

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

| | | |
|---|---|--------------------------------------|
| SHAWNEE TERMINAL RAILROAD |) | |
| CO., INC. |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | CIVIL ACTION NO. 09-0113-KD-N |
| |) | |
| J.E. ESTES WOOD CO., INC., et al., |) | |
| |) | |
| Defendants. |) | |

ORDER

After due and proper consideration of all pleadings in this file, and there having been no objections filed, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636 is adopted as the opinion of this Court.

It is **ORDERED** that the plaintiff’s Motion to Dismiss (Doc. 24) is **DENIED**.

DONE and **ORDERED** this the **15th** day of **December, 2010**.

s/ Kristi K. DuBose
KRISTI K. DuBOSE
UNITED STATES DISTRICT JUDGE