

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

JOHN BRIER, et al.,

Plaintiffs,

v.

CASE NO. 3:16cv142-MCR-CJK

KEITH DE CAY,

Defendant.

_____ /

ORDER

Consideration of the pending motions in this case and all deadlines were tolled pending an appeal to the Eleventh Circuit. The Eleventh Circuit affirmed the judgment of the Court and has now issued its mandate. Therefore, the stay will be lifted, and the Court will consider the remaining motions.

This case is before Court on consideration of the Magistrate Judge's Report and Recommendation dated January 25, 2018. ECF No. 49. The parties have been furnished a copy of the Report and Recommendation and have been afforded an opportunity to file objections pursuant to Title 28, United States Code, Section 636(b)(1). Defendant filed an untimely objection on February 23, 2018, ECF No. 51. Nonetheless, the Court has considered the objection and finds, on *de novo*

review, that it is due to be overruled for the same reasons as stated by the Magistrate Judge. Thus, having considered the Report and Recommendation, and the objections, the Court has determined that the Report and Recommendation should be adopted.

Accordingly, it is now **ORDERED** as follows:

1. The previously imposed stay is **LIFTED**.
2. Magistrate Judge's Report and Recommendation, ECF No. 49, is adopted and incorporated by reference in this Order.
3. Plaintiffs' Motion for Entitlement to Attorney's Fees, ECF No. 32, is **GRANTED**.
4. Plaintiffs have timely filed a Motion to Determine the Amount of Fees and Costs. ECF No. 50. Defendant has 14 days from the date of this Order to file a response to the motion.
5. The Clerk is directed to refer the Motion to Determine Amount of Attorneys' Fees and Costs, ECF No. 50, and response, if any is timely filed, to the

assigned Magistrate Judge for determination.

DONE AND ORDERED this 16th day of August 2018.

M. Casey Rodgers

M. CASEY RODGERS
UNITED STATES DISTRICT JUDGE