

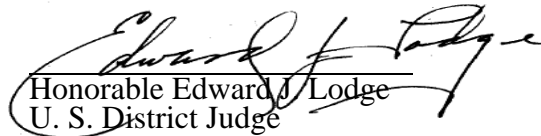
THEREFORE, IT IS HEREBY ORDERED that the Report and Recommendation (Docket No. 24) shall be **INCORPORATED** by reference and **ADOPTED** in its entirety.

IT IS FURTHER ORDERED that the Motion to Dismiss filed by Defendant Franmar, Franklin Tolbert, Martha Tolbert, and Tolbert LLC (Docket No. 15) be **DENIED**.

IT IS FURTHER ORDERED that the Motion to Dismiss filed by Defendant Hamilton & Faatz's (Docket No. 11) be **GRANTED IN PART** for lack of personal jurisdiction and **DENIED IN PART AS MOOT** to improper venue.



DATED: **February 24, 2009**


Honorable Edward J. Lodge
U. S. District Judge