

FEB 06 2014

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JULIA C. DUDLEY, CLERK
BY: 
DEPUTY CLERK

McAIRLAIDS, INC.,)	
)	Civil Action No. 7:12CV578
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
KIMBERLY-CLARK CORPORATION,)	By: Samuel G. Wilson
ET AL.,)	United States District Judge
)	
Defendants.)	

This case was referred pursuant to 28 U.S.C. § 636(b)(1)(B) to the Honorable Robert S. Ballou, United States Magistrate Judge. The Magistrate Judge has filed a report recommending that the court deny the defendants' motion for attorneys' fees (Docket No. 139), grant in part and deny in part the plaintiff's motion to stay or retax costs (Docket No. 150), and stay the payment of costs pending final resolution of all appeals. The defendants have objected to portions of the report. The case is now before the court.

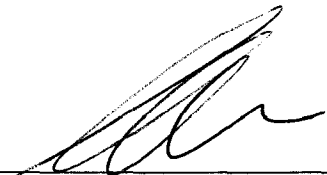
The court has reviewed the Magistrate Judge's report, the objections to that report, and pertinent portions of the record and concludes that the Magistrate Judge's report is substantially correct and, therefore, adopts that report.

Accordingly, the court hereby **ORDERS** and **ADJUDGES** that:

- 1) the Magistrate Judge's Report and Recommendation (Docket No. 171) is **ADOPTED**;
- 2) Defendants' Motion for Attorneys' Fees (Docket No. 139) is **DENIED**;
- 3) Plaintiff's Motion to Stay or Retax Costs (Docket No. 150) is **GRANTED in part** and **DENIED in part**;

- 4) Defendants' Bill of Costs is **GRANTED**, but in the reduced amount of \$14,551.79 (\$12,872.70 for deposition transcripts, \$238.20 for photocopies, and \$1,440.89 for witness fees); and
- 5) the payment of the costs is **STAYED** until resolution of the pending appeal of this case in the Fourth Circuit.

ENTER: This February 6, 2014.



UNITED STATES DISTRICT JUDGE