

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION**

JOSE ROSILES-PEREZ,)
JESUS SANTIAGO-SALMORAN)
and ANDRES ALDANA-MORENO)
on behalf of themselves and all others)
similarly situated,)

Plaintiffs,)

v.)

SUPERIOR FORESTRY SERVICE, INC.,)
SCOTT BARSTOW and)
WILLIAM IOUP,)

Defendants.)


NO. 1:06-0006
JUDGE HAYNES

ORDER

Defendant's motion to stay (Docket Entry No. 125) is **DENIED**. Based upon the Court's earlier Order and its review of the multiplicity of filings on the motion for a protective order, the Court **AWARDS** the Plaintiffs \$12,115 in attorney fees and costs based upon the hours expended and one-half of the hourly rates requested to reflect the reasonable hourly rate in this district for the matters at issue. The Court concludes that the standards for an award of attorney fees under Fed. R. Civ. P. 26 or 37 are not the same as an award under a prevailing party statute that applies to the merits of the action. See McHugh v. Olympia Entertainment, Inc., 37 Fed. App. 730, 740 (6th Cir. 2002).

It is so **ORDERED**.

ENTERED this the 26th day of September, 2006.


WILLIAM J. HAYNES, JR.
United States District Judge