

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

---

No. 07-10815  
Non-Argument Calendar

---

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT JULY 18, 2007 THOMAS K. KAHN CLERK
--

D. C. Docket No. 03-01170-CV-ORL-22DAB

ACTION SECURITY SERVICE, INC.,  
a Florida corporation,

Plaintiff-Appellee,

versus

AMERICA ONLINE, INC.,  
a foreign corporation,

Defendant-Appellant.

---

Appeal from the United States District Court  
for the Middle District of Florida

---

**(July 18, 2007)**

Before TJOFLAT, BIRCH and WILSON, Circuit Judges.

PER CURIAM:

The questions involved in this appeal are well set out in the Reports and Recommendations of the magistrate judge and the district court's dispositive order of January 23, 2007. They are whether appellant failed to meet its burden of apportioning the fees attributable to its defense of appellee's civil theft claim – as distinguished from appellee's claims for negligence and conversion – and whether the district court erred in determining that the compensable time appellant spent in defense of the civil theft claim was excessive.

Having considered the parties' arguments, we agree with the district court, for the reasons stated in its dispositive order, that appellant failed to satisfy its apportionment burden. As for the attorney's fees, we find no error in the court's determination of the hourly rate.

**AFFIRMED.**