

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA

CASE NO. 5:13-00143-ACC-PRL

LARRY KLAYMAN,

Plaintiff,

vs.

CITY PAGES *et al.*,

Defendants.

**DEFENDANTS' RESPONSE TO
PLAINTIFF'S MOTION TO HOLD TAXATION OF COSTS IN ABEYANCE**

Defendants submit their response to Plaintiff's Motion To Hold Taxation Of Costs In Abeyance (the "Motion") [ECF No. 32]. The Motion should be denied for the following reasons:

Defendants filed their motion to tax costs on April 13, 2015 [ECF No. 129]. Instead of responding to the motion to tax costs, Plaintiff filed the Motion, through which he asks the Court not to consider the issue of costs at this time because (1) he has filed a motion for reconsideration that, if granted, would "reverse" the Court's entry of summary judgment, and (2) he still has the opportunity to appeal the Court's Order granting Defendants' motion for summary judgment.

The Motion does not mention any of the elements governing the relief Plaintiff seeks, much less make any attempt to explain why those elements, as applied here, warrant the relief he seeks. *See, e.g., Breedlove v. Hartford Life and Accident Ins. Co.*, 2013 WL 361825 at *1 (M.D. Fla. Jan. 30, 2013) (listing elements); *Sorrels v. NCL (Bahamas) Ltd.*, 2014 WL 4373604 at *1 (S.D. Fla. Sept. 3, 2014) (quoting *Hilton v. Braunskill*, 481 U.S. 770, 776 (1987)) (same). The mere fact that Plaintiff still has avenues of review available to him is not enough. *See, e.g., Hernandez v. Motorola Mobility, Inc.*, 2013 WL 4773263 at *6 (S.D. Fla. Sept. 4, 2013) (citing *Rothenberg v.*

Security Management Co., Inc., 677 F.2d 64, 64 (11th Cir. 1982)) (“But other than noting the possibility of reversal on appeal, Plaintiff gives no valid reason for delaying the Court’s ruling on taxable costs. And Defendant, having prevailed before this Court, is entitled to recover taxable costs at this time, despite Plaintiff’s appeal.”).

For these reasons, the Motion should be denied.

Respectfully submitted,

HOLLAND & KNIGHT LLP
Attorneys for Defendants
701 Brickell Avenue, Suite 3300
Miami, Florida 33131
(305) 374-8500 (telephone)
(305) 789-7799 (facsimile)

By: /s/ Scott D. Ponce
Sanford L. Bohrer (FBN 160643)
Scott D. Ponce (FBN 0169528)
Email: sbohrer@hklaw.com
Email: sponce@hklaw.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of May 2015, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF System.

/s/ Scott D. Ponce

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