

**United States Court of Appeals**

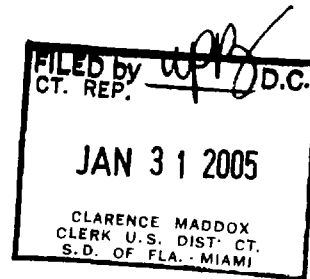
Eleventh Circuit  
56 Forsyth Street, N.W.  
Atlanta, Georgia 30303

**Thomas K. Kahn**  
Clerk

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January 18, 2005

Clarence Maddox  
Clerk, U.S. District Court  
301 N. Miami Avenue  
Miami FL 33128



**Appeal Number: 04-13314-HH**  
Case Style: EEOC v. Mortgage Information Services, Inc.  
District Court Number: 01-07543 CV-PAS ✓

The enclosed certified copy of the judgment and a copy of this court's opinion are hereby issued as the mandate of this court.

The district court clerk is requested to acknowledge receipt on the copy of this letter enclosed to the clerk.

A copy of this letter, and the judgment form if noted above, but not a copy of the court's decision, is also being mailed to counsel and pro se parties. A copy of the court's decision was previously mailed to counsel and pro se parties on the date it was issued.

Sincerely,

THOMAS K. KAHN, Clerk

Reply To: James O. Delaney (404) 335-6113

Encl.

203  
VPPB

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

\_\_\_\_\_  
No. 04-11460  
Non-Argument Calendar  
\_\_\_\_\_

**FILED**  
U.S. COURT OF APPEALS  
ELEVENTH CIRCUIT  
November 24, 2004  
THOMAS K. KAHN  
CLERK

D. C. Docket No. 01-07543-CV-PAS

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,

Plaintiff-Appellee,

MARITZA OSORIO,

Plaintiff-Intervenor-  
Appellee,

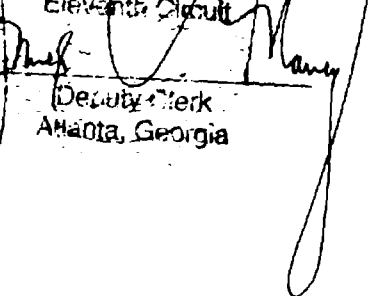
versus

MORTGAGE INFORMATION SERVICES, INC.,

Defendant-Appellant.

\_\_\_\_\_  
No. 04-13314  
Non-Argument Calendar  
\_\_\_\_\_

D.C. Docket No. 01-07543-CV-PAS

A True Copy - Attested  
Clerk U.S. Court of Appeals,  
Eleventh Circuit  
By:   
Deputy Clerk  
Atlanta, Georgia

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,

Plaintiff-Appellee,

versus

MORTGAGE INFORMATION SERVICES, INC.,

Defendant-Appellant.

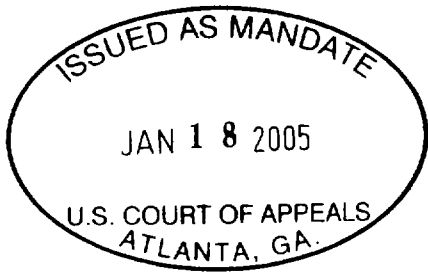
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Appeals from the United States District Court  
for the Southern District of Florida

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J U D G M E N T

It is hereby ordered, adjudged, and decreed that the attached opinion included herein by reference, is entered as the judgment for this Court.



Entered: November 24, 2004  
For the Court: Thomas K. Kahn, Clerk  
By: Gilman, Nancy

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

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No. 04-11460  
Non-Argument Calendar

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**FILED**  
U.S. COURT OF APPEALS  
ELEVENTH CIRCUIT  
November 24, 2004  
THOMAS K. KAHN  
CLERK

D. C. Docket No. 01-07543-CV-PAS

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,

Plaintiff-Appellee,

MARITZA OSORIO,

Plaintiff-Intervenor-  
Appellee,

versus

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Defendant-Appellant.

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EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,

Plaintiff-Appellee,

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MORTGAGE INFORMATION SERVICES, INC.,

Defendant-Appellant.

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Appeals from the United States District Court  
for the Southern District of Florida

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(November 24, 2004)

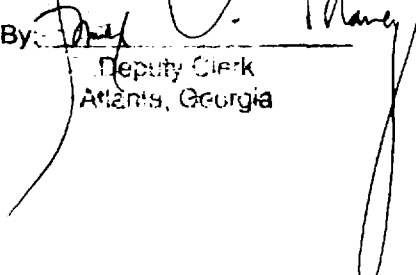
Before HULL, WILSON and FAY, Circuit Judges.

PER CURIAM:

In this appeal Mortgage Information Services, Inc. argues that the district court abused its discretion in failing to award it attorneys' fees and its full costs even though it was the prevailing party. A review of the record convinces us that there was no abuse of discretion in the denial of attorneys' fees for the reasons set forth in the ORDER entered by the district court on February 24, 2004. On the question of costs, it appears that the appellant sought a total of \$3,441.99 in witness fees for depositions and attendance at trial. The major part of that amount is \$2,250.00 attributable to an expert witness, Dr. Oren Wunderman, for time spent in preparation of his deposition. The appellee, Equal Employment Opportunity Commission, concedes that these costs are proper.

The rulings of the district court are affirmed and modified to the extent of increasing the costs awarded to the appellant by \$3,441.99.

**AFFIRMED.**

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Clerk U.S. Court of Appeals,  
Eleventh Circuit  
By:   
Deputy Clerk  
Atlanta, Georgia

**UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT  
BILL OF COSTS**

DEC 06 2004

Mortgage Information Services, Inc.  
Defendant - Appellant

vs.

Case No. 04-11460-HH

U.S. Equal Employment Opportunity Comm.  
Plaintiff - Appellee

Fed.R.App.P. 39 and 11th Cir. R. 39-1 (see reverse) govern costs which are taxable in this court and the time for filing the Bill of Costs. A motion for leave to file out of time is required for a Bill of Costs not timely received.

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FILED  
U.S. COURT OF APPEALS  
ELEVENTH CIRCUIT  
DEC 06 2004

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Record Excerpts							
Appellee's Brief	✓		60	10(9)	600	\$90.00	\$81.00
Reply Brief							
*Note: If reproduction was done commercially, receipt(s) must be attached.					<b>TOTAL</b>	\$ 90.00	\$ 81.00
						REQUESTED	ALLOWED

I hereby swear or affirm that the costs claimed were actually and necessarily incurred or performed in this appeal and that I have served this Bill of Costs on counsel/parties of record.

Date Signed: 12/2/04 Signature: Susan R. Olford

Attorney for: U.S. Equal Employment Opportunity Commission  
(Type or print name of client)

**FOR COURT USE ONLY**

Costs are hereby taxed in the amount of \$ \$81.00 against Appellant

and are payable directly to Appellee

Thomas K. Kahn, Clerk

By: Teresa Patterson  
Deputy Clerk

JAN 18 2005

Issued on: \_\_\_\_\_

A True Copy Attached  
Clerk U.S. Court of Appeals,  
Eleventh Circuit  
By: \_\_\_\_\_  
Deputy Clerk  
Atlanta, Georgia