

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

SUE GIBBS, :
 :
 Plaintiff, :
 :
 vs. : CA 08-0196-KD-C
 :
 GEORGIA-PACIFIC, :
 :
 Defendant.

ORDER

This cause is before the Court on plaintiff's motion for payment of attorney's fees (Doc. 49) and defendant's response (Doc. 51). Based upon a review of these pleadings, and pursuant to 28 U.S.C. § 636(b)(1)(A) and Local Rule 72.2(a), the undersigned **GRANTS** plaintiff's motion (Doc. 49) and **ORDERS** the defendant to tender to plaintiff attorney's fees in the requested amount of \$3,030.00 within thirty (30) days of the date of this order. Nothing about entry of this order is viewed by this Court, nor should it be viewed by counsel for plaintiff, as a concession on the defendant's part about the reasonableness or appropriateness of the rates set forth in the affidavits of counsel for plaintiff (*compare* Doc. 51 *with* Doc. 49, Affidavits of Mary E. Pilcher & Rocco Calamusa, Jr.). In other words, in the event plaintiff prevails

following a trial of this matter and seeks attorney's fees as the prevailing party, the defendant may challenge the reasonableness and appropriateness of any of the hourly rates requested as well as the reasonableness of the number of hours for which reimbursement is sought.

DONE and **ORDERED** this the 26th day of February, 2009.

s/WILLIAM E. CASSADY
UNITED STATES MAGISTRATE JUDGE