

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Monster Daddy, LLC,)	
)	C.A. No. 6:06-293-HMH
Plaintiff,)	
)	
vs.)	OPINION & ORDER
)	
Monster Cable Products, Inc.,)	
)	
Defendant.)	

This matter is before the court pursuant to the September 26, 2012 Order of the United States Court of Appeals for the Fourth Circuit to determine an appropriate award of attorney fees and costs to the Plaintiff-Appellee, Monster Daddy, LLC (“Monster Daddy”).

By way of background, the appeal in question involved this court’s award of attorney fees to Monster Daddy as a result of the improper filing of litigation in California. The Fourth Circuit affirmed the original award of attorney fees, and Monster Daddy subsequently petitioned the Fourth Circuit for an award of attorney fees and costs in connection with the appeal. A determination of an appropriate award of attorney fees and costs is now before this court as ordered by the Fourth Circuit.

There is continuing litigation between the parties pending before United States District Judge Mary Geiger Lewis, and Monster Cable Products, Inc. (“Monster Cable”) has requested that this court transfer the instant matter to Judge Lewis. This determination of attorney fees and

costs is separate and distinct from the pending case before Judge Lewis, and this court will make a determination of an appropriate award of attorney fees and costs.

It is obvious that the appeal of the original award in the amount of \$9,290.50 in attorney fees had no merit and the Fourth Circuit so held. Because the record in this case is somewhat long and tortured, it is reasonable that counsel for Monster Daddy would be required to spend considerable time defending the appeal. The court has considered the objections raised by Monster Cable as to the amount claimed by Monster Daddy and finds that the objections are without merit.

Therefore, the court awards attorney fees of \$41,609.75 and costs of \$1,356.83 for a total award of \$42,966.58 to be paid to Monster Daddy by Monster Cable.

IT IS SO ORDERED.

s/Henry M. Herlong, Jr.
Senior United States District Judge

Greenville, South Carolina
November 7, 2012