

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

LARRY C. LAY, et al.,  
Plaintiffs,

v.

BURLEY STABILIZATION CORPORATION,  
Defendant.

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No. 3:09-CV-252  
(Phillips/Guyton)

ORDER

This matter is before the court on the report and recommendation filed by United States Magistrate Judge H. Bruce Guyton [Doc. 49]. There have been no timely objections to the report and recommendation, and enough time has passed since the filing of the report and recommendation to treat any objections as having been waived. See 28 U.S.C. § 636(b)(1); Fed.R.Civ.P. 72(b).

After a careful review of this matter, the court is in complete agreement with the magistrate judge’s conclusion that defendant’s motion for attorney fees and costs under Tennessee Code Annotated § 48-56-4021(e), be granted, and that defendant’s counsel be awarded attorney fees and costs of \$55,348.56. Accordingly, the court **ACCEPTS IN WHOLE** the report and recommendation under 28 U.S.C. § 636(b)(1) and Fed.R.Civ.P. 72(b). It is **ORDERED**, for the reasons stated in the report and recommendation, which the

court adopts and incorporates into its ruling, that defendant's motion for attorney fees and costs under Tennessee Code Annotated § 48-56-401(e) [Doc. 37] is **GRANTED**, whereby defendant is awarded attorney fees and costs of \$55,348.56.

**IT IS SO ORDERED.**

**ENTER:**

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s/ Thomas W. Phillips  
United States District Judge