

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS
URBANA DIVISION**

**STRATEGIC CAPITAL BANCORP INC.,)
GARY L. SVEC, JOHN E. GORMAN,)
DWIGHT MILLER, WELLS)
ANDERSON, GENE KING, TERESA)
KING, and GLENDA L. LANE AS)
TRUSTEE OF THE GLENDA L.)
LANE TRUST,)**

Plaintiffs,

v.

Case No. 10-CV-2062

**ST. PAUL MERCURY INSURANCE)
COMPANY,)**

Defendant.

ORDER

A Report and Recommendation (#51) was filed by Magistrate Judge David G. Bernthal in the above cause on October 20, 2010. On October 27, 2010, Plaintiff, John E. Gorman, filed his Objection to Report and Recommendation (#52), which was joined by Plaintiffs Strategic Capitol Bancorp, Inc., and Gary L. Svec (#53). Plaintiffs Dwight Miller, Wells Anderson, Gene King, Teresa King, and Glenda L. Lane as Trustee of the Glenda L. Lane Trust filed their own Objections to the Report and Recommendation (#54) on November 3, 2010. Defendant St. Paul Mercury Insurance Company filed its Response to the Objections (#55) on November 8, 2010. Following this court's careful de novo review of the Magistrate Judge's reasoning and Plaintiffs' Objections, this court agrees with and accepts the Magistrate Judge's Report and Recommendation (#51). This court agrees that Defendant's Motion to Dismiss (#26) should be GRANTED.

IT IS THEREFORE ORDERED THAT:

(1) The Report and Recommendation (#51) is accepted by this court.

(2) Defendant's Motion to Dismiss (#26) is GRANTED in full, and Plaintiffs' Amended Complaint for Declaratory Judgment and Damages (#19) is dismissed with prejudice.

(3) As a result, Plaintiffs' Motion for Summary Judgment (#37) and Defendant's Motion to Strike (#39) are hereby found MOOT.

(4) This case is terminated.

ENTERED this 16th day of November, 2010.

s/ Michael P. McCuskey
MICHAEL P. McCUSKEY
CHIEF U.S. DISTRICT JUDGE