

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

JAMES M. VARDON,

Plaintiff,

v.

CITY OF MONTGOMERY,  
ALABAMA, RETIREMENT FUND,

Defendant.

Case No. 2:11-cv-352-MEF-CSC  
(WO)

**ORDER**

Magistrate Judge Coody has filed a Recommendation (Doc. # 39) that this Court grant the defendant's Motion for Summary Judgment (Doc. # 35). Upon an independent review of the file, it is hereby ORDERED as follows:

1. The plaintiff's Objection to the Recommendation of the Magistrate Judge (Doc. # 40) is OVERRULED.
2. The Report and Recommendation of the Magistrate Judge (Doc. # 39) is ADOPTED.
3. The defendant's Motion for Summary Judgment (Doc. # 35) is GRANTED.

Done this the 29th day of June, 2012.

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/s/ Mark E. Fuller  
UNITED STATES DISTRICT JUDGE