

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

HAL G. SMITH, III, *et al.*, :

Plaintiffs, :

vs. : **CA 2:08-0639-KD-C**

VALHALLA RANCH, L.L.C., *et al.*, :

Defendants. :

ORDER

After due and proper consideration of all portions of this file deemed relevant to the issues raised, 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 December 18, 2008, is **ADOPTED** as the opinion of this Court.

DONE this 12th day of January, 2009.

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