

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

**SHERRY MURRAY AND
KENNETH MECKFESSEL,**

Plaintiffs,

vs.

CSX TRANSPORTATION, INC.

Defendant.

)
)
)
)
)
)
)
)
)
)
)

CIV. ACT. NO. 1:21-cv-58-TFM-M

MEMORANDUM OPINION AND ORDER

On March 25, 2022, the Magistrate Judge entered a report and recommendation which recommends the denial of the motion to dismiss and granting of the alternate motion to compel be affirmed. *See* Doc. 69. Further, that Plaintiffs' counsel be ordered to pay Defendant the reasonable expenses including attorney's fees in the amount of \$4,317.50. *Id.* No objections were filed.

Accordingly, after due and proper consideration of all portions of this file deemed relevant to the issues raised, and there having been no objections filed, the Report and Recommendation of the Magistrate Judge is **ADOPTED**. The Court affirms the prior order (Doc. 30) denying the motion to dismiss and the grant of the alternate motion to compel. The Court further awards fees and expenses in the amount of **\$4,317.50** in conjunction with the grant of the motion to compel. The sum shall be paid by Plaintiff's counsel, Brian A. Dasinger to the Defendant through defense counsel on or before **May 31, 2022**.

DONE and ORDERED this 19th day of April, 2022.

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