

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-1205

EMPLOYERS COUNCIL ON FLEXIBLE COMPENSATION,

Plaintiff - Appellee,

v.

KENNETH FELTMAN; ANTHONY WAYNE HAWKS; EMPLOYERS COUNCIL ON
FLEXIBLE COMPENSATION, LTD.,

Defendants - Appellants.

No. 10-1206

EMPLOYERS COUNCIL ON FLEXIBLE COMPENSATION,

Plaintiff - Appellant,

v.

KENNETH FELTMAN; ANTHONY WAYNE HAWKS; EMPLOYERS COUNCIL ON
FLEXIBLE COMPENSATION, LTD.,

Defendants - Appellees.

Appeals from the United States District Court for the Eastern
District of Virginia, at Alexandria. James C. Cacheris, Senior
District Judge. (1:08-cv-00371-JCC-TRJ)

Argued: March 23, 2011

Decided: April 20, 2011

Before NIEMEYER and DAVIS, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Affirmed in part and reversed in part by unpublished per curiam opinion.

ARGUED: Anthony Wayne Hawks, HAWKS LAW OFFICE, Bethany Beach, Delaware, for Appellants/Cross-Appellees. Bernard Joseph DiMuro, DIMUROGINSBERG, PC, Alexandria, Virginia, for Appellee/Cross-Appellant. **ON BRIEF:** Edward A. Pennington, HANIFY & KING, PC, Washington, D.C., for Appellants/Cross-Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Defendants Kenneth Feltman, Anthony Hawks, and Employers Council on Flexible Compensation, Ltd. (collectively Defendants) appeal the district court's order awarding plaintiff Employers Council on Flexible Compensation (Plaintiff) \$292,500.00 in attorneys' fees and \$16,885.97 in costs, pursuant to § 35(a) of the Lanham Act, 15 U.S.C. § 1117(a). Defendants challenge the award as excessive. Plaintiff noted a cross-appeal to challenge the award as inadequate.

With one minor exception, which requires reversal, we affirm the district court's attorneys' fees and costs award in favor of Plaintiff on the reasoning of the district court, as set forth in its carefully crafted and thorough opinion. See Employers Council on Flexible Comp. v. Feltman, 2010 WL 186457 (E.D.Va. January 13, 2010). This disposition grants no appellate relief to Plaintiff on its cross-appeal. The one minor exception requiring reversal pertains to the district court's award of \$1,188.98 in costs to Plaintiff for computer forensic fees. Plaintiff concedes on appeal that this portion of the district court's award of costs was in error and should be reversed. Accordingly, we reverse the district court's award of costs to the extent it awarded Plaintiff \$1,188.98 in costs for computer forensic fees. In all other respects, the district

court's order awarding Plaintiff attorneys' fees and costs is affirmed.

AFFIRMED IN PART
AND REVERSED IN PART