

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

ROBERT T. STOOKSBURY, JR.,)	
Plaintiff,)	
)	No. 3:09-CV-498
)	(VARLAN/GUYTON)
v.)	
)	
MICHAEL L. ROSS, <i>et al.</i> ,)	
Defendants.)	

MEMORANDUM AND ORDER

This case is before the undersigned pursuant to 28 U.S.C. § 636 and the Rules of this Court. Now before the Court is a Motion to Authorize Receiver to Disburse Funds [Doc. 1209]. In this motion, the Receiver moves the Court to authorize the disbursement of funds to satisfy the outstanding invoices presented by the law firm of Woolf, McClane, Bright, Allen & Carpenter, PLLC (“WMBAC”) from the inception of the receivership through November 30, 2013.

The Receiver filed six Quarterly Reports and Applications for Interim Compensation and Expense Reimbursement,¹ (“the Applications”), during the relevant period. These Applications included specific requests for the approval of statements for services rendered by WMBAC as counsel for the Receiver. The parties and other interested entities were afforded the period for objections and responses provided for by Local Rule 7.1 with regard to each of the Applications. Upon the expiration of such period, the Court reviewed and approved each of the Applications, finding that the services rendered and the amounts charged were reasonable and necessary. [See

¹ First Quarterly Report and Third Application for Interim Compensation and Expense Reimbursement filed September 7, 2012 [Doc. 732]; Second Quarterly Report and Sixth Application for Interim Compensation and Expense Reimbursement filed November 30, 2012 [Doc. 802]; Third Quarterly Report and Eighth Application for Interim Compensation and Expense Reimbursement filed February 11, 2013 [Doc. 857]; Fourth Quarterly Report and Twelfth Application for Interim Compensation and Expense Reimbursement filed June 11, 2013 [Doc. 946]; Fifth Quarterly Report and Fifteenth Application for Interim Compensation and Expense Reimbursement filed September 25, 2013 [Doc. 1039]; and Sixth Quarterly Report and Eighteenth Application for Interim Compensation and Expense Reimbursement filed December 10, 2013 [Doc. 1137].

Docs. 761, 838, 892, 981, 1074, and 1156]. However, reimbursement to WMBAC was withheld due to the limited assets within the Receiver's account.

In the instant motion, the Receiver represents to the Court that his account contains funds in the amount of \$814,820.08, excluding \$46,257.51 allocated to reimburse homeowner association accounts. Therefore, the Court finds that sufficient funds are available to satisfy the outstanding obligation owed to WMBAC for the payment of fees and expenses.

The instant motion was filed on February 10, 2014. The Court finds that no party or interested entity has responded in opposition to the motion, and the time for doing so has expired. See E.D. Tenn. L.R. 7.1. The Court may treat this failure to respond as acquiescence to the relief sought by the Receiver. See E.D. Tenn. L.R. 7.2.

Based upon the foregoing, the Court finds that the Receiver's request to disburse the previously approved fees and expenses to WMBAC is well-taken, and the Motion to Authorize Receiver to Disburse Funds [**Doc. 1209**] is **GRANTED**. The Receiver is **ORDERED** to disburse **\$525,321.35** from the Receivership account to WMBAC, to satisfy the obligations owed to WMBAC for services rendered from the inception of the Receivership through November 30, 2013.

IT IS SO ORDERED.

ENTER:

/s H. Bruce Guyton
United States Magistrate Judge