

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

SE PROPERTY HOLDINGS, LLC,	:	
Plaintiff.	:	
vs.	:	Civil Action No. 1:17-cv-00413-TFM-B
RUSSELL G. JUDKINS, <i>et al.</i>,	:	
Defendants.	:	

ORDER

Pending before the Court is the parties’ Joint Motion for Entry of Findings of Fact and Conclusions of Law and for Indicative Ruling that Court Would Grant Motion if the Court of Appeals Remands Case for that Purpose (“Joint Motion for Entry of Findings of Fact and Conclusions of Law”). Doc. 77, filed Dec. 31, 2018. The parties jointly move the court to enter findings of fact and conclusions of law in this matter and enter an order, pursuant to Fed. R. Civ. P. 62.1(a)(3), that states the Court would grant their instant motion if the Court of Appeals for the Eleventh Circuit remands this matter for this court to enter findings of fact and conclusions of law. Doc. 77, ¶¶ 7. On January 11, 2019, the Court entered its findings of fact and conclusions of law (Doc. 79) without ruling on the parties’ Joint Motion for Entry of Findings of Fact and Conclusions of Law; however, Judgment was entered on November 5, 2018 (Doc. 64), and a Notice of Appeal was filed on December 5, 2018 (Doc. 70). The Eleventh Circuit construed this Court’s findings of facts and conclusions of law as an indicative ruling that this Court would grant the parties’ Joint Motion for Entry of Findings of Fact and Conclusions of Law and remanded this matter, pursuant to Fed. R. App. P. 12.1, for this Court to address the motion. Doc. 87, at 2.

Accordingly, the parties’ Joint Motion for Entry of Findings of Fact and Conclusions of Law is hereby **GRANTED** as to their request for this Court to enter findings of fact and

conclusions of law and **MOOT** as to their request for an indicative ruling pursuant to Fed. R. Civ. P. 62.1(a)(3). The Court's findings of fact and conclusions of law (Doc. 79) are **ENTERED**, pursuant to Fed. R. Civ. P. 52, in this matter.

DONE and ORDERED this 9th day of May 2019.

/s/ Terry F. Moorer

TERRY F. MOORER
UNITED STATES DISTRICT JUDGE