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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PNC BANK, N.A., a National Association,
as successor in interest to National City
Bank,

Plaintiff,

v.

BELINDA L. SMITH, in personam;
JACOB WINDING, in personam; B & B
DREAMIN', Hull No. GMKD283C505
(the "Vessel"), its engines, machinery,
appurtenances, etc., in rem,

Defendants.

No. 2:10-cv-1916-JAM-EFB PS

ORDER

On March 6, 2014, the magistrate judge filed findings and recommendations herein which were served on the parties and which contained notice that any objections to the findings and recommendations were to be filed within fourteen days. No objections were filed.

The court has reviewed the applicable legal standards and, good cause appearing, concludes that it is appropriate to adopt the proposed Findings and Recommendations in full.

Accordingly, IT IS ORDERED that:

1. The proposed Findings and Recommendations filed March 6, 2014, are ADOPTED;
2. Plaintiff's motion to dismiss defendant Smith's counterclaims, ECF No.

78, is granted;

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3. Defendant Smith's counterclaim is dismissed in its entirety with leave to amend; and

4. Defendant Smith is granted 30 days from the date of this order to file an amended pleading curing the deficiencies identified in the magistrate judge's findings and recommendations.

DATED: June 4, 2014

/s/ John A. Mendez

UNITED STATES DISTRICT COURT JUDGE