UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF ILLINOIS

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JINRUN GAO,	
Plaintiff,	
ν.	
SNYDER COMPANIES, and BRICKYARD APARTMENTS by SNYDER, LLC,	
Defendants.	

Case No. 10-1025

<u>O R D E R</u>

On July 13, 2010, a Report & Recommendation was filed by Magistrate Judge Byron G. Cudmore in the above captioned case. More than fourteen (14) days have elapsed since the filing of the Report & Recommendation, and no objections have been made. <u>See</u> 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); <u>Lockert v. Faulkner</u>, 843 F.2d 1015 (7th Cir. 1988); and <u>Video Views, Inc. v. Studio 21, Ltd.</u>, 797 F.2d 538, 539 (7th Cir. 1986). As the parties failed to present timely objections, any such objections have been waived. Id.

The relevant procedural history is sufficiently set forth in the comprehensive Report & Recommendation of the Magistrate Judge. Suffice it to say that Plaintiff has brought this litigation alleging various violations of the Fair Housing Act, 42 U.S.C. § 3601 *et seq*. His request for relief includes injunctive relief and punitive damages, among other things.

The Court concurs with the recommendation that Defendants' Motion to Dismiss Plaintiff's claims under the Fair Housing Act be denied at this point, with leave to renew as a Rule 12(c) motion, or, if the matters outside the pleading will be offered, as a motion for summary judgment. The Court agrees that there are too many unanswered questions to make a definitive ruling on Defendants' *res judicata* defense which is based upon the Illinois Human Rights Commission Order dated January 1, 2009.¹ The Court further concurs with the recommendation that Defendants' Motion to Dismiss be denied as moot with regard to Stephen Snyder, as Plaintiff's Amended Complaint dropped Snyder as a defendant.

Accordingly, the Court now adopts the Report & Recommendation [#22] of the Magistrate Judge in its entirety. Defendants' Motion to Dismiss [#12] is DENIED. The Motion to Dismiss is denied as moot with regard to Stephen Snyder because he was previously terminated from the case on May 18, 2010. The Motion to Dismiss is further denied with leave to renew with regard to the *res judicata* argument. This matter is referred to the Magistrate Judge for further proceedings.

ENTERED this 4th day of August, 2010.

<u>s/Michael M. Mihm</u> Michael M. Mihm United States District Judge

¹That Commission Order affirmed the dismissal of state law discrimination charges filed by Plaintiff and his wife.