

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

JOEL B. MONTGOMERY, et al.,

Plaintiffs,

:

Case No. 3:07-cv-470

-vs-

District Judge Thomas M. Rose

Magistrate Judge Michael R. Merz

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MARY L. SANDERS, et al.,

Defendants.

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**ORDER DENYING MOTION TO COMPEL**

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This case is before the Court on Plaintiff's Motion to Compel Payment of Attorney Fees and Expenses (Doc. No. 99). In its Response (Doc. No. 100), the United States has recognized its obligation to pay the amount ordered by the Court without awaiting final judgment in the case and Plaintiff, in his Reply (Doc. No. 101) acknowledges that the Government has taken necessary affirmative steps in that direction, although payment is not complete.

Given that status of the matter, there is no need for the Court to determine its authority to make an order compelling payment. If payment is not received by June 1, 2011, Plaintiff is free to seek reconsideration. The present Motion is denied.

May 17, 2011.

s/ **Michael R. Merz**  
United States Magistrate Judge