

DISTRICT COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. THOMAS AND ST. JOHN

|                               |   |                   |
|-------------------------------|---|-------------------|
| FLAGSTAR BANK, FSB,           | ) |                   |
|                               | ) |                   |
| Plaintiff,                    | ) |                   |
|                               | ) |                   |
| v.                            | ) | Civil No. 2016-95 |
|                               | ) |                   |
| DONALD J. MOOK, DANA W. MOOK, | ) |                   |
|                               | ) |                   |
| Defendants.                   | ) |                   |
|                               | ) |                   |
|                               | ) |                   |

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**APPEARANCES:**

**A.J. Stone, III**

Bolt Nagi PC

St. Thomas, U.S.V.I.

*For Flagstar Bank, FSB.*

**ORDER**

**GÓMEZ, J.**

Before the Court is the motion of Flagstar Bank, FSB, ("Flagstar") that seeks attorneys' fees and costs (the "fee petition") from Donald J. Mook and Dana W. Mook (collectively the "Mooks").

Flagstar's fee petition seeks an award of attorneys' fees in the amount of \$4,550 and compensable costs in the amount of \$885.

The Court referred Flagstar's fee petition to the Magistrate Judge for a Report and Recommendation. On September

5, 2018, the Magistrate Judge issued her Report and Recommendation. The Magistrate Judge determined that the requested attorneys' fees should be reduced by \$450 to exclude excessive charges. In addition, the Magistrate Judge determined that the requested costs should be reduced by \$200 to exclude costs not allowable under 5 V.I.C. § 541(a).

The parties filed no objections to the Magistrate Judge's Report and Recommendation.

Litigants may make "specific written objections" to a magistrate judge's report and recommendation "[w]ithin 14 days after being served with a copy of the recommended disposition." See Fed. R. Civ. P. 72(b)(2); see also 28 U.S.C. § 636(b)(1) ("Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court.").

When no objection to a magistrate's report and recommendation is made the district court reviews the report and recommendation for plain error. See *Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987) ("While . . . [28 U.S.C. § 636(b)(1)] may not require, in the absence of objections, the district court to review the magistrate's report before accepting it, we believe that the better practice is for the district judge to afford some level of review to dispositive

legal issues raised by the report."); see also *Tice v. Wilson*, 425 F. Supp. 2d 676, 680 (W.D. Pa. 2006) *aff'd*, 276 Fed. App'x 125 (3d Cir. 2008) (explaining that, by failing to object to a portion of a report and recommendation, the litigant "waived its right to have this Court conduct a *de novo* review," and that in those circumstances, "the scope of [the court's] review is far more limited and is conducted under the far more deferential standard of 'plain error' ").

Having reviewed the record and the Report and Recommendation, the Court finds no error.

The premises considered, it is hereby

**ORDERED** that the Report and Recommendation docketed at ECF Number 42 is **ADOPTED**; it is further

**ORDERED** that the motion for attorney's fees and costs docketed at ECF Number 32 is **GRANTED** in part and **DENIED** in part; it is further

**ORDERED** that the Mooks shall be liable to Flagstar for attorney's fees in the amount of \$4,100; and it is further

**ORDERED** that the Mooks shall be liable to Flagstar for costs in the amount of \$685 in costs.

s\ \_\_\_\_\_  
Curtis V. Gómez  
District Judge