

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

ANDREA M. SMITH, : Case No. 3:10-cv-13  
 :  
 Plaintiff, : Judge Timothy S. Black  
 : Magistrate Judge Michael R. Merz  
vs. :  
 :  
GE AVIATION, :  
 :  
 Defendant. :  
 :

**DECISION AND ENTRY: (1) ADOPTING THE REPORT AND  
RECOMMENDATIONS OF THE UNITED STATES MAGISTRATE JUDGE  
(Doc. 77); AND (2) DENYING DEFENDANTS' MOTION TO DISMISS (Doc. 71)**

This case is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Michael R. Merz. Pursuant to such reference, the Magistrate Judge reviewed the motion to dismiss filed with this Court, and, on August 31, 2011, submitted a Report and Recommendations. (Doc. 77). Defendants filed Objections to the Report and Recommendations (Doc. 78) and Plaintiff responded (Doc. 79).

As required by 29 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Report and Recommendations should be and is hereby adopted in its entirety; and Defendants Objections to the Report and Recommendations are overruled.

Accordingly, Defendants' motion to dismiss (Doc. 71) is **DENIED**.

**IT IS SO ORDERED.**

Date: 10/17/11

Timothy S. Black  
Timothy S. Black  
United States District Judge