

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

ESCAPES!, INC.,)	
Plaintiff,)	
)	
vs.)	CIVIL ACTION NO: 09-00515-KD-M
)	
LEGACY LAND & DEVELOPMENT)	
LLC; et al.,)	
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) and dated February 17, 2010, is **ADOPTED** as the opinion of this Court.

Accordingly, it is hereby **ORDERED** that Defendant William J. Kearney’s Motion to Dismiss (Docs. 41, 54) is **DENIED**.

DONE and ORDERED this the **5th** day of **March 2010**.

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