

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

STATE OF NORTH CAROLINA DIVISION)		
OF SERVICES FOR THE BLIND,))	
)	
Plaintiff,))	
)	
v.))	1:17CV1058
)	
UNITED STATES DEPARTMENT OF))	
EDUCATION, REHABILITATION))	
SERVICES ADMINISTRATION, and))	
LLOYD CHADWICK HOOKS,))	
)	
Defendants.))	

ORDER

The Recommendation of the United States Magistrate Judge was filed with the Court in accordance with 28 U.S.C. § 636(b) and, on August 23, 2019, was served on the parties in this action. (ECF Nos. 23, 24.) Plaintiff filed objections to the Magistrate Judge’s Recommendation. (See ECF No. 25.) Lloyd Chadwick Hooks (“Defendant”) also filed objections to the Magistrate Judge’s Recommendation, (see ECF No. 26), to which Plaintiff responded, (see ECF No. 27).

The Court has appropriately reviewed the Magistrate Judge’s Recommendation and has made a *de novo* determination in accord with the Magistrate Judge’s Recommendation. The Court therefore adopts the Magistrate Judge’s Recommendation.

IT IS THEREFORE ORDERED that the Complaint/Petition, (ECF No. 1), is GRANTED in part and DENIED in part as follows:

1. The Arbitration Award is VACATED insofar as it authorizes compensatory damages. (See ECF No. 1-1 at 51.)

2. The Arbitration Award and Supplemental Award are AFFIRMED in their award of attorney's fees. (See id.; ECF No. 14-1 at 24.)

3. The Arbitration Award is AFFIRMED in its findings that Plaintiff and Eller violated the Regulation. (See ECF No. 1-1 at 50.)

4. The Arbitration Award is AFFIRMED in ordering the deletion of previous discretionary point awards. (See id.)

5. The Arbitration Award is AFFIRMED in ordering Plaintiff to reconstitute the original interview panel, perform the required give and take interviews with all eight original applicants, award discretionary points based only on information disclosed in such interviews, in conformity with the Regulation (see id.), and award the I-85 Rest Stop to Defendant if he "has the highest point total after points are awarded by the reconstituted interview panel" (id. at 51).

6. The Arbitration Award is VACATED insofar as it orders Plaintiff to set aside confidentiality regulations and provide blind licensees access to specified financial information. (See id.)

Judgment will be entered contemporaneously with this Order.

This, the 30th day of September 2019.

/s/ Loretta C. Biggs
United States District Judge