

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

CHRISTOPHER G. GRANT et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 3:08-cv-332
	)	(Phillips)
LAFARGE NORTH AMERICA, INC., et al.,	)	
	)	
Defendants.	)	

**MEMORANDUM AND ORDER**

On August 21, 2009, the Honorable H. Bruce Guyton, United States Magistrate Judge, filed a nine-page Report and Recommendation (“R&R”) [Doc. 26] in which he recommended that Defendants’ Motion to Dismiss for Failure to Cooperate in Discovery [Doc. 19] be granted.

Neither party objected to Judge Guyton’s R&R [Doc. 26]. There being no timely objections, see 28 U.S.C. § 636(b)(1), and the court being in complete agreement with the magistrate judge, the R&R [Doc. 26] filed by Judge Guyton is hereby **ACCEPTED IN WHOLE**. Consequently, Defendants’ Motion to Dismiss [Doc. 19] is **GRANTED**, and Plaintiffs’ claims against Defendants are **DISMISSED WITH PREJUDICE**.

In addition, the court **ORDERS** that Plaintiffs pay the reasonable attorney’s fees and costs that Defendants incurred in attempting to resolve the discovery disputes. Fed. R. Civ.

P. 37(b)(2)(C) and 37(a)(5). Defendants recently filed an Application for Attorney's Fees [Doc. 27], in which they requested \$8,887.50. To determine whether the amount requested by Defendants is "reasonable," this issue has been **REFERRED** to the Honorable H. Bruce Guyton, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and the Rules of this Court, for disposition or for a report and recommendation as may be appropriate.

**IT IS SO ORDERED.**

**ENTER:**

s/ Thomas W. Phillips  
United States District Judge