

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

THE DENNY MANUFACTURING	:	
COMPANY, INC.,	:	
	:	
Plaintiff,	:	
	:	
vs.	:	CIVIL ACTION 09-0214-KD-M
	:	
DROPS & PROPS, INC., d/b/a	:	
BACKDROP OUTLET a/k/a	:	
BACKDROPOUTLET.COM, <i>et al.</i> ,	:	
	:	
Defendants.	:	

ORDER

After due and proper consideration of all pleadings in this file, and there having been no objections filed, the 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 Defendant Jay Gupta's Motion to Dismiss (Doc. 30) be DENIED.

DONE this 6th day of January, 2010.

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