

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

GROUP CG BUILDERS AND,)	
CONTRACTORS <i>et al.</i>,)	
Plaintiffs,)	
)	
v.)	CIVIL ACTION NO.: 11-00729-KD-C
)	
CAHABA DISASTER RECOVERY,)	
LLC, <i>et al.</i>,)	
Defendants.)	

ORDER

After due and proper consideration of all relevant pleadings in this file, and a *de novo* determination of those portions of the Report and Recommendation to which objection is made, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) and dated July 5, 2012, is **ADOPTED** as the opinion of this Court.

Accordingly, it is **ORDERED** that the Defendants’ motion to dismiss or stay the proceedings (Docs. 13, 14) is **GRANTED** and this matter is **DISMISSED** on *forum non conveniens* grounds subject to the following conditions:

1. Defendants Cahaba Disaster Recovery, L.L.C. and DRC Emergency Services, L.L.C. must allow the plaintiffs to reinstate their claims against them in the Dominican Republic within 180 days of the Court’s final order dismissing this case;
2. Defendant Stewart Gamble Fuzzell, Jr. must submit to suit by the plaintiffs in the Dominican Republic for actions filed within 180 days of the Court’s final order dismissing this case;
3. The defendants waive *any* applicable statutes of limitations or other defenses as a bar to suit in the Dominican Republic;

4. The defendants submit to the jurisdiction of the courts of the Dominican Republic and agree to accept service of process related to actions filed or reinstated against them in the Dominican Republic within 180 days of the Court's final order dismissing this case;
5. The defendants will respect any final judgment rendered by the courts of the Dominican Republic;
6. The defendants must assist the plaintiffs with any efforts to depose or otherwise obtain relevant discovery from, and must produce for trial in the Dominican Republic, their respective employees and officers;
7. The defendants must make good faith and reasonable efforts to obtain the cooperation of former employees and officers with regard to relevant discovery and/or their attendance for trial in the Dominican Republic; and
8. If a court in the Dominican Republic refuses jurisdiction, the Court will allow the plaintiffs to reinstate their case in this Court.

DONE and ORDERED this the **7th** day of **August 2012**.

/s/ Kristi K. DuBose

KRISTI K. DuBOSE

UNITED STATES DISTRICT JUDGE