## IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA ATLANTA DIVISION

THE HARPAGON COMPANY, LLC,

Plaintiff,

v.

CIVIL ACTION FILE NO. 1:09-CV-1146-TWT

FXM, P.C.,

Defendant.

KEITH L. THOMPSON

as Administrator of the Estate of Margo T. Thomas; and as Guardian for the minor children D.K.T. and E.A.T.,

Plaintiff,

v.

CIVIL ACTION FILE NO. 1:09-CV-1300-TWT

HEARTWOOD 11, LLC, et al.,

Defendants.

THE HARPAGON COMPANY, LLC a Georgia limited liability company, Plaintiff,

v.

CIVIL ACTION FILE NO. 1:09-CV-1319-TWT

FRANCIS XAVIER MOORE, et al.,

Defendants.

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<u>ORDER</u>

These are three cases arising out of litigation involving the Harpagon Company

and clients of Francis X. Moore and his law firm. The cases are before the Court on

the Report and Recommendation [Doc. 21, 27, 35] of the Magistrate Judge

recommending remanding all three cases to state court. For the reasons set forth in

the thorough and well reasoned Report and Recommendation, these cases were not

removable under 28 U.S.C. § 1443(1) or the other statutes relied upon by Moore. See

Alabama v. Conley, 245 F.3d 1292 (11th Cir. 2001). The Court approves and adopts

the Report and Recommendation of the Magistrate Judge as the judgment of the

Court. Case Number 1:09cv1300 is remanded to the Superior Court of Clayton

County and the Harpagon Company, LLC is awarded \$2,800 in attorney's fees. Case

Numbers 1:09cv1149 and 1:09cv1319 are remanded to the Superior Court of Fulton

County with no award of attorney's fees.

SO ORDERED, this 31 day of August, 2009.

/s/Thomas W. Thrash

THOMAS W. THRASH, JR.

United States District Judge

-2-