

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISION

RANDI LAFERNEY,

Plaintiff,

v.

CIVIL ACTION NO.: CV210-169

THE CITIZENS BANK OF EAST
TENNESSEE; TERRY MORELOCK,
and WILLIAM E. PHILLIPS,

Defendants.

ORDER

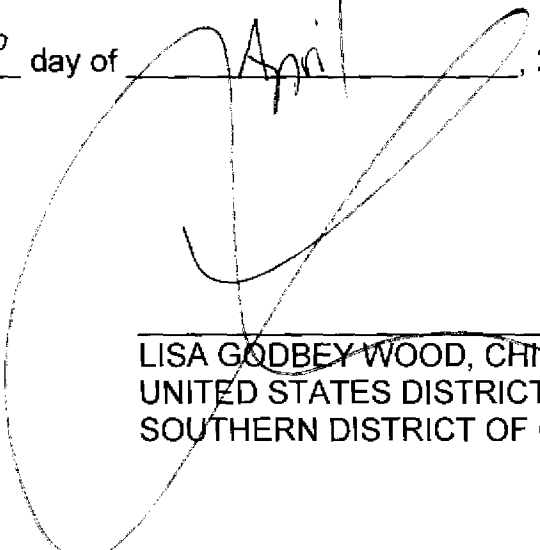
After an independent and *de novo* review, the undersigned concurs with the Magistrate Judge's Report and Recommendation, to which Objections have been filed. Plaintiff objects to the Magistrate Judge's "cursory" conclusion that she failed to meet her burden on any of the four (4) prerequisites necessary for the issuance of an injunction or protective order. (Doc. No. 39, p. 1). Plaintiff asserts that the Magistrate Judge's Report "is not based on a thorough evaluation of the facts of the case or the evidence and arguments" she presented. (*Id.* at p. 2).

Despite Plaintiff's objection, it is she who has the burden of proving her entitlement to an injunction or protective order; it is only after Plaintiff clearly establishes her burden on all four (4) of the prerequisites that the Court could issue her requested relief. Instead, Plaintiff failed to meet her burden of persuasion as to each of these four

(4) prerequisites, even in light of the renewed efforts in her Objections. The Consent Order entered into by Defendant The Citizens Bank of East Tennessee with the Federal Deposit Insurance Corporation has no bearing on the allegations Plaintiff makes in this cause of action, nor does it support Plaintiff's assertion that she is entitled to an injunction or protective order. In fact, as the Magistrate Judge noted, Plaintiff's Motion is based on suppositions and fears about what Defendants' behavior *might* be if her potential witnesses testified on Plaintiff's behalf.

Plaintiff's Objections are **overruled**. The Magistrate Judge's Report and Recommendation is adopted as the opinion of the Court. Plaintiff's Motion for an Injunction and Protective Order is **DENIED**.

SO ORDERED, this 20 day of April, 2011.


LISA GODBEY WOOD, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA