

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE**

FIRST HORION BANK,)	
)	
<i>Plaintiff,</i>)	
)	Case No. 2:22-cv-3
v.)	
)	Judge Atchley
KIM CAMERA, <i>et al.</i> ,)	
)	Magistrate Judge Wyrick
<i>Defendants.</i>)	

ORDER ADOPTING R&R

On July 8, 2022, United States Magistrate Judge Cynthia R. Wyrick filed a Report and Recommendation (“R&R”) [Doc. 44] pursuant to 28 U.S.C. § 636(b) and the Rules of this Court. Judge Wyrick recommended the Plaintiff’s Motion to Deposit Account Proceeds into the Registry of the Court, to Dismiss/Discharge Plaintiff, and for Payment of Attorney’s Fees and Expenses to Plaintiff’s [Doc. 3] be granted in part and denied in part. [Doc. 44 at 6]. Further, Judge Wyrick recommended that Plaintiff’s Supplemental Motion to Deposit Funds and for Hearing [Doc. 38] be denied as moot. [Doc. 44 at 6]. No parties have filed an objection to the R&R.¹ However, the Court has nonetheless reviewed the R&R, as well as the record, and agrees with the conclusions of Judge Wyrick.

Accordingly, the Court **ACCEPTS** and **ADOPTS** Judge Wyrick’s findings of fact and conclusions of law as set forth in the R&R. [Doc. 44]. Plaintiff’s Motion to Deposit Account Proceeds into the Registry of the Court, to Dismiss/Discharge Plaintiff, and for Payment of

¹ Magistrate Judge Wyrick advised that the parties had fourteen days in which to object to the Report and Recommendation and that failure to do so would waive any right to appeal. [Doc. 3 at 12 n.9]; *see* Fed. R. Civ. P. 72(b)(2); *see also* *Thomas v. Arn*, 474 U.S. 140, 148-51 (1985) (“It does not appear that Congress intended to require district court review of a magistrate judge’s factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings.”).

Attorney's Fees and Expenses to Plaintiff [Doc. 3] is hereby **GRANTED in part and DENIED in part**. Plaintiff First Horizon is **DIRECTED** to deposit the funds in the Account at issue into the Court's registry by a check made payable to the Clerk of this Court, in the full amount of the balance of the account, including all interest. The Clerk **SHALL** accept such check and **SHALL** deposit the funds into the registry of the Court.

Once the above funds have been deposited, Plaintiff First Horizon shall notify this Court and **MOVE** to be dismissed with prejudice from this action, discharging them from any liability regarding the Account at issue.

At this time, Plaintiff First Horizon's request for attorney's fees, costs, and expenses is **HELD IN ABEYANCE** pending the possibility of additional briefing. The Court notes that Plaintiff has provided an amended affidavit and supplemental billing records to support a significantly greater amount of attorney's fees and costs. [*See* Doc. 45 ("Based on the above facts, I believe that a reasonable attorney's fee and expenses in this matter would be not less than \$41,882.70 for this representation.") (filed July 29, 2022)]. The Court shall give all parties an opportunity to respond to the amended affidavit and supplemental billing records.

Finally, Plaintiff's Supplemental Motion to Deposit Funds and for Hearing [Doc. 38] is hereby **DENIED as moot**.

SO ORDERED.

/s/ Charles E. Atchley, Jr.
CHARLES E. ATCHLEY, JR.
UNITED STATES DISTRICT JUDGE