

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 07-15552
Non-Argument Calendar

<p>FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT October 21, 2008 THOMAS K. KAHN CLERK</p>

D. C. Docket No. 05-00949-CV-T-MAP

MORNINGSTAR HEALTHCARE, LLC,

Plaintiff-Appellant,

versus

GREYSTONE & CO., INC.,

Defendant-Appellee.

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

(October 21, 2008)

Before BLACK, CARNES and BARKETT, Circuit Judges.

PER CURIAM:

This is an appeal from the district court's awarding of fees and costs to Greystone & Co., Inc., when it prevailed on its summary judgment motion in Morningstar Healthcare, LLC's suit against Greystone on a breach of contract claim. Morningstar concedes the order granting fees and costs should be affirmed if its appeal from the granting of summary judgment is unsuccessful. Because we affirmed the district court's summary judgment order in the companion case *Morningstar Healthcare, LLC v. Greystone & Co., Inc.*, 07-14829, the order awarding fees and costs to Greystone is also **AFFIRMED**.