

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

FILED  
U.S. DIST. COURT  
MIDDLE DIST. OF LA  
2009 FEB 10 P 4: 05

ROBERT HARVEY

VERSUS

SIGN \_\_\_\_\_  
BY DEPUTY CLERK  
CIVIL ACTION NO.: 08-459-JVP-CN

BATON ROUGE MARINE  
CONTRACTORS AND  
LOUISIANA INSURANCE  
GUARANTEE ASSOCIATION

**RULING**

The court, having carefully considered the complaint, the record, the law applicable to this action, and the Report and Recommendation of United States Magistrate Judge Christine Noland dated January 8, 2009, to which no objection has been filed, hereby approves the report and recommendation of the magistrate judge and adopts it as the court's opinion.

Accordingly, the Motion for Award of Attorney's Fees (doc. 27) filed by plaintiff, Robert Harvey, is hereby **GRANTED** and plaintiff's counsel shall receive a lump sum award in the amount of \$1,410.63 in attorney's fees, with such award only being payable if and when Harvey prevails on the merits of his case and the underlying compensation award becomes final due to a Benefits Review Board and/or Fifth Circuit Court of Appeals decision.

Baton Rouge, Louisiana, February 10<sup>th</sup>, 2009. *JAMES J. BRADY FOR*

*[Handwritten Signature]*  
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JOHN V. PARKER  
UNITED STATES DISTRICT JUDGE  
MIDDLE DISTRICT OF LOUISIANA