

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

**MARIE SMITH, et al.,**  
**Plaintiffs,**

:  
:  
:

v.

**CIVIL ACTION 14-00333-KD-N**

:  
:

**HOLIDAY RETIREMENT CORP., et al.,**  
**Defendant.**

:  
:

**ORDER**

After due and proper consideration of the issues raised, and there having been no objections filed, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) and dated November 17, 2014, is **ADOPTED** as the opinion of this Court.

Accordingly, it is **ORDERED** that the Renewed Motion to Dismiss (Doc. 30) filed by Harvest Management Sub Trs Corp. (Harvest), which according to Harvest is incorrectly named in the complaint as Defendant Holiday Retirement Corp., is **GRANTED**, and that the claims against both Defendants, Harvest and Clark, are **DISMISSED** due to Plaintiffs' failure to prosecute and obey the Court orders.

**DONE and ORDERED** this the **10<sup>th</sup>** day of **December 2014**.

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