt to APEC in the amount of \$109,008.64 nondischargeable in Uberoi's chapter 7 case; and ruled APEC is entitled to attorney's fees and costs pursuant to Florida Law. APEC was directed to file and serve on the Plaintiff, within fourteen (14) days of the entry of the Judgment, "a detailed fee and cost statement," and Uberoi was granted seven days from the date of service of the statement to file and serve APEC's counsel with a written response. APEC filed its Detailed Attorney's Fees and Cost Statement ("Fee Statement") (Doc. No. 22). The response deadline has passed and Uberoi filed no response.

APEC seeks an award of \$29,475.00 for attorney fees and costs of \$1,319.70 for services performed and costs incurred by APEC's for the period July 8, 2007 through December 3, 2008. The Fee Statement details 118.3 hours of attorney services performed, in increments of .10 hour, at the hourly rate of \$250.00.

The reasonableness of attorney fees and costs is determined through an examination of the criteria enunciated in the Matter of First Colonial Corp. of America¹ and Johnson v. Georgia Highway Express, Inc.² After consideration of the First Colonial and Johnson factors, the reasonable number of hours for the services performed by Counsel is 118.3 at a rate of \$250.00 per hour for a total fee award of \$29,475.00. The costs of \$1,319.70 incurred by Counsel are reasonable. Attorney's fees and costs of \$30,079.70 are due to be awarded to APEC as damages pursuant to Fla.Stat. §772.11 (2008) and Fla.Stat. §812.014(1). Accordingly, it is hereby

ORDERED, ADJUDGED and DECREED that JUDGMENT is hereby entered and attorney's fees are hereby awarded, pursuant to the Memorandum Opinion Determining Debt Nondischargeable (Doc. No. 18), against the Debtor Defendant, Gurvinder S. Uberoi and in favor of the Plaintiff, Automated Petroleum and Energy Co., Inc.,

¹ The Court in the Matter of First Colonial Corp. of America, 544 F.2d 1291, 1299 (5th Cir.1977) stated:

In order to establish an objective basis for determining the amount of compensation that is reasonable for an attorney's services, and to make meaningful review of that determination possible on appeal, we held in Johnson v. Georgia Highway Express, Inc., 488 F.2d at 717-19, that a district court must consider the following twelve factors in awarding attorneys' fees

² The Court in Johnson v. Georgia Highway Express, Inc., 488 F.2d 714, 717-19 (5th Cir. 1974) set forth twelve factors:

- (1) the time and labor required;
- (2) the novelty and difficulty of the questions involved;
- (3) the skill requisite to perform the legal service properly;
- (4) the preclusion of other employment by the attorney due to acceptance of the case;
- (5) the customary fee;
- (6) whether the fee is fixed or contingent;
- (7) time limitations imposed by the client or the circumstances;
- (8) the amount involved and the results obtained;
- (9) the experience, reputation, and ability of the attorneys;
- (10) the "undesirability" of the case;
- (11) the nature and the length of the professional relationship with the client;
- (12) awards in similar cases.

in the amount of \$30,079.70 for attorney's fees and costs.

DONE AND ORDERED in Orlando,
Florida, on the 22nd day of January 2009.

/s/Arthur B. Briskman
ARTHUR B. BRISKMAN
United States Bankruptcy Judge

NOT FOR PUBLICATON