

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

JAMES M. VARDON,)	
)	
Plaintiff,)	
v.)	Case No. 2:11-cv-352-MEF
)	(WO)
CITY OF MONTGOMERY, ALABAMA)	
RETIREMENT FUND,)	
)	
Defendant.)	

ORDER

Magistrate Judge Coody has filed a Recommendation (Doc. # 25) that this Court deny the defendant’s Motion to Dismiss or in the Alternative Motion for a More Definite Statement (Doc. # 5) and Motion for Summary Judgment (Doc. # 24). Upon an independent review of the file, it is hereby ORDERED that:

1. The defendant’s objection (Doc. #26) to the Recommendation of the Magistrate Judge, filed on November 2, 2011, is overruled;
2. The Recommendation of the Magistrate Judge (Doc. #25), entered on October 24, 2011, is adopted;
3. The defendant’s Motion to Dismiss or in the Alternative Motion for a More Definite Statement (Doc. # 5) and Motion for Summary Judgment (Doc. # 24) are DENIED.

DONE this the 1st day of February, 2012.

/s/ Mark E. Fuller

UNITED STATES DISTRICT JUDGE