

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANASHERRIE BURAS MANTON AND  
INDEPENDENT FIREARM OWNERS  
ASSOCIATION, INC.

CIVIL ACTION

VERSUS

NO: 11-785

RODNEY STRAIN, JR. ET AL.

SECTION: R(3)

ORDER AND REASONS

The Court has reviewed and considered the Magistrate's Report and Recommendation (R&R) concerning the defendants' Motion to Tax Costs and Attorneys' Fees,<sup>1</sup> the parties' submissions in response thereto,<sup>2</sup> the Magistrate's Supplemental Report and Recommendation (SR&R) regarding the amount of attorneys' fees to be awarded,<sup>3</sup> and plaintiffs' objections thereto.<sup>4</sup>

The Court agrees with the Magistrate that defendants' Motion to Tax Costs and Attorneys' Fees should be granted, and it adopts the R&R as its opinion. As the Magistrate correctly noted in the R&R, an award of attorneys' fees is warranted in this case because (1) plaintiffs failed to establish a prima facie case on any of their claims, (2) defendants never offered to settle the case, and (3) this Court dismissed Manton's claims on the grounds of res judicata and IFOA's claims because they were unsupported

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<sup>1</sup> R. Doc. 67.

<sup>2</sup> R. Docs. 68, 73.

<sup>3</sup> R. Doc. 74.

<sup>4</sup> R. Doc. 75.

by any evidence.<sup>5</sup> See *Myers v. City of West Monroe*, 211 F.3d 289, 292 (5th Cir. 2000). Plaintiffs have presented no arguments tending to contradict the Magistrate's analysis.

The Court also agrees with the conclusions set forth in the Magistrate's SR&R and adopts that Report as its opinion as well. Plaintiffs' opposition to the SR&R merely restates the arguments made in plaintiffs' earlier submissions.<sup>6</sup> For the reasons stated in the R&R and the SR&R, these arguments are meritless.

Accordingly, defendants' Motion to Tax Attorneys' Fees and Costs is GRANTED. Plaintiffs Manton and IFOA and their counsel of record, Daniel G. Abel and Richard J. Feldman, are jointly and severally liable to defendants in the amount of \$22,382.00 in reasonable attorneys' fees. Cf. *Blanco River, LLC v. Green*, 457 F. App'x 431, 434, 438-39 (5th Cir. 2012) (affirming district court's imposition of sanctions jointly and severally on defendant and defendant's counsel because defendant had acted in bad faith and counsel had unreasonably and vexatiously multiplied the proceedings).

New Orleans, Louisiana, this 19th day of August, 2013.



SARAH S. VANCE  
UNITED STATES DISTRICT JUDGE

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<sup>5</sup> R. Doc. 67 at 7-8.

<sup>6</sup> Compare R. Doc. 75 with R. Docs. 57, 73.