

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
LOUISVILLE DIVISION

ALEXANDER M. SAY,

Plaintiff

v.

JOHN ADAMS, et al.

Defendants

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CIVIL ACTION NO. 3:07CV-377-R

Electronically filed

PROPOSED ORDER

Joint motion having been made and the Court having been sufficiently advised,

IT IS ORDERED:

1. The Court's preliminary injunction, entered on March 14, 2008, is hereby converted into a permanent injunction. This resolves the merits of this case.

2. Defendant John Adams' motion to dismiss the case as moot is hereby denied as moot.

3. Plaintiff shall file his motion seeking an award of statutory attorneys' fees and costs within thirty (30) days after entry of this order. Defendant shall respond, and plaintiff may reply, as provided by local rules.

4. If the amount of the Court's award for work performed before June 2, 2008, equals or exceeds the amount contained in Defendant's offer of judgment, Plaintiff will be entitled to the full amount that the Court awards. If, however, the amount of the Court's award for work performed before June 2, 2008, is less than the amount contained in Defendant's offer of judgment, Defendant will be entitled to the relief and remedy afforded by Fed. R. Civ. P. 68.

5. Neither side waives its right of appeal from the Court's order awarding attorneys' fees and costs under 42 U.S.C. § 1988.