

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

COLONY INSURANCE COMPANY, :

Plaintiff, :

vs. : **CIVIL ACTION 08-0664-CG-B**

FRED DOUGLAS COLSTON, a/k/a :

FRED THOMAS, JR., et al., :

Defendants. :

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. It is **ORDERED** that the motions to dismiss filed by defendants Fred Douglas Colston and Vicki Cash (Docs, 8,14) are hereby **DENIED** as moot.

DONE and ORDERED this 19th day of February, 2009.

/s/ Callie V. S. Granade

CHIEF UNITED STATES DISTRICT JUDGE