

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

JOHNNY REYNOLDS, et al.,)	
)	
Plaintiffs,)	
)	
v.)	CIVIL ACTION NO.
)	2:85cv665-MHT
ALABAMA DEPARTMENT OF)	
TRANSPORTATION, et al.,)	
)	
Defendants.)	

ORDER

This case is currently before the court on the special master's recommendation regarding the defendants' motions to recover contempt fines and to recover contempt fines related to Article 15 of Consent Decree I.

While all parties object to various aspects of the recommendation, the parties and the court agree that this court has jurisdiction to order the return of the contempt fine funds from the United States Treasury pursuant to 31 U.S.C. § 1322(b)(2). See Defs.' Br. in Supp. of M. Reconsideration (Doc. No. 8250), at 8 ("Plaintiffs agree with Defendants that this Court has

jurisdiction over the contempt fine funds because they were erroneously deposited into the Federal Treasury."); Adams Intervenor's Partial Objs. and Resp. To Order (Doc. No. 8260), at 2 ("The intervenors ... agree with the conclusion of the Special Master that the Court has jurisdiction pursuant to 31 U.S.C. 1322(b)(2)."); Pls.' Partial Objs. to Special Master's Report & Recommendation (Doc. No. 8262), at 1 ("Plaintiffs do not object to the primary recommendation ... that the contempt fine money be placed back into the registry of the district court and maintained in a separate fund as originally intended by the parties.").

Therefore, it is ORDERED as follows:

(1) The special master's report and recommendation (Doc. No. 8253) is adopted to the extent that it calls for the contempt fines to be returned to this court.

(2) The defendants' motions (Doc. Nos. 8178 & 8179) are granted to the extent that the defendants seek the return of the funds.

(3) The court does not, at this time, resolve any of the parties' objections to the special master's recommendation, and the court will retain all funds pending resolution of the objections.

The clerk of the court is DIRECTED to take appropriate action to secure the return of the \$ 13,592,890.67 in contempt fines from the United States Treasury to the district court.

DONE, this the 2nd day of January, 2008.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE