

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

TERRELL PANKEY and
SMITH COUNTY STONE, LLC

PLAINTIFFS

VS.

Civil No. 4:13-cv-4046

WESTERN ARKANSAS ROCK, INC., et al

DEFENDANTS

ORDER

Before the Court is the Report and Recommendation filed December 18, 2014, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (ECF No. 38). Judge Bryant recommends that Separate Defendant Luke Duffield's Motion to Dismiss (ECF No. 11) be denied. The parties have not filed objections to the Report and Recommendation, and the time to object has passed. *See* 28 U.S.C. § 636(b)(1). Therefore, the Court adopts the Report and Recommendation *in toto*. Separate Defendant's Motion to Dismiss (ECF No. 11) should be and hereby is **DENIED**.

IT IS SO ORDERED, this 23rd day of January, 2014.

/s/ Susan O. Hickey
Hon. Susan O. Hickey
United States District Judge