

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**FELICIA SMITH,**

**Plaintiff,**

**v.**

**DISPOSALL, INC.,**

**Defendant.**

:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:

**CIVIL ACTION NO. 08-00383-CG-B**

**ORDER**

After due and proper consideration of all portions of this file deemed relevant to the issue raised, and there having been no objections filed, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. §636(b)(1)(B) is **ADOPTED** as the opinion of this Court. Defendant's motion to dismiss (Doc. 17) is hereby **DENIED**. Disposall, Inc.'s answer to the plaintiff's amended complaint (Doc. 6) shall be filed on or before **August 3, 2009**.

**DONE and ORDERED** this 20<sup>th</sup> day of July 2009.

/s/ Callie V. S. Granade

CHIEF UNITED STATES DISTRICT JUDGE