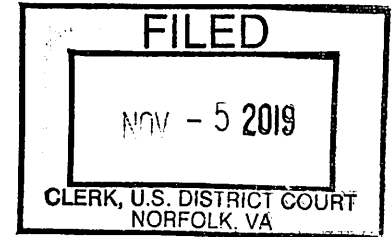


UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division



ROBERT BRUNELLE,

Plaintiff,

v.

ACTION NO. 2:18cv290

NORFOLK SOUTHERN RAILWAY CO.,

Defendant.

ORDER

This matter comes before the court on Plaintiff, Robert Brunelle's ("Brunelle"), Motion to Reopen Case, to Enforce the Settlement Agreement, and for Attorneys' Fees and Costs related thereto, ECF No. 47. Defendant, Norfolk Southern Railway Co. ("Norfolk Southern"), filed its Response in Opposition, ECF No. 48, and Brunelle filed his Reply, ECF No. 49. The Court ordered that a motion hearing be scheduled, ECF No. 51, which motion hearing was held on October 9, 2019, ECF No. 54.

On July 15, 2019, the matter was referred to United States Magistrate Judge Robert J. Krask pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b), to conduct necessary hearings, including evidentiary hearings, if necessary, and to submit to the undersigned district judge proposed findings of fact, if applicable, and


recommendations for the disposition of the Motion to Reopen Case. Referral Order, ECF No. 50.

By copy of the Magistrate Judge's Report and Recommendation ("R&R"), filed on October 18, 2019, the parties were advised of their right to file written objections to the findings and recommendations made by the Magistrate Judge within fourteen (14) days from the date of the mailing of the R&R to the objecting party. R&R at 15-16, ECF No. 56. No objections were filed.

The court **ADOPTS AND APPROVES IN FULL** the findings and recommendations set forth in the Magistrate Judge's thorough and well-reasoned R&R, ECF No. 56, filed on October 18, 2019. Accordingly, the Plaintiff, Brunelle's Motion to Reopen the Case, to Enforce the Settlement Agreement, and for Attorneys' Fees and Costs, ECF No. 47, is **DENIED IN PART** as to enforcement of any settlement agreement, **GRANTED IN PART** as to reopening the case, and **DENIED AS MOOT** as to any request for fees and costs.

The Clerk is **DIRECTED** to send a copy of this Order to counsel for all parties.

IT IS SO ORDERED.

ls/ 

Rebecca Beach Smith
Senior United States District Judge

REBECCA BEACH SMITH
SENIOR UNITED STATES DISTRICT JUDGE

November 5, 2019