

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

**ANZ ADVANCED TECHNOLOGIES, LLC)
d/b/a ANZ USA, LLC, et al.,)
)
Plaintiffs,)**

v.) CIVIL ACTION NO. 09-00228-KD-N

**)
BUSH HOG, LLC, et al.,)
)
Defendant.)**

ORDER

After due and proper consideration of all portions of this file deemed relevant to the issue 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), that the claims asserted in this case by both ANZ International and ANZ USA be **dismissed with prejudice** pursuant to Fed. R. Civ. P. 37(b)(2)(A), is **ADOPTED** as the opinion of this Court with the following addition to the Conclusion:

It is further ORDERED that the counterclaim filed by defendants shall remain pending before this Court.¹

DONE this 3rd day of March, 2011.

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

¹ If it is defendants' intent not to proceed on the counterclaim, they should file the appropriate pleading by **March 14, 2011** to dismiss the counterclaim.