

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION**

DE-UNDRE ATKINS,

Plaintiff,

vs.

CASE NO. 3:09cv561/RS-EMT

WAYNE-DALTON CORPORATION,

Defendant.

ORDER

Before me is Plaintiff's motion to determine the amount of attorneys' fees and costs (Doc. 93).

IT IS ORDERED:

1. Plaintiff shall not later than January 18, 2011, file an amended itemization of costs excluding the costs already accounted for in the bill of costs (Doc.89), which is currently under review by the Clerk of Court.
2. Pursuant to N.D. Fla. Loc. R. 54.1(F) and Fed. R. Civ. P. 53(a)(C), a special master shall be appointed to review Plaintiff's attorneys' fees and Plaintiff's costs beyond the statutory costs already submitted in the bill of costs.

3. The parties shall nominate a person willing to serve as a special master not later than January 25, 2011. If the parties are unable to agree upon a special master, each party shall nominate two persons who are willing to serve as a special master and submit their qualifications to the Court. The parties shall also not later than January 25, 2011, submit a joint proposed order of appointment which conforms to the requirements set forth in Fed. R. Civ. P. 53(b). The parties shall also attempt to agree upon the level of review I am to apply in reviewing the special master's report. *See* Fed. R. Civ. P. 53(f)(3).
4. Payment of the special master shall initially be paid in equal shares by the parties. However, the payment of the special master's fees may be reapportioned based upon the special master's findings. *See* Fed. R. Civ. P. 53 (g)(3).

ORDERED on January 11, 2011.

/s/ Richard Smoak
RICHARD SMOAK
UNITED STATES DISTRICT JUDGE