

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

THAI MEDITATION ASSOCIATION :
OF ALABAMA, INC., *et al.*, :
 :
 Plaintiffs, :
 :
 vs. : CIVIL ACT. NO. 1:16-cv-395-TFM-MU
 :
 CITY OF MOBILE, ALABAMA, :
 :
 Defendant. :

FINAL JUDGMENT

In accordance with the Memorandum Opinion and Order (Doc. 214) that was entered on April 21, 2022, it is hereby **ORDERED, ADJUDGED, and DECREED:**

- (1) Defendant’s Motion for Summary Judgment (Doc. 193) is **GRANTED**, and Plaintiffs’ Counts 1, 4, and 6 are **DISMISSED with prejudice**; and
- (2) Plaintiffs’ Motion for Partial Summary Judgment (Doc. 195) is **DENIED**; and
- (3) Judgment is entered in favor of Defendant and against Plaintiffs.

To the extent appropriate under Fed. R. Civ. P. 54(d), 28 U.S.C. § 1920, and 42 U.S.C. § 1988, Defendant shall be awarded costs reasonably incurred in connection with this case.¹ Any

¹ “[A] district court may in its discretion award attorneys’ fees to a prevailing defendant in a . . . [§] 1983 action upon a finding that the plaintiff’s lawsuit was ‘frivolous, unreasonable, or without foundation.’” *Sullivan v. Sch. Bd. of Pinellas Cty.*, 773 F.2d 1182, 1188 (11th Cir. 1985) (quoting *Hughes v. Rowe*, 449 U.S. 5, 14, 101 S. Ct. 173, 66 L. Ed. 2d 163 (1980)); *see also S. Atl. Cos., LLC v. Sch. Bd. of Orange Cty.*, 699 F. App’x 842 (11th Cir. 2017) (quoting *Sullivan*, 773 F.2d at 1188). The Court declines to make a *sua sponte* finding of “frivolity” as Plaintiffs’ case survived summary judgment and resulted in a multi-day bench trial as well as a successful appeal that resulted in a partial remand.

request for costs shall also include the appropriate evidence in support of any requests. The motion shall be due on or before **May 13, 2022**, with any response due on or before **May 23, 2022**.

The Clerk of Court is **DIRECTED** to enter this document on the civil docket as a final judgment pursuant to Fed. R. Civ. P. 58. This case is hereby closed.

DONE and **ORDERED** this the 21st day of April 2022.

/s/ Terry F. Moorer
TERRY F. MOORER
UNITED STATES DISTRICT JUDGE