

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**J & J SPORTS PRODUCTIONS, )  
INC., )**

**PLAINTIFF, )**

**v. )**

**Case No. 2:12-cv-1722-JHE-SLB**

**PH LOUNGE, LLC, and )  
ANTONIO FIKES, JR., individually )  
doing business as PH Night Club )  
doing business as PH Ultra Lounge, )**

**Defendants, )**

**MEMORANDUM OPINION**

On May 13, 2013, the magistrate judge’s report and recommendation was entered and the parties were allowed therein fourteen (14) days in which to file objections to the recommendations made by the magistrate judge. On June 18, 2013, the defendant PH Lounge filed an Objection.

After careful consideration of the record in this case, the magistrate judge’s report and recommendation, and the defendant PH Lounge’s Objections thereto, the court hereby **ADOPTS** the report of the magistrate judge. The court further

**ACCEPTS** the recommendation of the magistrate judge that the defendants' Motion to Dismiss is due to be denied.

A separate order in conformity with this Memorandum Opinion will be entered contemporaneously herewith.

**DONE**, this 29th day of September, 2013.

*Sharon Lovelace Blackburn*

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SHARON LOVELACE BLACKBURN  
CHIEF UNITED STATES DISTRICT JUDGE