UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

MONROE DIVISION

JEFFREY C. SWANK, ET AL.	**CIVIL ACTION NO. 10-0061**
VERSUS	**JUDGE ROBERT G. JAMES**
SCOTTSDALE INSURANCE COMPANY	**MAG. JUDGE KAREN L. HAYES**

RULING

Pending before the Court are a Motion for Partial Summary Judgment [Doc. No. 42], a Motion for Sanctions and Dismissal with Prejudice [Doc. No. 47], and a Motion for Attorney's Fees [Doc. No. 54], which were filed by Defendant Scottsdale Insurance Company ("Scottsdale"). Magistrate Judge Karen L. Hayes issued a Report and Recommendation on the Motion for Partial Summary Judgment and Motion for Sanctions and Dismissal with Prejudice [Doc. No. 53], which the Court agrees with and ADOPTS.

However, as the Magistrate Judge stated in her Report and Recommendation, she was unable to recommend the appropriate level of sanctions because Scottsdale did not provide the Court with documentation of the attorney's fees it incurred as a result of Plaintiffs Jeffrey C. Swank ("Swank") and Rooster's Country Bar, Inc.'s ("Rooster's") actions. Therefore, the Magistrate Judge ordered Scottsdale to file a memorandum detailing the expenses it had incurred.

In its Motion for Attorney's Fees, Scottsdale states that it spent $3,556.00 in prosecuting the motions the Magistrate Judge identified as necessitated by Swank and Rooster's actions. Scottsdale has also attached the appropriate documentation, as required by LR 54.2.

Therefore, pursuant to the Magistrate Judge's Report and Recommendation, Scottsdale's

Motion for Partial Summary Judgment [Doc. No. 42] is GRANTED IN PART, and all claims by Rooster's and the building damage and loss claims brought by Swank are DISMISSED WITH PREJUDICE. The motion is otherwise DENIED.

Further, pursuant to the Magistrate Judge's Report and Recommendation, Scottsdale's Motion for Sanctions and Dismissal with Prejudice [Doc. No. 47] is GRANTED, and Swank and Rooster's remaining claims against Scottsdale are DISMISSED WITH PREJUDICE for violations of the orders of this Court and for failure to prosecute.

Finally, the Court agrees with the Magistrate Judge's recommendation to order sanctions in this case. The Court further finds that Scottsdale's claimed legal expenses are reasonable. Therefore, the Court GRANTS Scottsdale's Motion for Attorney's Fees [Doc. No. 54] and awards attorney's fees to Scottsdale in the amount of $3,556.00.

MONROE, LOUISIANA, this the 16 day of August, 2011.

ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE