

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

JERRY MILLER, et al.,

Plaintiff,

vs.

EAGLE TUG BOAT COMPANIES,

Defendant.

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CIVIL ACTION 09-0401-CG-B

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’s Motion to Dismiss (Doc. 8) be **DENIED**.

DONE and ORDERED this 8th day of December, 2009.

/s/ Callie V. S. Granade
CHIEF UNITED STATES DISTRICT JUDGE