

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION

DUGGAN FAMILY PARTNERSHIP, LLP,:

Plaintiff, :  
v. : Civil Action No. 5:10-CV-00476-MIT  
CITY OF JEFFERSONVILLE, :  
GEORGIA, :  
Defendant. :  
\_\_\_\_\_

CONSENT ORDER

The Court having been advised that the parties have agreed to the entry of this Consent Order, and the consent of the parties being evidenced by the signatures of counsel of record affixed below, it is

ORDERED AND ADJUDGED that the Consent Order entered in Civil Action No. 5:09-CV-194 in the United States District Court for the Middle District of Georgia on March 17, 2010 (Dkt. 24) shall continue to remain in force and effect except as supplemented herein, and, further, it is

ORDERED AND ADJUDGED that the four remedial items described in the Joint Report of the parties filed in the above matter on April 5, 2011 (Dkt. 19) shall be completed no later than June 6, 2011 except that such date may be extended, if necessary, pursuant to the *FORCE MAJEURE* provision in the Consent Order entered in Civil Action No. 5:09-CV-194 described above, and, further, it is

ORDERED AND ADJUDGED that the Plaintiff shall not recover any monetary penalty by way of sanctions as sought in the Complaint and Motion for Sanctions in the above-captioned case and, further, it is

ORDERED AND ADJUDGED that the Defendant shall pay to Plaintiff the discounted amount of \$12,500.00 representing full payment of the Plaintiff's attorney's fees and expenses incurred as a result of the need to file this action which payment must be made within 45 days from the entry of this Order. To be considered timely, the payment must be delivered to the office of counsel for Plaintiff at the address shown below by 5:00 p.m. on the 45<sup>th</sup> day following the entry of this Order and, further, it is

ORDERED AND ADJUDGED that in the event the Plaintiff defaults on the payment of \$12,500.00 described above, the Plaintiff shall be entitled immediately to file an affidavit with the Clerk of the United States District Court for the Middle District of Georgia establishing that a default has occurred and establishing the total amount of attorney's fees and expenses actually incurred by the Plaintiff in connection with the above matter from October 4, 2010 through the date the Plaintiff files the default affidavit and the Plaintiff shall attach to the default affidavit itemized time entries establishing the amount of attorney's fees and expenses to be awarded, and, further, it is

ORDERED AND ADJUDGED that a copy of the default affidavit shall be served, by certified mail, on counsel for Defendant at the address shown below and the Defendant shall have ten days from receipt of the default affidavit by counsel for Defendant within which to file any objection to the fees sought by Plaintiff, and, further, it is

ORDERED AND ADJUDGED that in the event no objection to the default affidavit is filed within the ten day period, the Plaintiff shall be entitled to cause the Clerk of United States

District Court to issue the writ of execution in the amount stated in the affidavit and the Plaintiff may then proceed with enforcement efforts in all respects allowed under the laws of the State of Georgia; and, further, it is

ORDERED AND ADJUDGED that this Order may be enforced, if necessary, by the filing of a Motion for Sanctions; and, further, it is

ORDERED AND ADJUDGED that upon timely compliance by Defendant with the requirements of this Order, the parties shall cause a stipulation of dismissal with prejudice to be filed with the Clerk of this Court.

SO ORDERED this 14th day of April, 2011.

S/ Marc T. Treadwell  
MARC T. TREADWELL, JUDGE  
UNITED STATES DISTRICT COURT

CONSENTED TO BY:

STONE & BAXTER, LLP  
By:

/s/ Ronald C. Thomason

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STACK & ASSOCIATES, P.C.

By:

/s/ Donald D.J. Stack (with express permission

by Ronald C. Thomason

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