

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

<b>PRECISION IBC, INC.,</b>	:	
	:	
<b>Plaintiff,</b>	:	
	:	
<b>VS.</b>	:	<b>CIVIL ACTION NO. 10-00682-CG-B</b>
	:	
<b>PCM CAPITAL, LLC, et al.,</b>	:	
	:	
<b>Defendants.</b>	:	

**ORDER**

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and a de novo determination of those portions of the Report and Recommendation to which objection is made, 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 Defendants' Motion to Dismiss Plaintiff's Second Amended Complaint (Doc. 153) be **DENIED** with respect to Plaintiff's false advertising claim under the Lanham Act and Plaintiff's conspiracy claim, and **GRANTED** with respect to Plaintiff's defamation claim.<sup>1</sup> Additionally, Plaintiff's Motion to Strike Defendants' Exhibits 5 through 11 (Doc. 176) is **GRANTED**.

**DONE and ORDERED** this 10th day of November, 2011.

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

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<sup>1</sup> It appears that this portion of the R&R is MOOT, as the plaintiff has voluntarily dismissed the defamation claim.