

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

PROGRESSIVE CASUALTY :
INSURANCE CO. and :
PROGRESSIVE DLP CORP., :

Plaintiff, :

v. :

C.A. No. 09-902-LPS-MPT

DRIVE TRADEMARK HOLDINGS LP :
and SANTANDER CONSUMER USA, :
INC., :

Defendant. :

ORDER

WHEREAS, Magistrate Judge Thyng issued a Report and Recommendation (D.I. 68) dated July 21, 2010, concerning a Motion To Dismiss Counts III And IV Of The Complaint filed by Defendants Drive Trademark Holdings, LP and Santander Consumer USA Inc. (D.I. 11);

WHEREAS, the Report recommends Defendants' Motion To Dismiss be denied;

WHEREAS, any Objections to the Report and Recommendation were to be filed by August 9, 2010;

WHEREAS, neither party filed any Objections to the Report and Recommendation;

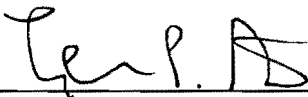
WHEREAS, the Court concludes that the Report and Recommendation should be adopted for the reasons stated by Magistrate Judge Thyng in her Report and Recommendation (D.I. 68);

NOW THEREFORE, IT IS HEREBY ORDERED that:

1. The Report and Recommendation (D.I. 68) is **ADOPTED**;

2. Defendants' Motion To Dismiss (D.I. 11) is **DENIED**.

Dated: September 10, 2010



The Honorable Leonard P. Stark
UNITED STATES DISTRICT JUDGE