

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

TONI MILLER, ET AL.,

Plaintiffs,

V.

TEAM GO FIGURE, L.L.P., ET AL.,

Defendants.

§
§
§
§
§
§
§
§
§
§

No. 3:13-cv-1509-O

ORDER

After conducting an independent review of the pleadings, files, and records in this case, the Findings, Conclusions, and Recommendation of the United States Magistrate Judge dated May 1, 2014 (*see* ECF No. 78), and the Defendants' Response thereto (*see* ECF No. 79)¹, the Court determines that the Findings, Conclusions, and Recommendation of the Magistrate Judge are correct and they are therefore **accepted** as those of the Court. Accordingly, it is hereby **ordered** that:

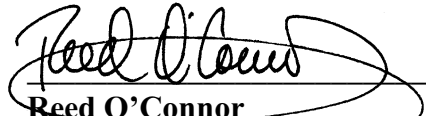
1. Plaintiffs' Motion for Sanctions (ECF No. 58) is **granted in part** and **denied in part**. Plaintiffs are awarded from Defendants Team Go Figure and Scott Eskridge (and not their counsel), jointly and severally, a monetary sanction of Plaintiffs' reasonable attorneys' fees and costs incurred in bringing and pursuing, including through the April 28, 2014 hearing, that part of their Motion for Sanctions associated with Defendants' failure to comply with the Court's February 4, 2014 Order (*see* ECF No. 36) in producing the Team Order Forms.
2. Pursuant to Local Civil Rules 7.1(a) and (h), Plaintiffs' counsel and Defendants' counsel are **ordered** to meet face-to-face and confer about the reasonable amount of any requested fees and costs. No later than 14 days from the date of this Order, the parties must file a joint status report notifying the Court of the results of the conference. If the amount of fees to be awarded to Plaintiffs has been resolved,

¹In their Response, Defendants state they have no objection to Magistrate Judge Horan's recommendation (although they respectfully disagree with his finding that their failure to produce the universe of Team Order Forms was willful). *See* Def. Resp. at 2, ECF No. 79.

Plaintiffs shall also forward an agreed proposed order to the Court. If the parties do not reach an agreement as to the amount of fees to be awarded to Plaintiffs, Plaintiffs may, no later than 14 days from the date of this Order, file an application for attorneys' fees that is accompanied by supporting evidence establishing the amount of those attorneys' fees. The fee application must be supported by documentation evidencing the "lodestar" calculation, including affidavits and billing records, and citations to relevant authorities and shall set forth the number of hours expended in preparing that part of their Motion for Sanctions associated with Defendants' failure to comply with the Court's February 4, 2014 Order (ECF No. 36) in producing the Team Order Forms and in preparing for and attending the hearing on the motion for sanctions held on April 28, 2014, as well as the reasonable rate(s) requested. *See Tollett v. City of Kemah*, 285 F.3d 357, 367 (5th Cir. 2002) (using the "lodestar" method to award attorney's fees under Rule 37). If an application is filed, Defendants may file a response within 7 days.

3. Defendants are further **ordered** to, within 5 business days of the date of this Order, produce all Team Order Forms associated with any sale made by Team Go Figure from 2010 until April 2013, as required by the Court's February 4, 2014 Order (ECF No. 36).
4. Plaintiffs' Motion for Sanctions (ECF No. 58] is otherwise **denied**.

SO ORDERED this 13th day of May, 2014.



Reed O'Connor
UNITED STATES DISTRICT JUDGE